

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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**W9b**

January 27, 2005

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager *DL*
Susan Craig, Coastal Planner**RECORD PACKET COPY**SUBJECT: **CITY OF SANTA CRUZ: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 2-04.** For public hearing and Commission action at its meeting of February 16, 2005, to be held in Monterey at the Portola Plaza Hotel, 2 Portola Plaza, Monterey, CA 93940.

SYNOPSIS

The City of Santa Cruz is proposing to amend the Implementation Plan (Zoning Ordinance) of the Local Coastal Program to: 1) rezone two parcels totaling 3.49 acres, located at 1463 High St. from R-1-10 (Single Family Residence – Minimum Lot Area 10,000 square feet) to R-1-5 (Single Family Residence – Minimum Lot Area 5,000 square feet)¹; 2) require a special use permit for building material/garden supply uses larger than 40,000 square feet in the I-G (General Industrial) zoning district, and; 3) establish citywide regulations for wireless telecommunications facilities.

The Planning Commission and the City Council held noticed public hearings. This amendment was filed on December 10, 2004. The Coastal Commission granted a one-year time extension for action on the amendment on January 13, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed amendments to the Zoning Ordinance for consistency with the certified Land Use Plan. Issues raised by the proposed amendments include density of development, development setbacks from riparian and wetland areas, visual impacts, and protection of natural areas from development. As discussed in detail below, Staff recommends **approval** of Zoning Ordinance Major Amendment No. 2-04 as submitted.

ANALYSIS CRITERIA

The Commission certified the City of Santa Cruz's Land Use Plan in July 1981. The Implementation Plan was certified in April 1985 and the City assumed coastal development permit authority that year. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551

¹ The Land Use Plan designation for the site does not require an LCP amendment because the density range under both R-1-10 and R-1-5 zoning is consistent with the density range of the LUP designation (1.1 to 10 dwelling units/acre).

**California Coastal Commission**

through 13553).

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act. In this case, the proposed LCP amendments affect only the IP component of the City of Santa Cruz LCP. Thus the standard of review for the amendment is consistency with the policies of the LUP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

Staff Report Contents

page

SYNOPSIS..... 1

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS..... 2

II. FINDINGS AND DECLARATIONS 3

 A. 1463 High Street Rezoning..... 3

 B. I-G Use Permit Amendment 6

 C. Wireless Facilities..... 7

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 9

Exhibits:

- Exhibit 1: 1463 High Street Rezoning Map
- Exhibit 2: I-G Zone Use Permit Amendment Language
- Exhibit 3: Wireless Telecommunications Facilities Amendment Language
- Exhibit 4: Main Beach Area Zoning Map
- Exhibit 5: Land Use Map L-6
- Exhibit 6: Resolutions

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolution:

Resolution I. (Resolution to approve City of Santa Cruz Implementation Plan Major Amendment No. 2-04 as submitted)



Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission reject Major Amendment #2-04 to the City of Santa Cruz Local Coastal Program Implementation Plan as submitted.

Resolution to Certify the Implementation Plan Amendment as Submitted: The Commission hereby certifies Major Amendment #2-04 to the Implementation Plan of the City of Santa Cruz Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. 1463 High Street Rezoning

The following City of Santa Cruz Land Use Plan policies provide for maximization of density in areas with adequate service capacities and where natural resources will not be adversely impacted.

Land Use Policy 2.1: Relate residential, commercial, and industrial land use intensities to the capability and location of the land while ensuring optimum utilization of vacant infill parcels.

Land Use Policy 2.1.2: Maximize land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.

Land Use Policy 3.3.1: Utilize planned development and other techniques that allow clustering to protect resources and views and allow for siting that is sensitive to adjacent uses.

Land Use Policy 3.3.2: Where important natural areas would be impacted, require management plans as a condition of development and develop and implement an ordinance requiring the dedication of or granting of an easement to natural areas appropriate for passive recreation or open space uses.

The following LCP policies provide for protection of riparian and wetland areas, including Moore Creek.

Land Use Policy 3.4.12: Implement the Moore Creek Corridor Management and Access Plan...

Land Use Policy 4.2: Consider natural and developed resources in the siting and construction of



community facilities ensuring that development relates both visually and functionally to the surrounding environment and that natural resources are protected.

Environmental Quality Policy 4.2: *Preserve and enhance the character and quality of riparian and wetland habitats as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

Environmental Quality Policy 4.2.1: *Develop, adopt and implement management plans for City-owned wetland and riparian areas...Require management plans for sites not owned by the City in connection with development, and/or encourage other agencies to implement management plans for:...Moore Creek...When a management plan is prepared, mechanisms will be adopted to implement the plan through permit conditions and other measures to enhance the natural resource.*

Environmental Quality Policy 4.2.2: *Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation within the setback requirements, even if it extends more than 100 feet from the watercourse or if there is no defined watercourse present.*

Environmental Quality Policy 4.2.2.3: *Prohibit uses such as construction of main or accessory structures, grading or removal of vegetation within riparian and wetland resource and buffer areas and allow permitted uses ...that are consistent with the environmental quality policies of the Plan, Section 30233 of the Coastal Act, and adopted management plans. Development in wetlands can be undertaken only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. If any exceptions to this policy are to be considered, it shall be within the context of a resource management plan which shall be approved by the Coastal Commission as an amendment to the Land Use Plan.*

Environmental Quality Policy 4.2.4: *Preserve riparian and wetland vegetation by minimizing removal and allowing only for uses dependent on the resources, passive recreational use, and maintenance of existing uses according to adopted management plans with compensating mitigation.*

Environmental Quality Policy 4.2.5: *Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.*

Environmental Quality Policy 4.3: *Preserve and enhance the character and quality of riparian and wetland habitats, as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

Community Design Policy 1.3.1.2: *Work with the County to maintain lands between Moore Creek Canyon (west branch), the City's western boundary below Highway 1, Younger Lagoon and Wilder Ranch State Park in open space land uses through agricultural zoning, Williamson*



Act contracts, and open space easement agreements.

Moore Creek Corridor Access and Management Plan Policy 1.1: *The existing vegetation along the Moore Creek Corridor shall be retained and protected to the maximum extent feasible.*

Moore Creek Corridor Access and Management Plan 1.1.1: *Require that replanting and/or plant removal be designed to increase quantity, diversity and productivity of native vegetation and to ensure slope protection, habitat enhancement and buffering.*

Moore Creek Corridor Access and Management Plan Policy 1.1.4: *Require that landscaping plans emphasize native species and include those varieties with both habitat and food-bearing value.*

Moore Creek Corridor Access and Management Plan Policy 1.2.1: *Consider a requirement for dedication of additional lands on the east and west sides of Antonelli Pond to increase buffer area. Precise boundary of buffer area shall be determined through project review and/or environmental review process.*

Moore Creek Corridor Access and Management Plan Policy 1.3: *Maintain the water quality of Moore Creek at the highest level feasible by regulating the discharge of storm waters into Moore Creek and its tributaries.*

Moore Creek Corridor Access and Management Plan Policy 1.3.1: *Maintain all post-project runoff at pre-project levels through the use of retention or detention ponds, with a controlled release, to trap sediment and sediment bound heavy metals, nitrates and phosphates.*

Moore Creek Corridor Access and Management Plan Policy 1.3.2: *Equip new storm drain systems, both onsite and offsite, with sediment/oil and grease traps. A regular maintenance program should be developed...*

Moore Creek Corridor Access and Management Plan Policy 1.3.5: *Equip all outflow culverts and storm drain facilities with energy dissipators to minimize downstream sedimentation of Moore Creek.*

Background: The City of Santa Cruz is proposing to amend its zoning map to rezone two parcels, which total 3.49 acres, from R-1-10 (Single Family Residence – Minimum Lot Area 10,000 square feet) to R-1-5 (Single Family Residence – Minimum Lot Area 5,000 square feet) (see Exhibit 1 for proposed zoning map change). The existing R-1-10 zoning would allow a maximum of 15 housing units on the two parcels; the proposed R-1-5 zoning would allow for up to 30 units. The parcels are located on High Street, several miles from coastal access points. These parcels are located adjacent to Moore Creek, which is a largely undeveloped watershed that is physically isolated from the surrounding urbanized area. Eventual development of these parcels would constitute infill development along the City's urban/rural transition line.

The subject amendment has been submitted to allow for construction of 26 single-family residences on



the parcels as part of a Planned Development project. An existing single-family residence and an old barn on the property would be demolished as part of the Planned Development project. At this time the Commission is only approving the LCP amendments and not the coastal permit for the Planned Development project, which is in the City's jurisdiction and which would be appealable to the Commission. Even though the Commission is aware that the City has approved a permit for a particular development at this location in conjunction with the proposed LCP amendment, there is no guarantee that the specific development will actually be accomplished.

Analysis of Rezoning: The City proposes to rezone the above-mentioned properties from R-1-10 (Single Family Residential - Minimum Lot Area 10,000 square feet) to R-1-5 (Single Family Residential - Minimum Lot area 5,000 square feet). As discussed above, the proposed LCP amendment has been submitted to facilitate a Planned Development of 26 single-family residences at the site. The land use designation for these parcels is Low Density Residential, which allows for 1.1 to 10 dwelling units/acre. The proposed Planned Development will have a density of 7.8 dwelling units/acre; thus, the intensity of development proposed under the R-1-5 zoning district designation is consistent with that allowed under the certified Low Density land use designation. If this proposed Planned Development were not to occur, the City would automatically review any new development proposal for a similar, different, or combination of land use(s) for consistency with the LCP. With any newly proposed development the City would have to find that it is compatible with the local coastal program and such development would have to remain at an intensity consistent with the Low Density land use designation.

Any development proposed under the new R-1-5 zoning would also need to comply with the appropriate setback requirements from Moore Creek, as well as the water quality and protection and enhancement of native riparian vegetation policies of the certified Moore Creek Corridor Access and Management Plan. The proposed Planned Development project is set back a minimum of 130 feet from the creek centerline and includes an open space easement area and a habitat restoration and maintenance plan for the existing degraded riparian habitat adjacent to the creek, consistent with the LCP's required creek setback and habitat protection policies. Additionally, the habitat restoration and maintenance plan requires removal of nonnative species and the replanting of suitable native vegetation within the open space easement area. Also, the project includes the incorporation of bio-swale collection areas and detention facilities, consistent with the Moore Creek Corridor Access and Management Plan water quality protection policies. If the proposed Planned Development project did not take place, any other proposed development for these properties would also need to comply with the LCP's setback, habitat protection, and water quality policies. Therefore, the Commission finds that the proposed Implementation Plan rezoning amendment is consistent with the certified LUP designation and is adequate to carry out its provisions.

B. I-G Use Permit Amendment

The following LCP policies provide protection of neighborhood quality and require that development be consistent with existing neighborhood or commercial district patterns, and state:

Land Use Policy 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers, and other development techniques.

Community Design Policy 1.1: Infill and intensify land uses consistent with existing



neighborhood or commercial district patterns in developed areas currently served by municipal services.

Community Design Policy 1.1.2: Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses).

The proposed amendment adds a use permit requirement for development of building material/garden supply stores in the I-G (General Industrial zone) that exceed 40,000 square feet (currently such uses are principally permitted in this zone) (see Exhibit 2 for proposed amendment language). The threshold of 40,000 square feet was arrived at based on a survey of existing uses within the City and an examination of how other cities define large-scale retail businesses.). If the building material/garden supply store will occupy an *existing* building, the threshold increases to 75,000 square feet. The use permit requirement will require special review of any proposed large building material/garden supply retail use for the purpose of determining that the proposed use is, and will continue to be, compatible with surrounding existing or planned uses, consistent with the above land use plan policies. Staff recommends approval as submitted.

C. Wireless Facilities

The City of Santa Cruz is proposing to add a wireless telecommunications facility (WTF) ordinance to its certified Implementation Plan (zoning ordinance). Currently, WTFs (such as cellular telephone facilities, towers, and antennas for transmitting electromagnetic/radio signals) aren't explicitly addressed by the LCP. Such facilities are, however, development regulated by the current LCP in the coastal zone, including the use and design standards of the underlying zone districts in which they may be proposed. The new proposed ordinance provides specific standards for WTFs, including specific siting and design criteria meant to minimize the potential for such facilities to negatively impact the scenic, agricultural, open space, and community/aesthetic character of the City's built and natural environment. The WTF ordinance sections are not meant to pre-empt federal law, and in particular are written to be consistent with the Federal Telecommunications Act of 1996 (FTA). The FTA includes restrictions regarding what state and local governments can and cannot do with regard to WTFs (including prohibiting them from regulating WTFs on the basis of the environmental/health effects of radio frequency (RF) emissions). The FTA does not, however, generally prohibit state and local governments from otherwise regulating the siting, design, and modification of WTFs. Per the FTA, such regulation cannot discriminate among service providers and cannot prohibit provision of wireless service within the City.

The purpose of the City's proposed wireless telecommunications ordinance is to provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities. The regulations proposed are designed to protect and promote public safety, community welfare, and the aesthetic quality of the City, while not unduly restricting the development of WTFs. The proposed ordinance prohibits the location of new WTFs in zoning districts that are primarily residential, such as single-family residential, multiple-family residential, or beach residential zoning districts, and instead requires the location of new WTFs in predominately non-residential zoning districts. Any proposed WTF device in the Coastal Zone will require a design permit



and a coastal permit from the Zoning Administrator; the coastal permit is appealable to the City Council and the Coastal Commission. *The proposed ordinance is modeled on ordinance language the Commission previously approved for Santa Cruz County.*

Land Use Plan Consistency

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan. The following Land Use Plan policies provide protection of views and visual aesthetics within the City of Santa Cruz, as well as protection of agricultural and natural areas:

Community Design Policy 1.1.2: Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses).

Community Design Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them.

Land Use Policy 1.4: Utilize the environmental review process and maintain Zoning Ordinance Conservation Regulations to ensure protection of natural resources, significant vegetation communities, wildlife habitats, archaeologically sensitive areas, scenic views, and also mitigate and protect development from environmental hazards such as earthquakes, floods, and fires in the process of land development.

Land Use Policy 1.6: Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.

Land Use Policy 3.3: Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition, and siting.

Land Use Policy 3.3.4: Protect visual access to nearby natural areas as part of environmental review.

The proposed ordinance prohibits wireless telecommunications facilities (WTFs) in a number of zoning districts, including the primary residential zoning districts, agricultural areas, and natural areas (see Exhibit 3, pp. 7-8). The proposed ordinance also prohibits installation of WTFs if the design and/or construction of the WTF would damage a known archaeological site (Exhibit 3, pg. 11). Location preferences for WTFs include industrial or commercial sites and sites that are not highly visible from adjacent roadways, public areas, greenbelts, or other visual sensitive areas. Regarding areas between the first public road and the sea, the prohibition on new WTFs includes beach residential zoning districts and the OFR (Oceanfront Recreational) zoning district. These prohibitions, in conjunction with the residential district prohibitions, would preclude development of WTFs along the majority of the City's shoreline areas. WTFs, however, would be allowed in the CB (Beach Commercial) zoning district and the RTB (Motel Residential) and RTC (Tourist Residential/Beach Commercial) zoning districts. The CB



district includes the Santa Cruz Beach Boardwalk, which is located between the first public road and the sea (see Exhibit 4 for zoning map of Main Beach area). A number of RTB/RTC zones are located inland of the first public road and the sea in developed areas near the Santa Cruz Beach Boardwalk. These zones are developed primarily with motels and associated beach recreational businesses. Any WTF development in these highly developed zones, however, would be subject to specific design guidelines to minimize the visual impacts of any proposed antenna type. These design guidelines address issues such as location, height, color and materials, as well as "stealth" techniques to camouflage the WTF. All proposed WTFs will be required to be located so as to minimize their visual impact to the maximum extent feasible. Also, landscaping may be required to visually screen WTFs from public view and to provide a backdrop to camouflage the facilities. In addition, all WTFs will be required to comply with all applicable setback regulations of the zoning district in which they are situated (see Exhibit 3, pp. 8-13 for requirements). Furthermore, the proposed ordinance requires co-location of new WTFs onto existing telecommunication facilities where feasible (see Exhibit 3, pg. 15). Finally, as new technology is developed that may lessen the visual impact of WTFs, the proposed ordinance requires that a WTF shall be upgraded to the new standards (see Exhibit 3, pg. 16). These requirements will ensure minimization of visual impacts of WTFs in the coastal zone, consistent with the visual protection policies of the certified Land Use Plan.

As stated above, the proposed zoning ordinance prohibits development of WTFs in Natural Areas as shown on Map L-6 (see Exhibit 5). These areas include Lighthouse Field, Neary Lagoon, Antonelli Pond, Natural Bridges State Park, Moore Creek, San Lorenzo River, and Arana Gulch. The prohibition of development of WTFs in these areas provides consistency with the natural resource protection policies of the Land Use Plan.

The proposed WTF addresses the issues associated with siting and designing WTFs in the most sensitive coastal zone areas, particularly the City's natural areas and the areas seaward of the first public road that could easily be adversely affected by a proliferation of WTF buildings, towers, and antennas. Thus, the proposed zoning ordinance to regulate development of wireless telecommunication facilities is consistent with and adequate to carry out the policies of the certified LUP.

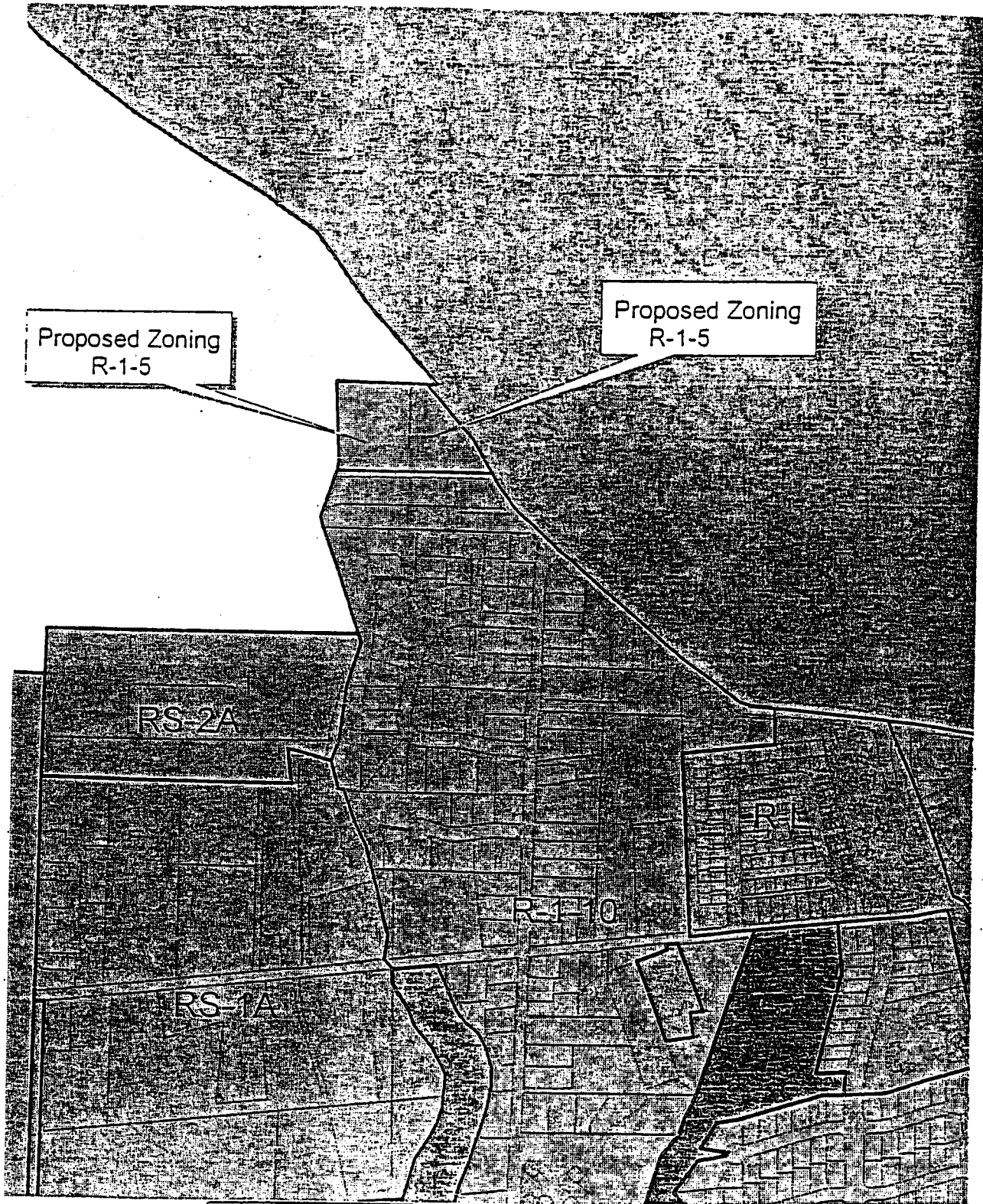
III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendments, as submitted, will not have significant environmental effects, consistent with the California Environmental Quality Act.



ORDINANCE 2004-26

EXHIBIT "A"



Proposed Zoning

STC-MAJ-2-04

VERSION TWO

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING
CHAPTER 24.10, PART 16 OF THE CITY OF SANTA CRUZ
ZONING ORDINANCE AND LOCAL COASTAL
IMPLEMENTATION PLAN TO REQUIRE A SPECIAL USE
PERMIT FOR BUILDING MATERIAL/GARDEN SUPPLY USES
IN THE GENERAL-INDUSTRIAL (IG) ZONING DISTRICT IN
CERTAIN CIRCUMSTANCES

The City Council of the City of Santa Cruz ordains as follows:

Section 1. Chapter 24.10, Part 16 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.10.1500 Purpose.

To encourage sound industrial development by providing and protecting an environment for such development, subject to regulations necessary to ensure the purity of the land, air, and waters in Santa Cruz County, and the protection of nearby residential, commercial, and industrial uses of the land from hazards, noise, and other disturbances. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. (Ord. 94-33 § 41, 1994; Ord. 93-21 § 10, 1993; Ord. 89-37 § 1, 1989; Ord. 85-05 § 1 (part), 1985).

24.10.1505 Principal Permitted Uses.

1. The following uses are allowed outright, subject to other requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

a. Acting/art/music/dance schools and studios (610);
b. Building materials/garden supply stores (220) with less than 40,000 square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which 50% or more of the square footage will occupy an existing building, this threshold will be 75,000 square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds 400,000 square feet. When the vacant, available square footage is less than 400,000 square feet, the 40,000 square foot threshold will apply.

- c. Financial, insurance, real estate offices (420);
d. Food and beverage preparation (100);
e. Furniture and fixtures (120);
f. Laboratories and related facilities for research, experimentation, testing, film processing, software development;
g. Medical/health offices/laboratories (410);
h. Millwork textile products (105);

VERSION TWO

- i. Printing and publishing or lithographic shops and plants;
 - j. Professional offices (400);
 - k. Professional/personal service (except mortuaries) (310);
 - l. Rental service (360);
 - m. Repair, alterations, maintenance (except boat repairs) (340);
 - n. Small family daycare facility in a single-family home or duplex;
 - o. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices if operated in an area no greater than three thousand square feet, and no hazardous materials are used during the operation;
 - p. Storage warehousing (330);
 - q. Wholesale trade durable goods (210);
 - r. Wholesale trade nondurable goods (200).
- (Ord. 96-39 § 22, 1996: Ord. 93-21 § 10, 1993: Ord. 85-05 § 1 (part), 1985).

24.10.1510 Use Permit Requirement.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)
 - a. Agriculture (000);
 - b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
 - c. Boat repairs (340D);
 - d. Churches (500);
 - e. Communication and information services (550);
 - f. Community organizations, associations, clubs and meeting halls (570);
 - g. Eating and drinking establishments, subject to alcohol regulations in Part 12 of Chapter 24.12 (280);
 - h. Educational facilities (public/private) (510);
 - i. Fabricated metal products (150);
 - j. Food and beverage stores (except liquor and convenience stores) (240);
 - k. Forestry services (010);
 - l. Government and public agencies (530);
 - m. Leather tanning (110);
 - n. Off-site public/private parking facilities, five or more spaces (930);
 - o. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
 - p. Parks (700);
 - q. Stone, clay, glass products (140);
 - r. Temporary structures;
 - s. Transportation facilities (560);
 - t. Utilities and resources (540).
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource

VERSION TWO

Management provisions. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

a Building material/garden supply stores (220) with 40,000 square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which 50% or more of the square footage will occupy an existing building, this threshold will be 75,000 square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds 400,000 square feet. When the vacant, available square footage is less than 400,000 square feet, the 40,000 square foot threshold will apply.

- a-b. Chemicals and allied products, subject to performance standards (130);
- b-c. Large family daycare;
- e-d. Group quarters (850);
- d-e. All multifamily dwellings subject to R-M district regulations (840);
- e-f. Nightclubs/music halls (amplified live music), subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- f-g. Paper and allied products subject to performance standards (125);
- g-h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- h-i. Primary metals and material subject to performance standards (145);
- i-j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- j-k. Single room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile, (1,320 feet), of a grocery store.
 - (2) The lot size is less than 6,000 square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540.2, and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the non-residential use is either at a minimum equal to the SRO or residential use or the non-residential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below 45 decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use. (Ord. 2002-02 § 1 (part), 2002: Ord. 2000-12 § 4, 2000: Ord. 96-39 § 23, 1996: Ord. 95-04 § 8, 1995: Ord. 93-21 § 10, 1993; Ord. 89-37 § 2, 1989; Ord. 88-26 § 14, 1988; Ord. 87-22 § 8, 1987: Ord. 85-05 § 1 (part), 1985).

24.10.1520 Accessory Uses.

Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar

VERSION TWO

installations; intended solely for use by the occupants of a principal permitted use or uses. (Ord. 93-21 § 10, 1993; Ord. 85-05 § 1 (part), 1985).

24.10.1525 Prohibited Uses.

1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.

2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.

3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

(Ord. 93-21 § 10, 1993; Ord. 85-47 § 5, 1985).

24.10.1530 Use Determination.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

(Ord. 93-21 § 10, 1993; Ord. 85-05 § 1 (part), 1985).

24.10.1540 District Regulations.

1. General.

Provisions	Requirements
a. Height of buildings - Maximum	
· Principal (stories and feet)	2 & 50
· Accessory (stories and feet)	25
b. Minimum lot area (net) (sq. ft.)	20,000
c. Front yard (feet)	20
d. Rear yard (feet)	10 ²
e. Side yard	
· Interior (feet)	0 ¹
· Exterior (feet)	10
f. Distance between buildings on same lot (feet)	10
g. Lot coverage - Maximum (percent)	80 ²

1. Except where abutting the boundary of any other zoning district, then not less than the minimum yard required for the adjacent yard in said abutting zoning district.

2. Up to an additional five percent of surfaced area may be installed if that area serves as a usable outdoor employee amenity such as recreation or eating facilities, children's play area or similar features.

2. Additional Setback Requirement. In any I-G District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities

VERSION TWO

shall be at least ten feet distant from the property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other Requirements.

a. All uses shall be conducted wholly within a completely enclosed building, except for service stations and parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.

b. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12. (Ord. 93-21 § 10, 1993; Ord. 93-20 § 1, 1993; Ord. 85-05 § 1 (part), 1985).

Section 2. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this ___ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

PASSED FOR FINAL ADOPTION this ___ day of _____, 2004, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

DISQUALIFIED: Councilmembers:

This is to certify that the above and foregoing document is the original of Ordinance No. and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING PORTIONS OF TITLE 24 AND CREATING
A NEW SECTION 24.12.1400 TO THE SANTA CRUZ MUNICIPAL CODE
AND TO THE LOCAL COASTAL IMPLEMENTATION PLAN
PERTAINING TO WIRELESS TELECOMMUNICATIONS FACILITIES

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to add the following Section 24.12.1400 as Part 15 to Chapter 24.12.

“Chapter 24.12

PART 15: WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

<u>24.12.1400</u>	<u>Purpose</u>
<u>24.12.1405</u>	<u>Definitions</u>
<u>24.12.1410</u>	<u>Applicability</u>
<u>24.12.1415</u>	<u>Permit Requirements and Findings</u>
<u>24.12.1420</u>	<u>Submittals</u>
<u>24.12.1425</u>	<u>Location Standards</u>
<u>24.12.1430</u>	<u>Preferred Antenna Siting and Mounting Techniques</u>
<u>24.12.1435</u>	<u>General Requirements</u>
<u>24.12.1440</u>	<u>Nonconforming Wireless Telecommunications Facilities</u>
<u>24.12.1445</u>	<u>Compliance and Revocation of Approval</u>
<u>24.12.1450</u>	<u>Change in Federal or State Regulations</u>
<u>24.12.1455</u>	<u>Indemnity and Liability</u>
<u>24.12.1460</u>	<u>Review of Ordinance</u>
<u>24.12.1465</u>	<u>Severability</u>

24.12.1400 PURPOSE.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunications facilities. The regulations contained herein are designed to protect and promote public safety, community welfare, and the aesthetic quality of the city, while at the same time not unduly restricting the development of wireless telecommunications facilities, and not unreasonably discriminating among wireless telecommunications providers of functionally equivalent services in accordance with the guidelines and intent of the Telecommunications Act of 1996.

These regulations are further intended to:

- A. Require the location of new monopoles, towers and antennas in non-residential zoning districts unless technically necessary for provision of the service.
- B. Require wireless telecommunications facilities to be designed in a way to minimize adverse visual impacts.
- C. Encourage co-location of facilities.
- D. Protect the public’s interest in the safe operation of public safety, emergency and medical services.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

E. Protect the public from exposure to electromagnetic frequency or radio frequency radiation in excess of federal standards.

This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.12.1405 DEFINITIONS

A. As used in this Chapter, the following terms shall have the meaning set forth below, unless the context clearly dictates a different meaning.

1. "Amateur radio facilities" are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a written authorization from the Federal Communications Commission to operate an amateur radio facility.

2. "American National Standards Institute (ANSI)" is a private organization that develops widely accepted standards for various modern-day equipment.

3. "Antenna" is a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.

4. "Base transceiver station (BTS)" is the electronic equipment housed in cabinets that together with antennas comprises a PCS facility or "site". The cabinets include an air conditioning unit, heating unit, electrical supply, telephone hook-up and back-up power supply.

5. "California Public Utility Commission (CPUC)" is the state level regulatory agency responsible for regulating wireless telecommunications.

6. "Cell" is the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagates.

7. "Cell site" is a parcel of real property or public right-of-way on which a wireless telecommunications facility is to be located.

8. "Co-location" is a wireless telecommunications facility comprising a single telecommunications tower, monopole or building supporting antennas owned or used by more than one wireless telecommunications carrier.

9. "Direct-to-home" generally means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises.

10. "Facade-mounted antenna" is an antenna that is directly attached or affixed to any facade of building.

11. "Federal Communications Commission (FCC)" is the federal agency responsible for licensing and regulating wireless telecommunications providers. The agency has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

12. "Freestanding monopole" is a structure composed of a single spire used to support communications equipment.

13. "Ground-mounted" is an antenna with its support structure placed directly on the ground.

14. "Monopole." See "Freestanding monopole."

15. "Non-ionizing electromagnetic radiation (NIER)" means low energy and low frequency electromagnetic energy, including visible light, television, pagers, AM/FM radio,

ORDINANCE NO.

cellular systems, enhanced specialized mobile radio (ESMR) systems and personal communications services (PCS) systems.

16. "Omni-directional" means an antenna that is equally effective in all directions (360 degrees) and is typically cylindrical in shape, the size of which varies with the frequency for which it is designed. Whip antennas are often referenced by this name.

17. "Panel antenna" means an antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular, long devices generally three square feet in size, although some technologies utilize larger panel antennas. Also known as directional antennas.

18. "Roof-mounted" means an antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower. This type of installation is sometimes called a freestanding roof mounted antenna.

19. "Service provider" means a wireless telecommunications provider, a company or organization, or the agent of a company or organization that provides wireless telecommunications services.

20. "Significant gap" is a gap in the service provider's own wireless telecommunications facilities, as defined in Federal case law interpretations of the Federal Telecommunications Act of 1996.

21. "Stealth facility" is any telecommunications facility, which is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade-mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees. Also known as concealed telecommunications facilities.

22. "Stealth Technologies/Techniques" are camouflaging methods applied to wireless telecommunications facilities which render them visually inconspicuous.

23. "Telecommunications" is any transmission, emission or reception of signals, images and sound or information of any nature by wire, radio, visual or electromagnetic system that work on a "line-of-sight" principle.

24. "Telecommunication tower" is a monopole, lattice tower, free standing tower or other structures designed to support antennas.

25. "Visual impact" means the placement or design of an antenna or the associated equipment and/or buildings such that they are not screened or shielded or are plainly visible and are likely to be noticeable or otherwise conspicuous.

26. "Whip antenna." See "Omni-directional antenna."

27. "Wireless telecommunications facility" is a land use facility that sends and/or receives radio frequency signals. Wireless telecommunications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment cabinets, base transceiver stations, and other accessory development. Also referred to as a telecommunication facility.

28. "Wireless telecommunications provider" is any company or organization that provides or who represents a company or organization that provides wireless telecommunications services.

ORDINANCE NO.

24.12.1410 APPLICABILITY.

A. These regulations shall apply to all property owned by private persons, firms, corporations or organizations, and property owned by the City, including public streets and alleys, and property owned by any agencies of the City, or by any local, state, or federal government agency or political subdivision thereof required to comply with local government regulations or by written agreement.

B. These regulations shall not apply to the following facilities:

1. Amateur (including ham and short-wave) radio facilities on private property provided that the antenna does not exceed sixty-five (65) feet in height or is not more than twenty-five (25) feet above the height limit prescribed by the regulations for the district in which the facility is located, whichever is less.

2. Amateur (including ham and short-wave) radio facilities on public property provided the facilities do not exceed sixty-five (65) feet in height or are not more than twenty-five (25) feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less.

3. Wireless telecommunications facilities, which are not licensed by the Federal Communications Commission and are determined by the Planning Director to have little or no adverse visual impact.

4. Direct-to-home satellite services smaller than two (2) feet in diameter provided that such facilities are in accordance with other sections of this Title.

5. Any wireless telecommunications facility located on land owned by one of the public entities listed below and operated for the public entity's public purpose only and not for commercial reasons:

a. The United States of America or any of its agencies;

b. The State or any of its agencies or political subdivisions of the State not required by State law to comply with local zoning ordinances.

6. Wireless telecommunication facilities used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g. County 911 emergency services, police, sheriff, fire departments, first responder medical services, hospitals, etc.) and incorporating stealth technologies.

24.12.1415 PERMIT REQUIREMENTS AND FINDINGS.

A. Any proposed façade-mounted or roof-mounted wireless telecommunications facility that is determined by the Zoning Administrator to be consistent with all of the requirements of this ordinance, and that incorporates stealth technologies and/or is not visible from public areas, shall require an administrative Design Permit from the Zoning Administrator based on the following findings:

1. The wireless telecommunications facility has demonstrated consistency with Sections 24.12.1430 and 24.12.1435 (as applicable).

2. The wireless telecommunications facility has been located and designed so as to be compatible with the purpose of Chapter 24.12 Part 15 and the goals and objectives of the General Plan and the Local Coastal Program (if applicable).

3. The wireless telecommunications facility is in compliance with all FCC and California PUC standards and requirements and with all other applicable requirements of Chapter 24.12 Part 15.

B. All other wireless telecommunications facilities that do not meet the criteria defined in Section A above shall require an Administrative Use Permit with a public hearing

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

before the Zoning Administrator. A Design Permit with the findings above shall also be required to be made.

C. In approving an application, the City may impose such conditions as it deems appropriate or necessary to further the purposes of this Chapter, including, but not limited to, requiring the redesign or relocation of the facility. Alternatively, the City may direct the applicant to resubmit a revised proposal for further consideration.

D. Minor modifications to wireless telecommunications facility equipment design, location, height, and other elements may be allowed, subject to the approval of the Zoning Administrator, if such modifications are in keeping with the architectural statement and layout design of the original approval, and meet the requirements of this Chapter.

24.12.1420 SUBMITTALS.

A. In addition to meeting standard application submittal requirements for all proposed wireless telecommunications facilities, the wireless telecommunications provider shall provide the following with their application:

1. Site Plan. Provide a site plan that shows the location and the relationship of the proposed telecommunications antennas, base transceiver stations, equipment cabinets and buildings and appurtenant structures to the location of existing features of the site including existing structures, roads, landscaping, trees and other significant natural and constructed features and to structures on adjacent properties.

2. Elevations. Provide elevations of all proposed communication structures and appurtenances and composite elevations from the street of all structures on site, including screening.

3. Section Drawings. Provide section drawings (elevations) of all proposed communication structures and appurtenances and composite elevations from the street of all structures on site, including screening.

4. Visual Analysis. Provide a visual impact analysis including before and after photo simulations from various locations and/or angles from which the public would typically view the site, and a map depicting where the photos were taken. Where the installation would be readily visible from the public right-of-way or from surrounding properties, the application shall include an explanation as to why, if screening or other techniques to minimize visibility are not proposed, such approaches to reduce the visibility of the installation would not be effective. The Zoning Administrator may require the submission of photo overlays, scaled models, renderings, and/or field mock-ups to assess any potential visual impact including proper coloration and blending of the facility with the proposed site.

5. Existing and Future Facilities Map. Provide a map, to scale, of the wireless telecommunications provider's existing and planned facilities and service area(s), including information about the location, height and design, coverage, and significant gaps within the City limits and within one (1) mile there from.

6. Miscellaneous and Appurtenant Structures. Provide in all relevant plans all facility related structures and support equipment to be installed. This includes, but is not limited to, the location(s) and method(s) of placement, support, protection, screening, paint and/or other treatments of the antennas, base transceiver stations, equipment cabinets and buildings, cables, and other appurtenances.

7. Screening Techniques. Provide a report describing the proposed means of visually screening unsightly public views of facilities, including submittals of sample exterior materials and colors of towers, antennas, accessory structures (such as equipment cabinets and

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

structures), and security walls. This statement should include a justification of why the proposed height and visual impact of the wireless telecommunications facility cannot be reduced.

8. Equipment Inventory. Provide the number, type and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the wireless telecommunications provider. The size of equipment cabinets and related facilities are not required if the cabinets and related facilities are located completely underground or entirely within a building, not including an equipment cabinet.

9. Structural Engineering Report. Provide a report from a structural engineer, licensed by the State, regarding the number and type of antennas that the proposed or existing structure is designed to support.

10. Site Selection Process. Provide a report indicating whether, and why, each site identified is essential for completion of the wireless telecommunications provider's coverage objective and need. This report should describe the site selection process including information about other sites which were considered that could service the same or similar coverage area and the reasons for their rejection.

11. Co-location. Provide a report indicating whether the facility could be co-located elsewhere and, if not, why co-location is not being proposed. This report should also state the wireless telecommunications provider's commitment to allow other wireless telecommunications providers to co-locate antennas on their proposed facilities wherever structurally and technically feasible, and to demonstrate how the facilities have been designed to allow co-location of other carriers (if applicable). Additional information may be requested by the Zoning Administrator to aid in determining whether or not another wireless telecommunications provider could co-locate on/near their facilities if approved.

12. Federal Communications Commission Compliance. Provide a report prepared by a professional engineer registered in the State of California: a) stating the power rating for all antennas and backup equipment proposed; b) verifying that the system, including the antennas, and associated equipment cabinets/structures, conforms to the non-ionizing electromagnetic radiation (NIER) standards adopted by the Federal Communications Commission (FCC), including operating within its frequency assigned by the FCC; and c) confirming that operation of the facilities, both individually and cumulatively if located adjacent to other wireless communications facilities, will not exceed all adopted FCC standards. The report should confirm that the proposed wireless telecommunications facility shall be operated in a manner, which complies with the FCC's regulations regarding signal interference. FCC compliance information should be presented in a concise and easy-to-read format that clearly demonstrates in a non-technical manner the current site conditions, conditions with the proposed project, and FCC thresholds as they relate to all applicable emissions standards.

13. Easements. Provide information about any necessary easements.

14. Safety/Security Plan. Provide a report of the proposed measures to ensure that the public would be kept at a safe distance from any NIER transmission source associated with the proposed wireless communications facility, consistent with the NIER standards of the FCC or any potential future superceding standards. The submitted plans must show that the outer perimeter of the facility site (or NIER hazard zone in the case of rooftop antennas) will be posted with bilingual NIER hazard warning signage that also indicates the facility operator and an emergency contact who is available on a 24-hour a day basis and is authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

ORDINANCE NO.

15. Maintenance and Monitoring Program. Provide a report to the Zoning Administrator, which describes in detail the maintenance and monitoring program for the facilities.

B. The Zoning Administrator may require the applicant to submit additional documentation, which the Zoning Administrator deems necessary to evaluate the proposed cell site or facility, including but not limited to the following:

1. Other Agency Permits and Licenses. Information sufficient to determine that the wireless telecommunications provider has applied for and received all applicable operating licenses or other approvals required by the FCC and California Public Utilities Commission to provide wireless telecommunications within the City.

2. Alternative Equipment Configuration. The types and range of sizes of antennas and equipment cabinets, which could serve as alternatives for use by the wireless telecommunications provider.

3. Site Selection Data. Technical data related to the site selection process.

4. Noise Impact Analysis. Provide noise and acoustical information for the base transceiver stations, equipment buildings and associated equipment such as air conditioning units and back-up generators.

5. Proof of Irrigation Facilities. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the wireless telecommunications provider the use of required water facilities for landscaping.

6. Landscape Plan. A landscape plan may be required that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size, and location. This may be required depending on the potential visual impacts of ground-mounted equipment. If deemed necessary by the Zoning Administrator, an arborist's report may be also required to verify that the existing landscaping will not be adversely affected by the installation of the facility. The arborist's report may recommend protective measures to be implemented during construction.

7. Third-Party Technical Review. The applicant will pay the reasonable actual costs and a reasonable administrative fee for the City to hire an independent qualified radio frequency or electrical engineers to evaluate any technical aspect of the proposed telecommunication facility including, but not limited to, compliance with applicable Federal emission standards, feasibility of collocation, need for proposed location and suitability of alternative sites, potential for interference with existing or planned public safety emergency response telecommunication facilities, or analysis of feasibility of alternative screening methods or devices. Any proprietary information disclosed to the city or the consultant in confidence (as noted by the applicant) shall, to the extent permitted by law, not be considered a public record and shall remain confidential and not be disclosed to any third party without the express consent of the applicant. The City shall return all proprietary information to the applicant and not retain any copies of such information once its decision is final.

24.12.1425 LOCATION STANDARDS.

A. Prohibited Zoning Districts. Wireless telecommunications facilities shall not be allowed in the following zoning districts, subject only to exceptions as described in Section 24.12.1425(B) below.

1. Single Family Residence (RS, R-1)
2. Multiple Family Residence (RI, RM, RH)

~~STC-MAJ-2-04~~

Exhibit 3

ORDINANCE NO.

3. Beach Residential (RT (A), RT(D), RT(E))
4. Ocean Front Recreational (OFR)
5. Flood Plain (FP)
6. Agriculture (EA-20)

B. Exceptions to Prohibited Districts. Wireless telecommunications facilities may be sited in the prohibited zoning districts described above with an Administrative Use Permit provided that the applicant can demonstrate to the Zoning Administrator that:

1. The proposed wireless telecommunications facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and
2. There are no viable, technically feasible, and environmentally (e.g. visually) equivalent or superior potential alternatives (i.e., sites/facility types) outside the prohibited zoning districts that could eliminate or substantially reduce said significant gap(s).

C. Location preference for wireless telecommunications facilities should be given to the following locations:

1. Industrial or commercial sites.
2. Facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to: buildings, telephone and utility poles, signage and sign standards, traffic signals, light standards and flagpoles.
3. Sites which are not highly visible from adjacent roadways, public areas, parks, schools, greenbelts or other visually sensitive areas, as determined by the Zoning Administrator.

D. When feasible and in conformance with other provisions of this Chapter, wireless telecommunications providers shall be encouraged to locate their wireless telecommunications facilities on publicly owned or controlled property or right of way.

E. Wireless telecommunications facilities are prohibited in all Natural Areas designated in the General Plan.

24.12.1430 PREFERRED ANTENNA SITING AND MOUNTING TECHNIQUES.

The following wireless telecommunications facilities and mounting techniques are listed in order of preference:

- A. Facade-mounted facilities.
- B. Roof-mounted facilities.
- C. Ground-mounted facilities.
- D. Freestanding monopole facilities.

A. Facade-Mounted Wireless Telecommunications Facilities.

1. Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely upon an existing or newly created architectural feature so as to be completely screened from view. Otherwise, antennas should be painted and/or textured to match the wall surface on which it is to be mounted. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight unless stealth techniques will reasonably eliminate visual impacts and are designed to appear as an integral part of the structure. Facade-mounted equipment shall not project more than eighteen (18) inches from the face of the building or other support structure, unless specifically authorized by the Zoning Administrator.

ORDINANCE NO.

2. Facade-mounted antennas shall be camouflaged by incorporating the antennas as part of a design element of the building or by painting and/or texturing to match exterior wall background.

B. Roof-Mounted Wireless Telecommunications Facilities.

1. Roof-mounted antennas shall not be allowed when they are placed in locations where they significantly affect scenic views as specified in the General Plan. However, such facilities may be allowed with incorporation of appropriate stealth techniques.

2. The height of roof-mounted wireless telecommunications facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened from residential land uses, or other sensitive land uses such as parks, schools, greenbelt areas or major streets, and on an engineering analysis justifying the height of the proposed wireless telecommunications facility. The Zoning Administrator may require an independent review, paid for in advance by the applicant, to evaluate the applicant's request. Factors to be considered are: whether or not another site exists where the standards can be met; whether there is another method of installation that would result in a project that complies with the standards; whether the addition of another wireless telecommunications facility would allow the reduction in height of the proposed facility; and whether there is any other technically feasible method of siting the facility that would reduce the height. If it is determined that a height above the maximum allowed in Section 24.12.1430 (B)(6) is necessary, additional screening may be required to mitigate adverse visual impacts.

3. All roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Screening panels may be used to mitigate visual impacts but must be designed to blend with the architecture of the building in terms of scale, material and color. The cost to provide such screening of visual equipment shall not by itself provide justification to allow conspicuous equipment or antennas to remain visible.

4. All roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be determined by the Zoning Administrator on a case-by-case basis, in accordance with this subsection.

5. Whenever feasible, all rooftop equipment installations shall be set back such that they are not viewed from the adjoining public right-of way. The equipment cabinets, base transceiver stations, cables and other appurtenant equipment, if located on the rooftop of buildings, shall be so located as to be not visible from adjoining public rights-of-way. Roof screening in compliance with this section may be required in cases where equipment is considered a visual impact.

6. Notwithstanding any other provision of this Section, no roof-mounted antennas, including support structures, shall exceed fifteen (15) feet in height above the highest existing roof surface.

C. Ground-Mounted Wireless Telecommunications Facilities.

1. The height of ground-mounted antennas shall adhere to the relevant guidelines for roof-mounted antennas as described above in Section 24.12.1430 (B).

2. Ground-mounted facilities shall be painted using non-reflective matte finished shades designed to blend with the backdrop. However, the final choice of colors shall be determined on a case-by-case basis upon determination of the color that best blends into the backdrop. If equipment cannot be painted, adequate screening shall be provided that blends with the predominant architectural design and material of adjacent buildings, including material, finish and texture. A photo simulation may be required to illustrate the blending.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

3. Substantial screening by landscaping shall be used as natural screening to minimize any visual impacts. All proposed vegetation shall be compatible with existing vegetation in the area.

4. All ground-mounted antennas that are located on undeveloped sites, where allowed, shall be converted to roof- or façade-mounted antennas with the development of the site when technically feasible.

5. Ground-mounted antennas and related equipment shall not be located in front of main structures and/or along major street frontages where they will be readily visible.

6. Ground-mounted antennas and related equipment shall not extend over a sidewalk, street or other public right of way, except that ground-mounted antennas and related equipment on streetlight poles, traffic signals, and existing telephone poles may extend over a sidewalk or street, subject to Director of Public Works approval.

7. Notwithstanding any other provision of this Section, no ground-mounted antennas, including support structures shall exceed fifteen (15) feet in height, except as allowed in C.6. above.

D. Freestanding Monopole Wireless Telecommunications Facilities.

1. Freestanding monopoles shall be located and designed to minimize visual impacts. For example, a monopole could be located in a grove of existing trees so that natural screening or background is provided. Freestanding monopoles in high visibility locations shall incorporate "stealth techniques" to camouflage them as a piece of art/sculpture, a clock tower, flag pole, tree or other interesting, appropriate and compatible visual form. Such stealth installations shall be used when the siting and surrounding environment helps them to blend with the setting. Freestanding monopoles may not be located within the required front yard setback of any property, unless appropriate architectural elements for a "stealth facility" are incorporated in the design of the monopole.

2. Freestanding monopoles shall be prohibited in the Central Business District and the Coastal Zone Overlay District unless all other types of wireless telecommunications facility structures are considered not technically feasible.

3. Freestanding monopoles shall generally not be allowed within 1,000 feet of each other except when the cumulative visual impacts are not significant and co-location is not technically feasible.

4. Freestanding monopoles shall be designed at the minimum functional height required. The height of monopoles shall be reviewed on a case-by-case basis for the visual impact on the neighborhood and community. The Zoning Administrator may require an independent review through a supplementary report, paid for in advance by the applicant, to evaluate the applicant's request. Factors to be considered are: whether or not another site exists where a more preferred method of installation could be met; whether the future addition of another wireless telecommunications facility could affect the future height of the proposed facility; and whether there is any other technically feasible method of siting the facility that would reduce the overall proposed height.

5. Notwithstanding any other provision of this Section, no freestanding monopole antennas shall exceed the height required for the zoning district in which it is located.

24.12.1435 GENERAL REQUIREMENTS

The following requirements are applicable to all wireless telecommunications facilities, except for exempt facilities described in Section 24.12.1410:

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

A. Visual Effect. All proposed wireless telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible. Measures to achieve this objective may include but are not limited to the following:

1. The applicant shall use the smallest and least visible antennas feasible to accomplish the owners/operator's coverage objectives. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within 100 feet shall incorporate appropriate techniques to camouflage or disguise the facility, and/or blend it into the surrounding environment, to the maximum extent feasible.

2. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting. Wireless telecommunications facilities shall not be located on City, State or Federal registered historic buildings. When proposed within a designated historic district wireless telecommunications facilities shall be limited to façade-mounted facilities only and integrated architecturally with the style and character of the structure and the district or otherwise made unobtrusive. No wireless telecommunications facility shall be sited such that its design and/or construction will damage a known or sensitive archeological site.

3. Whenever possible, base transceiver stations, equipment cabinets and buildings, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope. If this is not feasible, the equipment shall be low profile, screened, fenced, landscaped, painted, or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable) and should be a visually pleasing feature.

4. All ground-mounted base transceiver stations, equipment cabinets, and utility panels for telecommunications facilities shall be limited to a maximum height of ten (10) feet above grade unless other techniques are adopted to ensure minimal visual impact. Base transceiver stations, equipment cabinets, and utility panels that are taller may be partially buried underground or installed by use of another technique to maintain the ten (10) foot height limit. Greater height may be granted upon a finding that it is not possible to meet the height limitation and that adequate screening of the equipment is provided.

5. No advertising signage or identifying logos shall be displayed on wireless telecommunication facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.

6. Applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts for all telecommunication facilities. Stealth techniques are especially encouraged in areas easily visible from a major traffic corridor or commercial center or in residential areas. Stealth techniques may be required as Conditions of Approval when determined to be necessary to mitigate adverse visual impacts.

7. All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The Zoning Administrator may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance. The design of the fencing and other access control devices shall be subject to review. The use of chain-link fencing is discouraged and the use of razor wire is prohibited.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

B. Landscaping. Landscaping may be required to visually screen wireless telecommunications facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the Zoning Administrator's review and approval. Landscaping guidelines include but are not limited to the following:

1. To the extent feasible, existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of wireless communications facilities and related access roads.

2. All trees used in landscaping shall be a minimum of fifteen (15) gallons in size and all shrubs in a minimum of five (5) gallons, unless otherwise approved.

3. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access-ways shall be protected from damage both during and after construction.

4. The applicant shall enter into a landscape performance and maintenance agreement with the City to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial guarantees acceptable to the Zoning Administrator in an amount equal to 150 percent of the estimated cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for the length of the permit.

5. All landscape design shall meet the water efficiency landscaping requirements of the Municipal Code, including installing or upgrading existing irrigation systems if necessary.

C. Access Roads. All wireless telecommunications facilities shall use existing access roads, where available. Unless visual impacts can be adequately mitigated, no new access roads shall be allowed with any proposed wireless telecommunications facility.

D. Setbacks. Wireless telecommunication facilities shall comply with all applicable setback regulations of the zoning district in which they are situated.

1. All setbacks shall be measured from the furthest extent of a wireless telecommunications facility to the closest applicable property line or structure, with the exception of equipment shelters.

2. Ground Mounted or Freestanding Monopole facilities shall be setback at a distance not less than the height of the structure from any residentially-zoned land.

3. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure. Underground equipment shelters or cabinets may adjoin property lines, if approved by the Building Official.

E. Number of Antennas and Facilities Permitted. The number of antennas allowed per site shall be determined on a case-by-case basis by the Zoning Administrator with the goal of minimizing adverse visual impacts.

F. Noise. All wireless telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Noise attenuation measures shall be required for all air-conditioning units. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the Zoning Administrator when deemed necessary.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

1. Testing and maintenance activities of wireless telecommunications facilities which generate audible noise shall occur between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the Zoning Administrator. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the Zoning Administrator.

G. Interference. All wireless telecommunications facilities shall be operated in a manner, which complies with the Federal Communication Commission's regulations regarding signal interference.

H. Maintenance and Safety. All wireless telecommunications providers shall provide signage, as required by the Zoning Administrator, which shall identify the name and phone number of the wireless telecommunications provider for use in case of an emergency.

1. The design, materials, colors and location of the identification signs shall be subject to Zoning Administrator's review and approval. All signs shall be legible from a distance of at least ten (10) feet from the wireless telecommunications facility. No sign shall be greater than two (2) square feet in size.

2. If at any time a new wireless telecommunications provider takes over operation of an existing wireless telecommunications facility, the new wireless telecommunications provider shall notify the Planning and Community Development Department of the change in operation within thirty (30) days and the required and approved signs shall be updated within thirty (30) days to reflect the name and phone number of the new wireless telecommunication provider. The colors, materials and design of the updated signs shall match those of the required and approved signs.

3. All wireless telecommunications facilities, including, but not limited to, antennas, towers, equipment, cabinets, structures, accessory structures, and signs shall be maintained by the wireless telecommunication provider in good condition. This shall include keeping all wireless telecommunications facilities graffiti-free and maintaining security walls/fences in good condition. All graffiti must be removed as soon as practicable, and in no instance more than 72 hours from the time of notification by the city.

4. All wireless telecommunications facilities shall be reviewed by an electrical engineer licensed by the State according to the following guidelines:

a. Within forty-five (45) days of initial operation or modification of a wireless telecommunications facility, the wireless telecommunications provider shall submit to the Zoning Administrator a written certification by an electrical engineer licensed by the State that the wireless telecommunications facility, including the actual radio frequency radiation of the facility, is in compliance with the application submitted, any conditions imposed, and all other provisions of this Chapter in order to continue operations past the forty-five (45) day period. At the wireless telecommunications provider's expense, the Zoning Administrator may employ on behalf of the City an independent technical expert to confirm and periodically reconfirm compliance with the provisions of this Chapter.

b. Every wireless telecommunications facility shall demonstrate continued compliance with all radio frequency standards adopted by the Federal Communications Commission. The wireless telecommunications provider shall hire a professional engineer registered in the State of California, and approved by the Zoning Administrator to measure the actual radio frequency radiation of the approved facility and determine if it meets the Federal Communications Commission's standards. A report of all calculations, required measurements, and the engineer's findings with respect to compliance with

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

the Federal Communications Commission standards shall be submitted to the Zoning Administrator every three (3) years thereafter. In the case of a change in standards, the required report shall be submitted within ninety (90) days of the date the said change becomes effective. In order to assure the objectivity of the analysis, the City may require, at the wireless telecommunications provider's expense, independent verification of the results of any analysis. If a wireless telecommunications provider fails to supply the required reports or remains in continued noncompliance with the Federal Communications Commission standard, the Zoning Administrator may schedule a public hearing to consider revocation of the permit. After conducting the hearing, if the hearing body determines that the wireless telecommunications provider has failed to supply the required reports or remains in continued noncompliance, the hearing body may modify or revoke all approvals.

I. Natural Disaster. All wireless telecommunications facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation. To this end, the following measures shall be implemented:

1. Nonflammable exterior wall and roof covering shall be used in the construction of all above ground equipment shelters and cabinets.

2. Openings in all above ground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers.

3. The material used as supports for the antennas shall be fire resistant, termite proof, and subject to all the requirements of the Uniform Building Code.

4. Wireless telecommunications facility towers shall be designed to withstand the forces expected during an earthquake in a manner subject to the requirements of the Uniform Building Code. All equipment mounting racks and attached equipment shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.

5. All connections between various components of the wireless telecommunications facility and with necessary power and telephone lines shall be protected against damage by fire, flooding and earthquake.

6. Measures shall be taken to keep wireless telecommunications facilities in operation in the event of a disaster.

7. All equipment shelters and wireless telecommunications facility towers shall be reviewed and approved by the City Fire Department.

8. A building permit shall be required for the construction, installation, repair or alteration of all support structures for wireless telecommunications facilities equipment. Wireless telecommunications facilities must be stable and must comply with the Uniform Building Code and any conditions imposed as a condition of issuing a building permit.

9. All reports, certifications and verifications required to be prepared and maintained by this Section shall at all times be readily available for public examination and review. To this end, upon the request of any person to the City or any wireless telecommunications provider, the City or provider shall promptly make any such report, certification or verification available for review and/or copying. Reasonable copying cost reimbursement may be required. In addition, the wireless telecommunications provider shall post all current reports, certifications and verifications at the site of the wireless telecommunications facility to which they pertain.

J. Cessation of Operation On-Site.

1. Wireless telecommunications providers shall provide the City with a notice of intent to vacate a site a minimum of thirty (30) days prior to the vacation.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

2. A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six (6) months have lapsed since cessation of operations.

3. All equipment associated with a wireless telecommunications facility shall be removed by the property owner after cessation of the said use for more than six (6) consecutive months, and the site shall be restored to its original pre-construction condition. An exception to this subsection may be made by the Zoning Administrator for an one extension of up to twelve (12) months if the property owner continues to make a good faith attempt to sell or lease the property as a wireless telecommunications facility site, as certified by a licensed real estate broker who is under contract with a right to sell or lease the property.

4. Any wireless telecommunications provider that is buying, leasing, or is considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the Zoning Administrator.

K. Transfer of Ownership. In the event that the original permittee sells its interest in a wireless telecommunications facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the City for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding carrier to the Planning and Community Development Department within 30-days of transfer of interest of the facility.

L. Co-location. Where technically, legally, and fiscally feasible, co-location of new wireless telecommunications facilities onto existing telecommunications ground-mounted and freestanding monopole towers shall be required. Co-location may require that height extensions be made to existing towers or wireless telecommunications facilities to accommodate additional users, or may involve constructing new multi-user facilities that replace existing single-user capacity towers.

M. Lighting. The use of exterior lighting shall be manually operated and used only during night maintenance checks and emergencies unless specifically required by the Federal Aviation Administration or other governmental agencies. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security and safety and in all instances be designed so as to avoid glare and illumination of adjacent properties.

24.12.1440 NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES.

A. The wireless telecommunications facility which was approved by the City or legally installed prior to the effective date of this Chapter and which does not comply with these regulations on the date of its adoption shall be considered a preexisting legal nonconforming use.

1. Legal nonconforming wireless telecommunications facilities shall be permitted to remain until the lessor's lease, including exercised renewals, with the property expires.

2. Legal nonconforming wireless telecommunications facilities shall not be altered or modified unless approved by the Zoning Administrator subject to the determination that the alteration or modification will cause the wireless telecommunications facility to be in greater conformance with this Chapter.

B. Wireless telecommunications facilities approved by the City prior to the effective date of this Chapter, which comply with the provisions of this Chapter, shall be subject to the regulations in this Chapter.

C. A wireless telecommunications facility, approved by the City prior to the effective date of this Chapter, that ceases operations for a period of six (6) months or more shall be

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

immediately removed, unless the wireless telecommunications facility complies with the permit requirements found in Section 24.12.1415.

D. If a wireless telecommunications facility approved by the City after the effective date of this Chapter meeting the requirements of this Chapter, but it is no longer allowed in its applicable zoning district, the wireless telecommunications facility shall be permitted to remain until such time as the lessor's lease, including renewals, with the property expires.

24.12.1445 COMPLIANCE AND REVOCATION OF APPROVAL.

A. Should the Zoning Administrator determine that the wireless telecommunications facility may no longer be in compliance with this Chapter, the Zoning Administrator may, at his/her discretion, schedule a public hearing before the previous decision maker at which time the decision maker may modify or revoke an approval if the decision maker finds that:

1. The report showing that the wireless telecommunications facility complies with the current Federal Communications Commission radio frequency standards, as required in subsection 24.12.1435 (H)(4) of this Chapter, has not been submitted to the Zoning Administrator.

2. The wireless telecommunications facility fails to comply with the requirements of this Chapter as they exist during the compliance review, and the wireless telecommunications provider has failed to supply assurances acceptable to the Zoning Administrator that the facility will be brought into compliance within ninety (90) days.

3. The wireless telecommunications provider has failed to comply with the conditions of approval imposed.

4. The wireless telecommunications facility has not been properly maintained as defined in this ordinance.

5. The wireless telecommunications provider has not agreed in writing to upgrade the wireless telecommunications facility within six (6) months to minimize the facility's adverse visual impact to the greatest extent permitted by the technology that exists during the compliance review. The Zoning Administrator, with the aid of an independent industry expert, shall determine if a new technology shall further minimize a facility's adverse visual impact and if a facility shall be required to be upgraded. A wireless telecommunications facility shall not be upgraded unless it shall continue to comply with the requirements of this Chapter, as they exist at that time.

Notwithstanding the foregoing, no public hearing to schedule modification or revocation pursuant to this Section shall be calendared until the Zoning Administrator has first provided a written notice to the wireless telecommunications provider including with reasonable specificity: a) the nature of the deficiency or violation; b) a reasonably ascertainable means to correct such deficiency or violation; and c) a reasonable opportunity to cure the same if the deficiency or violation is curable, which time period in no event shall be less than thirty (30) days from the date of notification or such lesser period as may be warranted by virtue of a public emergency.

B. The decision to modify or revoke may be appealed pursuant to Chapter 24.04.180 of this Code.

C. An approval for a wireless telecommunications facility may be modified or revoked as described in this Section.

D. The terms of this Section shall not apply to preexisting legal nonconforming wireless communications facilities.

ORDINANCE NO.

24.12.1450 CHANGE IN FEDERAL OR STATE REGULATIONS.

All wireless telecommunications facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission, and any other agency of the Federal or State government with the authority to regulate wireless telecommunications providers. If such standards and regulations are changed, the wireless telecommunications provider shall bring its facilities into compliance with such revised standards and regulations within ninety (90) days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling Federal or State agency. Failure to bring wireless telecommunications facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless telecommunications provider's expense.

24.12.1455 INDEMNITY AND LIABILITY.

A. The wireless telecommunications provider shall defend, indemnify and hold harmless the City or any of its boards, commissions, agents, officers and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers or employees to attack, set aside, void or annul the approval of the project, unless such claim, action or proceeding is based on the City's negligence or misconduct. The City shall promptly notify the providers of any such claim, action or proceeding. Nothing contained in this subsection shall prohibit the City from participating in a defense of any claim, action or proceeding if the City bears its own attorney fees and costs, and the City defends the action in good faith.

B. Wireless telecommunications providers shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from the usage of their wireless telecommunications facilities within the City. This liability shall include responsibility for clean-up, injuries or damages to persons or property. Additionally, wireless telecommunications providers shall be responsible for any sanctions, fines or other monetary costs imposed as a result of the release of pollutants from their operations.

C. Wireless telecommunications providers shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the current Federal Communication Commission's standards.

24.12.1460 REVIEW OF ORDINANCE

A. Wireless telecommunications technology is currently subject to rapid change. Innovations may render the need for specific sections of this Chapter obsolete. The City shall review this ordinance at least once every five (5) years from the date of adoption.

B. Whenever a wireless telecommunications facility provider applies to locate a significantly different type of technology in the City, the City shall review this Chapter for its applicability prior to the approval of the placement and/or design of the new technology.

C. The City shall review, and may revise, this Chapter after a change to the Federal Communication Commission's regulations, which states that local governments may regulate wireless telecommunications facilities based on their health effects.

24.12.1465 SEVERABILITY.

If any section or portion of this Chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the Chapter, which shall continue in full force and effect."

ORDINANCE NO.

Section 2. Chapter 24.08.410 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.08.410 General Provisions.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing three or more dwelling units;
2. New structures intended for commercial use;
3. New structures intended for industrial use;
4. Commercial or industrial uses of land not involving a building;
5. Accessory structures and uses except those accessory uses of structures associated with a single-family dwelling;
6. Any structure on, or use of, a substandard residential lot, except for structures which provide access to the first floor for the physically challenged;
7. Any exterior remodeling and/or site alteration of either \$50,000.00 or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Downtown Recovery Plan (DRP) area within which a Design Permit shall be required for any exterior alteration or remodeling, including signage, for which the construction costs of such work exceeds \$10,000.00; the design of such exterior improvements shall provide an attractive, visually interesting, and pedestrian-scale façade treatment;
8. All signs except the following;
 - a. Any permanent freestanding sign or signs five feet in height or lower as measured from grade and containing an aggregate area of thirty square feet or less;
 - b. Real estate signs of six square feet or less in area, placed on a property and advertising that property for sale, lease or rent;
 - c. Signs placed within windows;
 - d. Any sign required by law or placed to protect health and safety;
 - e. Public art;
 - f. Construction project signs conforming to other requirements of Part 6 of this chapter.
9. Short-term signs;
10. Banners;
11. Any project where the applicant is a public agency over which the city may exercise land use controls;
12. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
13. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
14. Parking lots with capacity for five or more spaces;
15. Any project which requires a planned development permit;
16. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
17. Any structures in the West Cliff Drive Overlay District;
18. New development and remodels with a cost of more than \$10,000.00 within the Mission Street Urban Design Plan Overlay District shall be consistent with the Development standards and Design Guidelines found in that plan.
19. Wireless Telecommunications Facilities.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

Section 3. Section 24.04.150 Multiple Permit Processing and Action (Table) of Chapter 24.04 is hereby amended to read as follows:

Permits/Actions****	Public Hearing Requirement and Decisionmaking Body Which Can Approve an Application			Appeal Bodies (in order)
	No Public Hearing	Public Hearing		
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU)		ZA*	ZB/CC/CC C*
Administrative Use Permit			ZA	ZB/CC
Conditional Fence Permit	ZA		ZA	ZB/CC
Slope Regulations Modifications (Variance)			ZB	CC
Slope Regulations Modifications (Design Permit)	ZA			ZB/CC
Design Permit –	ZA			ZB/CC
Substandard lots: new two-story structures and second-story additions			ZA	ZB/CC
Large homes per Section 24.08.450			ZA	ZB/CC
Signs Over 30 Sq. Ft	ZA			ZB/CC
<u>Wireless telecommunications facilities</u>	<u>ZA</u>		<u>ZA</u>	<u>ZB/CC</u>
New structures or improvements to existing structures in the WCD Overlay which are Exempt or Excluded from Coastal Permit requirements	ZA			ZB/CC
New structures or improvements to existing structures in the WCD Overlay which require a Coastal Permit			ZA	
Demolition Permit –				
1. Single-family residential	ZA			ZB/CC
2. Multifamily residential			ZB	CC
3. Historic demolition permit			HPC	CC
General Plan Text and Map Amendments		CPC		CC/CCC***
Historic Alteration Permit Administrative Historic Alteration Permit	ZA		HPC	CC HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC		CC
Historic District Designation		HPC/CPC		CC

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			ZB/CC
Mobile Home Park Conversion			ZB	CC
Planned Development Permit		ZB	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			ZB/CC
Relocation of Structures Permit	ZA			ZB/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Special Use Permit			ZB	CC
Variance			ZA	ZB/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC** *
<p>CCC = California Coastal Commission CC = City Council ZB = Zoning Board CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator</p> <p>* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. *** California Coastal Commission in case of CLUP policy, CLIP elements. **** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175.2.</p>				

Section 4. Chapter 24.10.612 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.612 Use Permit Requirements.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Multiple dwellings, townhouses, townhouse and dwelling groups, and condominiums, nine units or fewer (830).
- b. Single-family and duplex dwellings (800, 810).
- c. Storage and equipment structures.
- d. Temporary structures and uses.
- e. The providing of board and room for not more than two paying guests per dwelling unit, when located within principal building.

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

~~f. g.~~ Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

~~g.~~ Wireless telecommunication facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Coffee shops. (280g)
- b. Large community care facilities. (850e)
- c. Large family daycare facilities. (510a)
- d. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review. (300)
- e. Multiple dwellings, townhouses, townhouse and dwelling groups, and condominiums, ten units or more. (840)
- f. Public and private commercial parking. (940, 950)
- g. Public and private noncommercial recreation areas, buildings and facilities such as parks. (710)
- h. Public and quasi-public buildings and uses of an administrative, recreational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses. (500, 510, 530, 540, 570)
- i. Retirement homes or centers. (850b)

Section 5. Chapter 24.10.620 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.620 Use Permit Requirement.

(1) The following uses require an Administrative Use Permit and Design Permit and are subject to other applicable requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- (a) Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- (b) Acting/art/music/dance/studios/schools (610);
- (c) Apparel and accessory stores (250);
- (d) Churches (500);
- (e) Community organizations, associations, clubs and meeting halls (570);
- (f) Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- (g) Developed parks (710);
- (h) Undeveloped parks and open space (700);
- (i) Eating and drinking establishments (except bars and fast-food restaurants) subject to alcohol regulations in Part 12 of Chapter 24.12 (280);
- (j) Educational facilities (public/private) (510);
- (k) General merchandise stores (drug and department stores) (230);
- (l) Government and public agencies (530);

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- (m) Home furnishings (270);
- (n) Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- (o) Mixed residential, and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);
- (p) Multifamily (3-9 units) units subject to the R-T(A) District regulations (840);
- (q) Museum and art galleries (600);
- (r) Professional offices associated with a visitor-serving use (400);
- (s) Repairs, alterations, maintenance services to household items (except boat repair) (340);
- (t) Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- (u) Specialty retail supply stores (290);
- (v) Temporary structures and uses;
- (w) Video rental (360B);
- (x) Sports and Recreation facilities, without alcohol sales (720);
- (y) Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

(2) The following uses require a Special Use Permit and Design Permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- (a) Bars/taverns subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- (b) Communication and information (550);
- (c) Large family daycare facilities;
- (d) Fast-food restaurants subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- (e) Professional offices (400), except as associated with a visitor-serving use;
- (f) Multifamily 10+ units subject to the R-T(A) District regulations (840);
- (g) Marine facilities and related uses (560E):
 - (i) Related research facilities (400L);
 - (ii) Related storage and warehousing (330);
 - (iii) Fish/seafood wholesale sales (200F);
- (h) Mixed residential and commercial developments with non-commercial uses on the ground floor, subject to the R-T(A) District regulations (830);
 - (i) Nightclubs (live amplified music), subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- (j) Off-site public/private parking facilities, five or more spaces (930);
- (k) Single-family residences if lot size does not allow multifamily development (800);
- (l) Single-room occupancy (SRO) housing, sixteen units or more (860);
- (m) Sports and recreation facilities subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- (n) Theaters (620);

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- (o) Utilities and resources (540);
- (p) Professional offices (400);
- (q) Duplexes (810);
- (r) Personal services (except contractors yards and mortuaries) (310);
- (s) Triplexes (820);
- (t) Educational facilities (public/private) (510);
- (u) Financial, insurance, real estate offices (420);
- (v) Medical/health offices (410).

Section 6. Chapter 24.10.730 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.730 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- b. Ambulance services (410B);
- c. Auto services and repair subject to performance standards in Section 24.12.900 (350);
- d. Bakery, microbrewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least 30% of the floor area;
- e. Bar and cocktail lounges subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- f. Brewpubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
- g. Boat repairs (340D);
- h. Building materials/garden supplies (220);
- i. Churches (500);
- j. Communication and information services (550);
- k. Community organizations, associations, clubs and meeting halls (570);
- l. Developed parks (710);
- m. Educational facilities (public/private) (510);
- n. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- o. Foster family homes;
- p. Government and public agencies (530);
- q. Lodging (300);
- r. Mixed residential and commercial/office developments involving permitted or administrative uses on the ground floor and from three to nine dwellings above the first floor;
- s. Motor vehicle dealers and supplies (260);

ORDINANCE NO.

- t. Three to nine multifamily units subject to the minimum (net) land area per dwelling unit of the R-M District (830);
- u. Off-site public/private parking facilities, five or more spaces (930);
- v. Recycling collection facilities;
- w. Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- x. Temporary structures and uses;
- y. Thrift stores (290m);
- z. Undeveloped parks and open space (700);
- aa. Utilities and resources (540);
- bb. Veterinarians (410A).
- cc. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- b. Community care facilities;
- c. Large family daycare.
- d. Contractor/building (310E);
- e. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- f. Fabricated metal products (manufacturing) (150);
- g. Fabricated wire products (manufacturing) (155A);
- h. Food and beverage preparation (manufacturing) (100);
- i. Furniture and fixtures (manufacturing) (120);
- j. Hospitals (520);
- k. Laboratory research experimentation, testing, software development;
- l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- m. Local/interurban passenger transit (bus, cab) (560B);
- n. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- o. Mixed residential and commercial/office developments, with ten or more dwellings. Either above commercial uses or units on the same lot (840);
- p. Ten or more residential units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- q. Mortuaries (310I);
- r. Motion picture production (manufacturing) (155E);
- s. Nightclubs (amplified live entertainment) subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- t. Rental services (360);
- u. Single-room occupancy (SRO) housing sixteen units or more (860);
- v. Solar equipment (manufacturing) (155C);

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200);
- (a) Bakery,
- (b) Confectionery,
- (c) Dairy,
- (d) Health foods;
- aa. Wholesale trade (durable goods) (210);
- (a) Paper products and related (210E),
- (b) Special equipment (machine supply) (210F).
- bb. Medical marijuana provider association dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Section 24.12.1300.

Section 7. Chapter 24.10.930 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.930 Use Permit Requirement.

1. The following uses are subject to approval of an administrative use permit and a design permit:

- a. Ambulance service.
- b. Automatic car wash.
- c. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.
- d. Large family daycare homes.
- e. Garages for the repair of automobiles, trucks and other heavy equipment, subject to performance standards as set forth in this title for principal permitted uses in the I-G District.
- f. Multiple dwellings and dwelling groups, nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District.
- g. Recycling collection facilities.
- h. Souvenir and gift shops.
- i. Single-family dwellings.
- j. Small community care residential facilities.
- k. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.
- l. Temporary structures and uses.
- m. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.
- n. Two-family dwellings.
- o. Veterinary hospitals and clinics.
- p. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
- ~~p-q.~~ Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

2. The following uses are subject to approval of a special use permit and a design permit:

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- a. Administrative, executive, and financial offices.
- b. Any use employing live amplified entertainment, subject to alcohol regulations in Part 12 of Chapter 24.12.
- c. Business and technical schools; schools and studios for arts and crafts, photography, music and dance.
- d. Cemeteries, crematories, mausoleums, columbariums.
- e. Commercial fishing and fish marketing facilities, and retailing and jobbing of fish only when conducted wholly within a building, or upon a wharf.
- f. Commercial recreation facilities such as bowling alleys, billiard parlors, skating rinks, and video games.
- g. Community care facilities.
- h. Community care residential facilities.
- i. Drive-in refreshment stands, eating places, or any other use involving a drive-in or drive-through function, subject to performance standards established in Section 24.14.290 herein.
- j. Fast-food restaurants, subject to alcohol regulations in Part 12 of Chapter 24.12.
- k. Mortuaries.
- l. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12.
- m. Multiple dwellings and dwelling groups, ten units or more, subject to the minimum land area (net) per dwelling unit of the R-M District.
- n. Printing and publishing or lithographic shops and plants.
- o. Public and private commercial parking of more than five spaces.
- p. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs, subject to alcohol regulations in Part 12 of Chapter 24.12.
- q. Public and quasi-public buildings and uses, including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses, subject to alcohol regulations in Part 12 of Chapter 24.12.
- r. Service stations, subject to alcohol regulations in Part 12 of Chapter 24.12.
- s. Social halls, lodges, fraternal organizations, and clubs, except, those operated for a profit.
- t. Medical marijuana provider association dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Section 24.12.1300.

Section 8. Chapter 24.10.1030 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1030 Use Permit Requirement.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- b. Acting/art/music/dance studios and schools (610);
- c. Apparel and accessory stores (250);
- d. Auto supply stores (260C);
- e. Churches (500);
- f. Community organizations, associations, clubs and meeting halls (570);
- g. Educational facilities (public/private) (510);
- h. Family daycare homes and foster family homes;
- i. General retail merchandise (drug and department stores) (230);
- j. Government and public agencies (530);
- k. Home furnishings (270);
- l. Three to nine multiple-family units when located above first floor commercial uses, subject to the minimum land area per dwelling unit of the R-L District (830);
- m. Parks and open spaces (700);
- n. Preschools/childcare (twelve or fewer) (510A);
- o. Recycling collection facilities;
- p. Repair, alteration, maintenance services for household items (except boat repairs) (340);
- q. Small community care residential facilities;
- r. Specialty retail supply stores (290);
- s. Temporary structures and uses;
- t. Veterinarians (410A);
- u. Video rental (650).
- v. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Auto services and repair, subject to performance standards in Section 24.12.900 (350);
- b. Bars, subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- c. Brewpubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Community care facilities;
- e. Community care residential facilities;
- f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- g. Fast-food restaurants or drive-in eating facilities, subject to performance standards in Section 24.14.290 and subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- h. Large family daycare facilities;
- i. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- j. Two or more stand-alone multiple-family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);
- k. Ten+ multiple-residential units when located either in the same lot or above first floor commercial development, subject to the minimum land area (net) per dwelling unit of the R-L District (840);

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

- l. Off-site public/private parking facilities, five or more spaces (930);
- m. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- n. Storage and warehouses with permitted retail (330).

Section 9. Chapter 24.10.1130 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1130 Use Permit Requirement.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- b. Community organizations, associations, clubs and meeting halls (570);
- c. Convenience store, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- d. Churches (500);
- e. Educational facilities (public/private) (510);
- f. Financial services (320);
- g. Fish/seafood/wholesale (200F);
- h. Government and public agencies (530);
- i. Home furnishings (270B);
- j. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- k. Mixed residential and commercial development involving permitted or administrative uses on the ground floor and from three to nine dwellings above the first floor, subject to the minimum land area (net) per dwelling unit of the R-M District (830);
 - l. Multifamily, three to nine units, subject to the minimum land area (net) per dwelling unit of the R-M District (830);
 - m. Parks and open spaces (700);
 - n. Repairs, alterations, maintenance services for household items (340);
 - o. Temporary structures and uses;
 - p. Thrift stores (290m);
 - q. Professional offices associated with a visitor-serving use.
 - r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Bars/taverns, subject to alcohol regulations in Part 12 of Chapter 24.12;
- b. Large family daycare facilities;

ORDINANCE NO.

- c. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290 and subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- d. Group quarters (850);
- e. Mixed residential and commercial developments with ten or more dwellings, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- f. Multifamily, ten+ units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- g. Nightclubs/dance halls (live amplified music), subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- h. Off-site public/private parking facilities, five or more spaces (930);
- i. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

Section 10. Chapter 24.10.1230 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1230 Use Permit Requirement.

1. The following uses are subject to approval of an administrative use permit and a design permit. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- b. Acting/art/music/dance studios and schools (610);
- c. Churches (500);
- d. Communication and information services (550);
- e. Community organizations, associations, clubs and meeting halls (570);
- f. Duplexes (820);
- g. Educational facilities (public/private) (510);
- h. Large family daycare homes and foster family homes;
- i. Government and public agencies (530);
- j. Mobilehomes (870);
- k. Multiple-family, two to nine units, subject to minimum land area requirements of R-M District (830);
- l. Off-site public/private parking facilities, five or more spaces (930);
- m. Single-family residences if lot area cannot accommodate multifamily (810);
- n. Veterinarians (410A).
- o. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses are subject to approval of a special use permit and a design permit. (Numerical references at the end of these categories reflect the general use classifications

ORDINANCE NO.

listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Community care facilities;
- b. Community care residential facilities;
- c. Hospitals (520);
- d. Mortuaries (310I);
- e. Multiple-family, ten+ units and over, subject to minimum land area requirements of the R-M District (830);
- f. Emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m. (410B).

Section 11. Chapter 24.10.1310 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1310 Use Permit Requirement.

The following uses are subject to approval of an administrative use permit and a design permit:

1. Commercial fish receiving facilities.
2. Construction or alteration of landscaped and parking areas.
3. Construction or alteration of harbor facilities, including boat docks, restrooms, trash enclosures, walkways, lighting, observation decks.
4. Dry boat storage and launching facilities.
5. Hoist machinery.
6. Hotels, motels, boatels.
7. Marine or visitor retail services, commercial uses and eating and drinking establishments.
8. New construction or remodeling of existing structures.
9. Sport fishing facilities.
10. Public or quasi-public buildings of recreational, educational, cultural or public utility service nature.
11. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

Section 12. Chapter 24.10.1510 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1510 Use Permit Requirement.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Boat repairs (340D);
- d. Churches (500);
- e. Communication and information services (550);

STC-MAJ-2-04

ORDINANCE NO.

- f. Community organizations, associations, clubs and meeting halls (570);
- g. Eating and drinking establishments, subject to alcohol regulations in Part 12 of Chapter 24.12 (280);
- h. Educational facilities (public/private) (510);
- i. Fabricated metal products (150);
- j. Food and beverage stores (except liquor and convenience stores) (240);
- k. Forestry services (010);
- l. Government and public agencies (530);
- m. Leather tanning (110);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- p. Parks (700);
- q. Stone, clay, glass products (140);
- r. Temporary structures;
- s. Transportation facilities (560);
- t. Utilities and resources (540).
- u. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Building material/garden supply stores (220) with 40,000 square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which 50% or more of the square footage will occupy an existing building, this threshold will be 75,000 square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds 400,000 square feet. When the vacant, available square footage is less than 400,000 square feet, the 40,000 square foot threshold will apply.
- b. Chemicals and allied products, subject to performance standards (130);
- c. Large family daycare;
- d. Group quarters (850);
- e. All multifamily dwellings subject to R-M district regulations (840);
- f. Nightclubs/music halls (amplified live music), subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- g. Paper and allied products subject to performance standards (125);
- h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- i. Primary metals and material subject to performance standards (145);
- j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- k. Single room occupancy (SRO) housing (860) under the following conditions:

ORDINANCE NO.

- (1) The site is located within one-quarter mile, (1,320 feet), of a grocery store.
- (2) The lot size is less than 6,000 square feet.
- (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540.2, and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the non-residential use is either at a minimum equal to the SRO or residential use or the non-residential use occupies the entire ground floor of the development.
- (4) Ambient interior noise levels can be mitigated below 45 decibels.
- (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use.

Section 13. Chapter 24.10.1745 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1745 Use Permit Requirement.

1. The following use is subject to approval of an administrative use permit and a design permit, and limited to those areas of Delaveaga Park not designated as Natural Areas as defined and shown in the General Plan.

a. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

~~1.2.~~ The following uses are subject to approval of a special use permit and a design permit, unless exempted by state or federal law. The intent of this section is to require a special use permit or an approved Park Master Plan at the inception of a use, to establish use and design parameters within the specified park. Depending on the level of detail of the initial use permit or Park Master Plan, subsequent review of components of the use may be limited to design review. Conditions of approval of the special use permit may specify how subsequent projects will be reviewed:

- a. Public parks and recreational facilities;
- b. Government and public facilities.

Section 14. Chapter 24.10.1770 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1770 Use Permit Requirement.

1. The following use is subject to approval of an administrative use permit and a design permit, unless exempted by state or federal law:

a. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

~~1.2.~~ The following uses are subject to approval of a special use permit and a design permit, unless exempted by state or federal law. The intent of this section is to require a special use permit at the inception of a use, or establish use and design parameters. Depending on the level of detail of the initial use permit, subsequent review of components of the use may be

STC-MAJ-2-04

Exhibit 3

ORDINANCE NO.

limited to design review. Conditions of approval of the special use permit may specify how subsequent projects will be reviewed.

- a. Arts galleries and museums on public property;
- b. Cemeteries;
- c. Government facilities; local, state and federal;
- d. Hospitals;
- e. Libraries;
- f. Schools, public;
- g. Public utility;
- h. Recreational facilities, publicly owned.

Section 15. Chapter 24.10.2370 of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.2370 Use permit requirement.

1. The following uses are subject to approval of an Administrative Use Permit in the Lower Pacific Avenue Subdistrict and possibly other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's Land Use Codes. Further refinement of uses within these categories can be found in the Land Use Codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Auto supply stores (260C);
- b. Bakery, micro-brewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales, if floor area is less than 7,000 square feet and retail sale or service area occupies at least 30% of the floor area:
 - c. Brew pubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
 - d. Churches (500);
 - e. Communication and information services (550);
 - f. Community organizations, associations, clubs, and meeting halls (570);
 - g. Developed parks (710);
 - h. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.14.290 and subject to alcohol regulations in Part 12 of Chapter 24.12 and Section 24.14.290 (280H);
- ~~g.~~ i. Financial, insurance, real estate offices (420);
- ~~f.~~ j. Financial services (320);
- ~~i.~~ k. Foster family homes;
- ~~j.~~ l. Government and public agencies (530);
- ~~s.~~ m. Medical/health offices (except veterinarians and ambulance services)(410);
- ~~k.~~ n. Off-site public/private parking facilities (930);
- ~~t.~~ o. Professional offices (400);
- ~~u.~~ p. Professional/personal services (except contractors yards and mortuaries)(310).
- ~~t.~~ q. Recycling collection facilities;
- ~~m.~~ r. Sports, recreation and entertainment facilities subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~n.~~ s. Temporary structures and uses;

STC-MAJ-2-04

ORDINANCE NO.

- ~~e. t.~~ Utilities and resources (540);
- ~~p. u.~~ Veterinarians (410A);
- v. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses are subject to approval of a Special Use Permit and Design Permit in the Lower Pacific Avenue Subdistrict and possibly other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's Land Use Codes. Further refinement of uses within these categories can be found in the Land Use Codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Bar and cocktail lounges, subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- b. Community care facilities;
- c. Community care residential facilities;
- d. Contractor/building (310E);
- e. Convenience/liquor stores, subject to alcohol regulations of Part 12 of Chapter 24.12 (240B);
- f. Night clubs (amplified live entertainment), subject to alcohol regulations of Part 12 of Chapter 24.12 (630);
- g. Single-room occupancy (SRO) (860);
- h. General retail merchandise (drug and department stores) exceeding 16,000 square feet (230).

Section 16. Chapter 24.10.2301 of the Santa Cruz Municipal Code amending Chapter 4 of the Downtown Recovery Plan as follows:

Development Standards and Guidelines and
Design Standards and Guidelines 4

A. Land Uses

1. Prohibited Uses

The uses described in subsection (a) below, are deemed inconsistent with the goals, policies and objectives of the Downtown Recovery Plan and are, therefore, prohibited within the Downtown Recovery Plan (DRP) portion of the Central Business District as either a stand-alone use or an accessory or temporary use. Such uses that lawfully existed within the DRP area prior to the adoption of this provision are deemed non-conforming and may continue only at the same location at the same intensity or less for a period of no more than 20 years from the effective date of this Zoning Ordinance amendment (October 10, 2000), after which time the use shall be completely removed or converted to a conforming use. The uses described in subsection (b) below shall be deemed a public nuisance and shall be immediately abated according to the provisions of the Zoning Ordinance or other applicable City Codes or Ordinances.

Uses that are prohibited within any of the Downtown Recovery Plan subdistricts.

(a) Uses not permitted include, but are not limited to, the following:
Tattoo parlors; rent, sales or service of automobiles, trucks, recreational vehicles, motorcycles or trailers; sale of firearms; general advertising signs; sale of alcoholic beverages for off-site

STC-MAJ-2-04

ORDINANCE NO.

consumption requiring ABC liquor license Numbers 20 or 21 (liquor stores); drive-up facility; or drive-through facility.

(b) Nuisance Activities. No use, even though listed as a permitted use or otherwise allowed, shall be permitted which, by reason of its nature or manner of operation, is deemed by the Zoning Administrator to be creating a condition that is hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinder, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise. Such use shall be subject to violation abatement procedures, which may result in revocation of the use permit.

2. Accessory Uses

Accessory uses, as defined in Section 24.22.013 of the Zoning Ordinance, shall be limited to the use of no more than one quarter (1/4) of the total floor area occupied by the permitted use.

3. Temporary Uses

Temporary uses, as defined in Section 24.22.879 of the Zoning Ordinance, shall be limited to the following activities and standards:

(a) The following activities if they are sponsored by a government entity or an organized group of businesses, property owners or residents of the CBD:

(i) Neighborhood, District or Citywide-oriented carnival, circus, street fair, exhibition, celebration or festival;

(ii) booth for educational, charitable, patriotic or welfare purposes;

(iii) open air sale of agricultural products, including seasonal decorations;

(iv) open air sporting event;

(v) arts or crafts sale or artistic performance event; or

(vi) surface parking open to the public.

(b) The following activities if they secure the proper permits, if applicable, from City agencies: Parades, civic events, and advertised citizen gatherings.

4. Conditionally Permitted Uses

The use described below is permitted in all districts within the Downtown Recovery Plan (DRP) portion of the Central Business District with an administrative use permit and a design permit.

(a) Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

The remainder of the Downtown Recovery Plan remains the same.

Section 17. Chapter 24.12.150 of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.150 Height Limits Modifications.

1. The height limitations specified in this title shall not apply to the following uses:
 - a. Church spires, belfries, domes;
 - b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;
 - c. Buildings and structures intended for agricultural purposes;
 - d. Fire walls, not extending more than four feet above the height of the building;

ORDINANCE NO.

e. Cupolas, scenery lofts, or other roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building.

2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit.

a. Smokestacks, monuments, flagpoles;

b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;

c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;

d. Wireless telecommunications facilities;

~~d.e.~~ Places of public assembly such as churches, schools, and other permitted public and semipublic buildings, the principal activities of which are conducted on the ground floor of such buildings, provided that for each foot by which the height of such buildings exceed the maximum height permitted, the depth or width of the required side and rear yards shall be increased by one foot.

Section 18. For areas outside of the Coastal Zone, this Ordinance shall take effect and be in force thirty (30) days after final adoption. For areas inside of the Coastal Zone, this Ordinance shall take effect and be in force upon certification of this Ordinance by the California Coastal Commission.

PASSED FOR PUBLICATION this ___ day of September, 2004, by the following vo* .

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

PASSED FOR FINAL ADOPTION this ___ day of September, 2004, by the following vote:

AYES: Councilmembers:

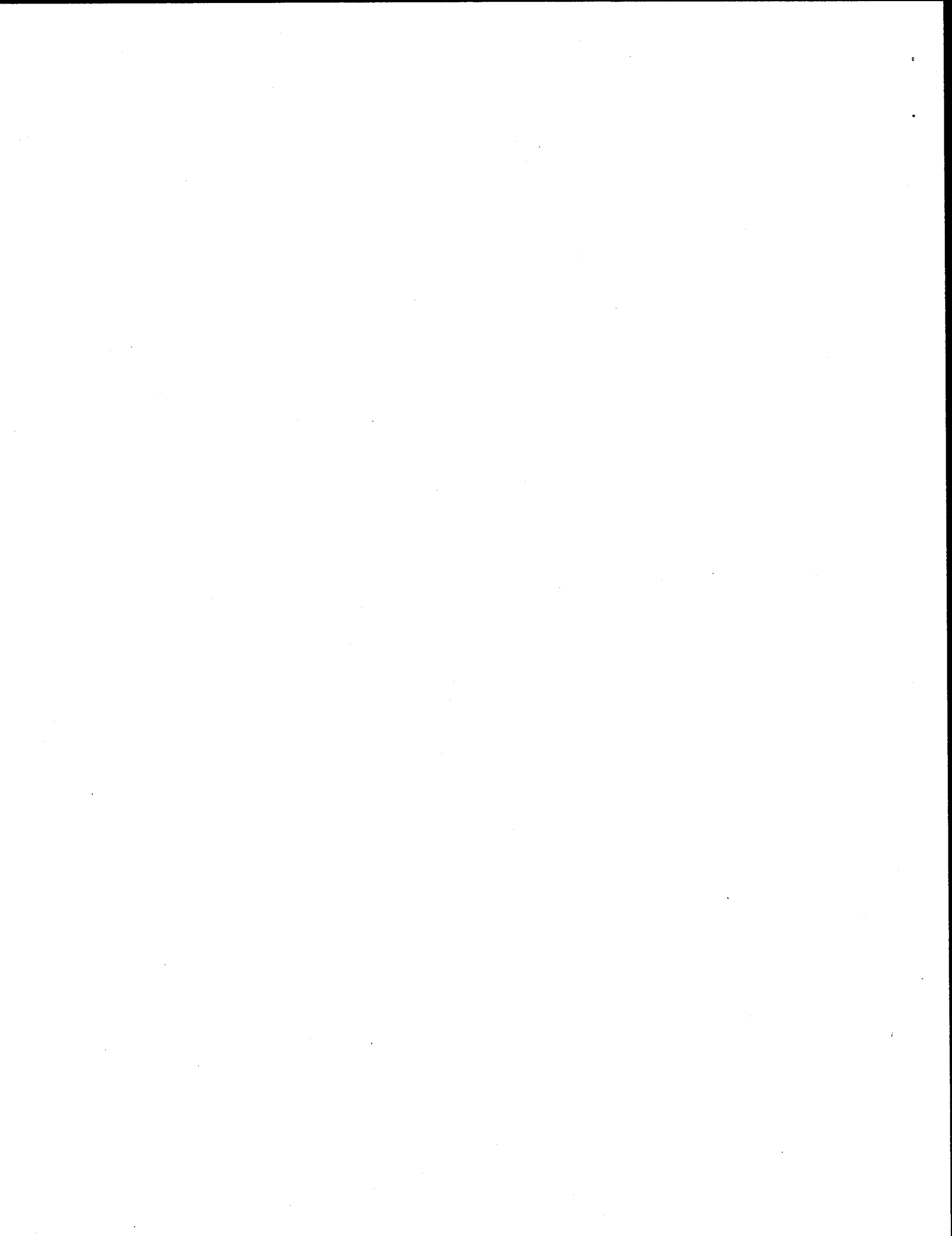
NOES: Councilmembers:

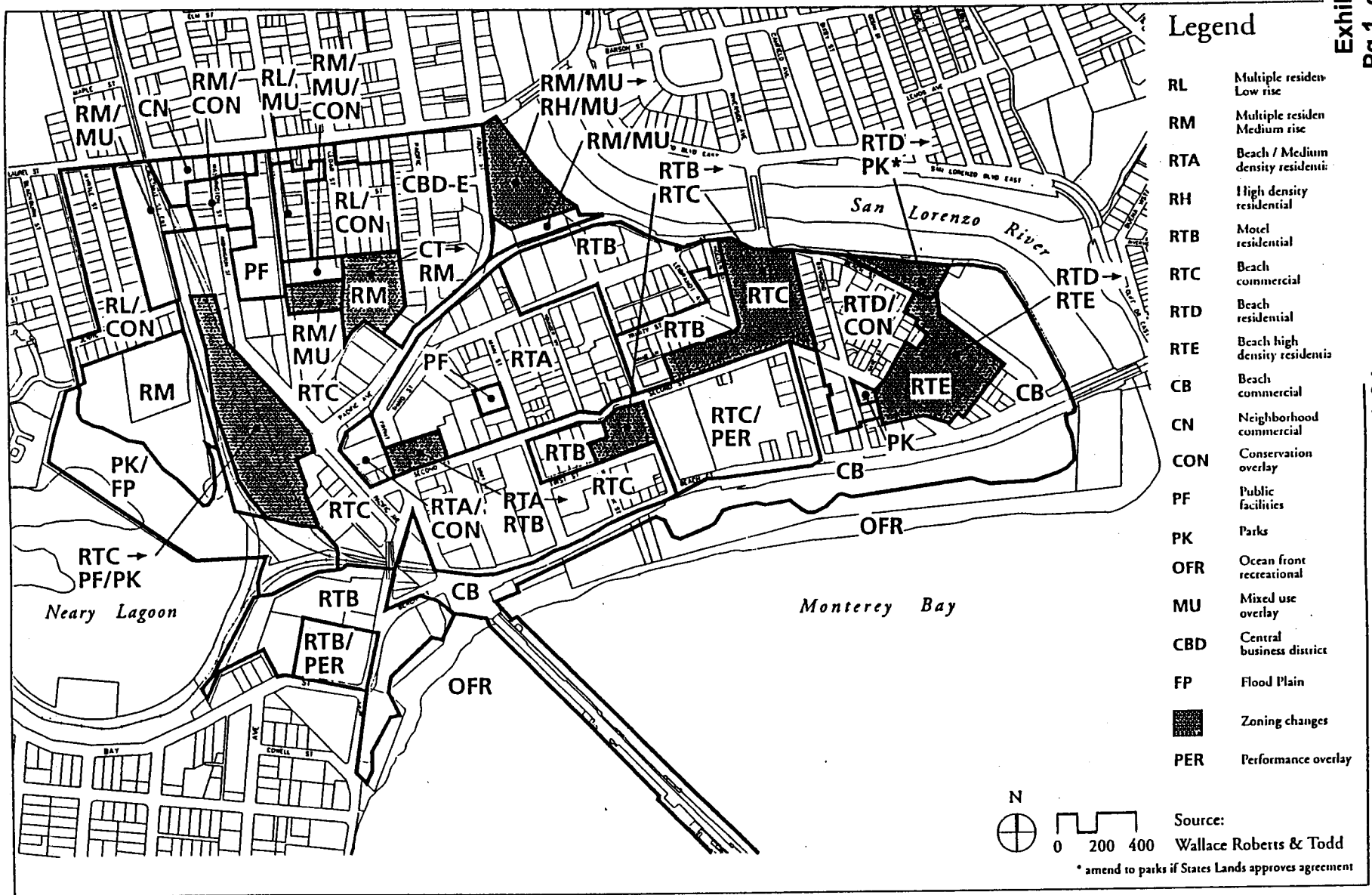
ABSENT: Councilmembers:

DISQUALIFIED: Councilmembers:

STC-MAJ-2-04

Exhibit 3

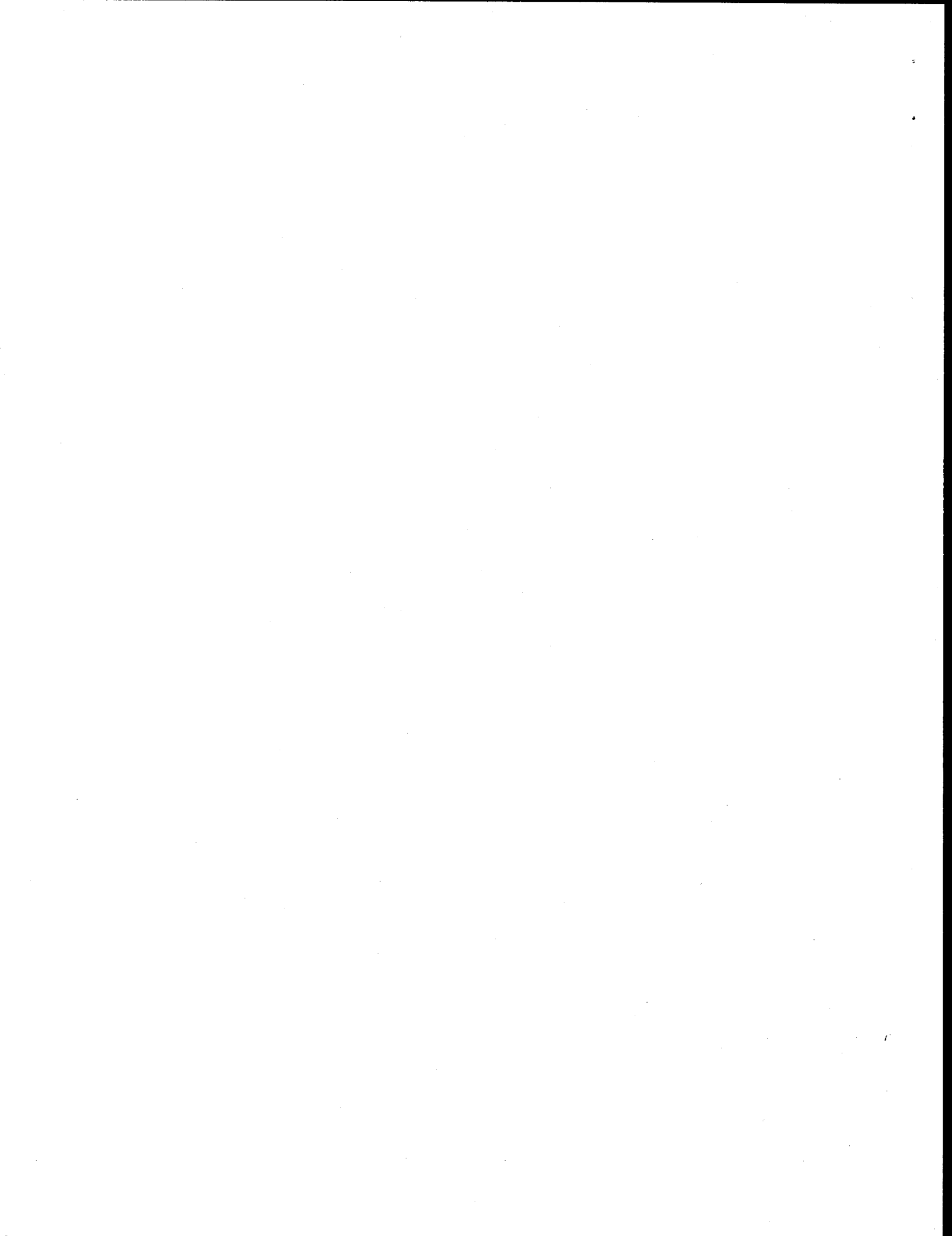




City of Santa Cruz - Beach / South of Laurel Area Plan

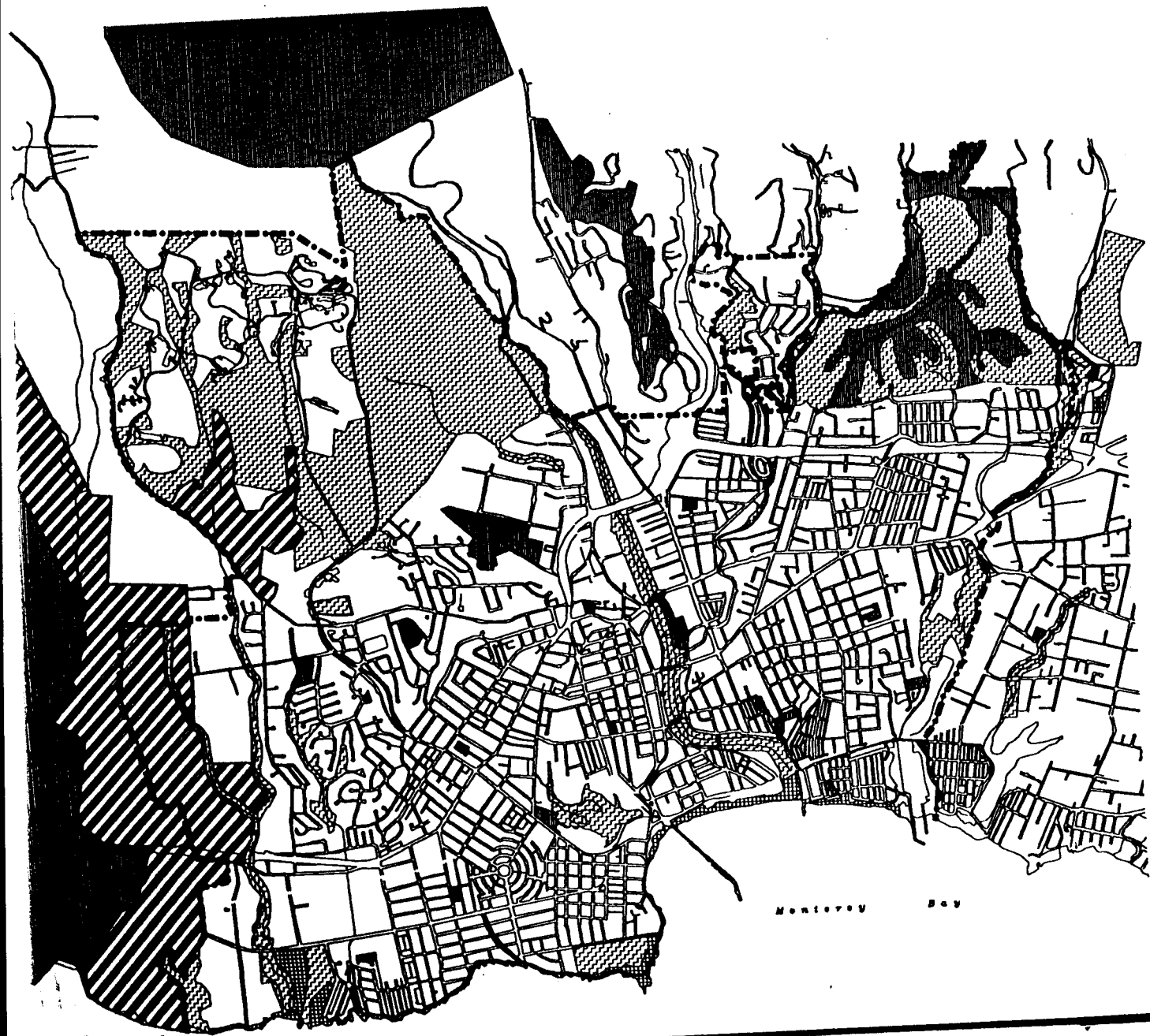
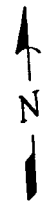
Zoning Changes
ATTACHMENT 1

(RTD → RTE and RTD/CON were certified in 2015-1-01 (Part A))








MAP L-6: LANDS DESIGNATED AS OPEN SPACE
The City of Santa Cruz, California

EXHIBIT NO. 5
APPLICATION NO.
STC-MAS-2-04
pg 1 of 1

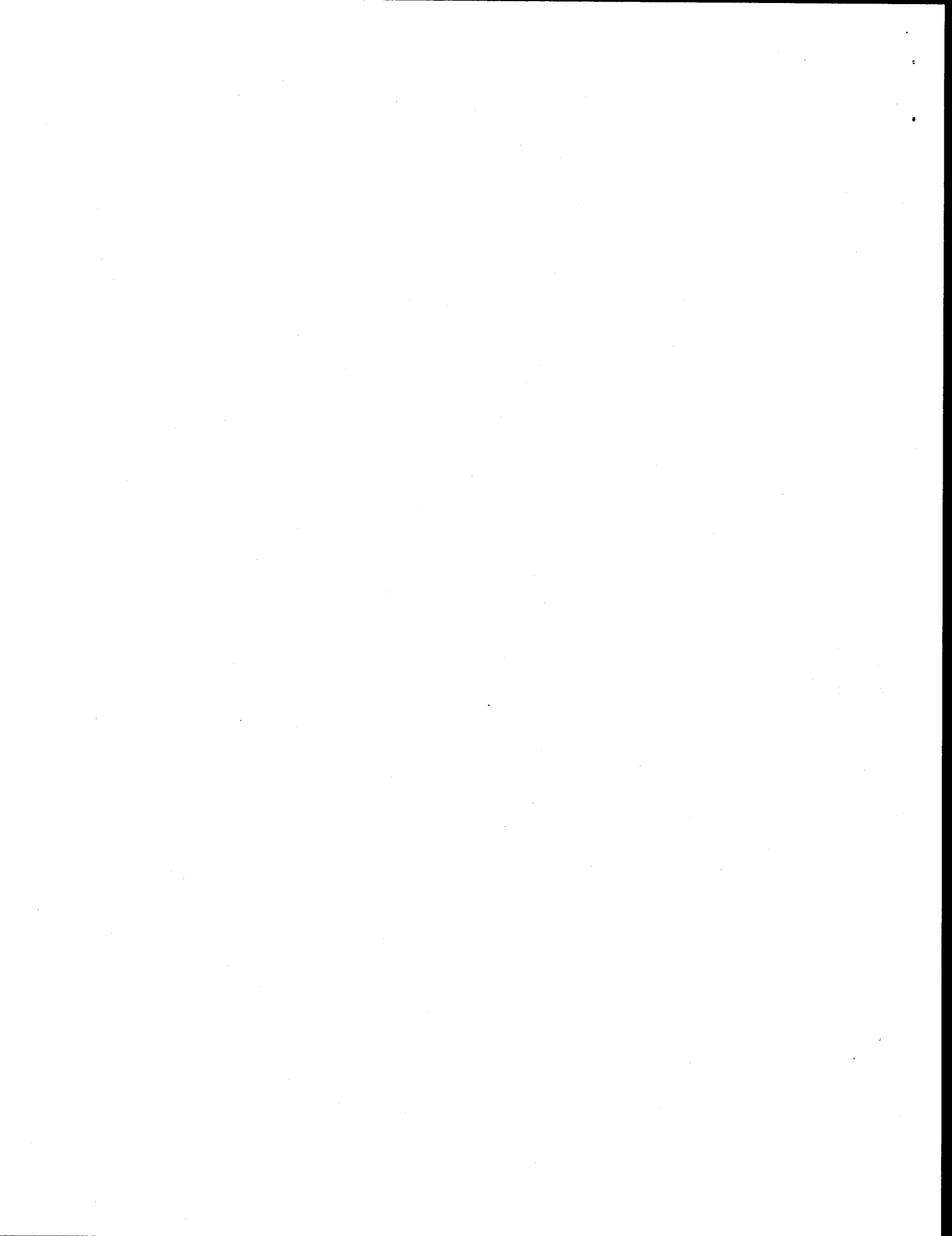


LEGEND

-  PARKS
-  AGRICULTURE/
GRAZING
-  COASTAL
RECREATION
-  NATURAL AREA
-  CITY LIMITS



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REVISED 3-23 91/8/1660



RESOLUTION NO. NS-26,674

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE APPLICATION NO. 04-064, A LOCAL COASTAL PLAN, DEMOLITION AUTHORIZATION, PLANNED DEVELOPMENT, AND DESIGN AND COASTAL PERMITS AND TENTATIVE SUBDIVISION MAP TO CREATE 26 LOTS ON AN EXISTING 3.49 ACRE SITE IN THE R-1-5 ZONE DISTRICT AND DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL COASTAL IMPLEMENTATION PLAN AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, the City Council adopted the Santa Cruz General Plan and Local Coastal Program (LCP) on October 27, 1992 (Resolution No. NS-20,749); and

WHEREAS, the applicant applied for a Local Coastal Plan and Zoning Map Amendment, Demolition Authorization, Planned Development, Design Permit, Coastal Permit and a Tentative Map for a 26 lot subdivision on a 3.49 acre site in the R-1-5 zone district; and

WHEREAS, an Initial Study and Mitigated Negative Declaration has been prepared for the project consistent with the California Environmental Quality Act; and

WHEREAS, Chapter 24.10 Part 4 is also part of the City's Local Coastal Implementation Plan; and

WHEREAS, the Local Coastal Implementation Plan amendment is consistent with the provisions of the California Coastal Act; and

WHEREAS, the Planning Commission conducted a public hearing on July 1, 2004 and recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on July 27, 2004 to consider the amendment: and

WHEREAS, the City Council now makes the following findings:

With Respect to the Mitigated Negative Declaration:

The City Council has considered the Mitigated Negative Declaration together with comments received during the public review process and responses and supporting documentation provided and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.

With Respect to the Local Coastal Plan Amendment, General Plan Table I-3:

The Local Coastal Plan (LCP) amendment would serve the public interest by facilitating infill development on a site served by public water, sewer and transit services. The rezone will allow for a higher number of potential housing units at the site as well as an increase in affordable units. (#1)

Exhibit 6

STC-MAJ-2-04

page 1

RESOLUTION NO. NS-26,674

The proposed amendment promotes several key tenets of the General Plan including infill development and optimal use of vacant land while respecting the environmental goals of the General Plan. The project includes an increase riparian setback and development of a habitat restoration and maintenance plan for the existing degraded riparian habitat on site. The drainage plan meets the intentions of the Moore Creek Access and Management Plan in terms of water quality in that maintaining predevelopment runoff rates, directing storm-water runoff after being cleansed to Moore Creek and the use of energy dissipation to reduce sedimentation are all programs of the management plan and part of the design of this project. (#2)

An Initial Study prepared in accordance with CEQA assessed the proposed project and determined that no potential impacts would result from the project and that the project would not be detrimental to the public health, safety, or welfare. (#3, #4)

With respect to the Demolition or Conversion of Single-Family Residence or Duplex Units, Section 24.08.1330:

- 1. The building is not subject to the provisions of Part 11 (regarding Historic Demolition Permits) of this chapter, or that the demolition or conversion has been approved pursuant to the procedures set forth in Part 11.**

The existing house is not listed on the City, State or Federal Register as a historical resource. The structure was analyzed for potential historical significance by the City's historic consultant. The evaluation dated September 18, 2001 concluded that the demolition is exempt from CEQA in terms of historical resources.

- 2. The project which will replace the demolished unit has been approved by the city, and an appropriate building permit will be issued.**

The applicant will submit building plans for a replacement house prior to issuance of the demolition permit.

- 3. The building is not in the coastal zone, or, if it is in the coastal zone, is being replaced by a residential use or a nonresidential coastal-dependent use as defined by Section 30101 of the Public Resources Code.**

The single-family dwelling is located within the Coastal Zone and will be replaced by a single-family dwelling.

- 4. Relocation assistance has been provided to eligible tenants consistent with Section 24.08.1350.**

The applicant will be conditioned to meet Section 24.08.1350 at the time of building demolition permit issuance.

Exhibit 6

STC-MAJ-2-04

RESOLUTION NO. NS-26,674

- 5. The building which is in the coastal zone and is being replaced by a nonresidential use which is not coastal-dependent as defined in Section 30101 of the Public Resources Code, is located where residential use is no longer feasible, but will not be issued a demolition permit or building permit in connection with the conversion until the applicant has entered into an agreement to provide relocation assistance and replacement housing or in-lieu fees consistent with Sections 24.08.1350 and the applicable portions of Sections 24.08.1360 and 24.08.1370 of this chapter.**

The project is located within the Coastal Zone; however, it is a residential unit being replaced by a residential unit.

With Respect to the Planned Development, Section 24.08.770:

- 6. Is consistent with the General Plan, the Local Coastal Land Use Plan, and adopted area plans.**

The project is consistent with the General Plan and Local Coastal Plan (LCP) in that the project is an infill site served by public water, sewer and transit services and at 26 units, this project will have a density of 7.8 dwelling units per acre which corresponds to the General Plan Designation of Low Density. The proposed development promotes several key tenets of the General Plan including infill development and optimal use of vacant land while respecting the environmental goals of the General Plan. The project includes an increase riparian setback and development of a habitat restoration and maintenance plan for the existing degraded riparian habitat on site. The drainage plan meets the intentions of the Moore Creek Access and Management Plan in terms of water quality in that maintaining predevelopment runoff rates, directing storm-water runoff after being cleansed to Moore Creek and the use of energy dissipation to reduce sedimentation are all programs of the management plan and part of the design of this project.

- 7. Is consistent with the purpose of this chapter and other applicable sections of this title.**

The Planned Development is consistent with the purpose of Chapter 24.08.700, "Planned Development Permit", in that the subject property meets the minimum parcel size of 20,000 and is constrained by 30 percent slopes and riparian setbacks so that it could not be developed to its highest density under the conventional zoning regulations. The project will create 26 homes in a desirable neighborhood format. Three, four-bedroom inclusionary units are proposed to be built by the developer as a part of this development.

- 8. Includes planned variations to underlying district regulations, which serve public purposes to an equivalent or higher degree than would underlying district regulations.**

The requested variations to district regulations such as setbacks, lot area, street standards and fencing are required in order to develop the property to the highest and best use and to meet a higher density within the range allowed by the existing General Plan designation and the proposed Zoning Ordinance designation. The design will provide a compact development with **Exhibit 6**

RESOLUTION NO. NS-26,674

home sizes that range from 1,278 to 2,107 square feet on lots that range from 1,998 to 9,830 square feet.

9. Can be coordinated with existing and proposed development of surrounding areas.

The proposed development will be compatible with the existing development pattern of the surrounding residential development in that the site plan design includes an 18 to 22 foot setback from High Street and includes berms, fencing and landscape treatments to screen views of the development from High Street. The project site is located within an area mapped as an "imaginable path and entrance" along High Street (General Plan Map CD-7). Imaginable paths and entrances are defined in the General Plan as "heavily-traveled and/or scenic corridors transporting residents and visitors through the area," in which scenic qualities should be maintained and/or enhanced. General Plan policies seek to enhance the aesthetics of adjacent streetscapes in these areas through under-grounding utilities, parking setbacks and landscaping, all of which are provided by the proposed project. The project will result in construction of residential units which will introduce a more suburban appearance to an area that is located at the transition between developed City limits and adjacent open space lands. Existing tree cover along Moore Creek will continue to serve as a visual backdrop for the project property, and the development would not be inconsistent with the size and styles of other single-family residences found in the vicinity. Although the homes will be located at the edge of an urban/rural transition area, the City's General Plan identifies the site as being suitable for residential infill and also indicates that the east branch of Moore Creek is the City's urban development boundary.

10. Overall, the amenity level of the development and the amount of open space shall be greater than what would have been permitted by the underlying district regulations.

An open space area on lot 22, approximately 1,000 square feet in size incorporates a curved walk way and low stone sitting wall. This area will serve as the bio-swale drainage collection area and will incorporate ornamental rock features, extensive landscaping and appropriate riparian vegetation. Water will move from there into a 1,800 square foot bio-swale retention area on lot nine. This area has also been designed as an ornamental feature including a wooden bridge that crosses a dry stream bed style channel that leads to the storm water retention basin. The basin will allow sediments to settle out of the water before being discharged into Moore Creek at predevelopment rates. The settlement basin includes an extensive riparian planting plan including willow and red alder tree species. The 100 foot riparian setback areas will be retained as open space for perpetuity. The project provides a compact housing type on smaller lots all of which have rear yards. This project offers much needed ownership opportunities in the City. With the variations requested, the design affords the appropriate density and improved open space that would not have been permitted by the underlying district regulations.

With Respect to the Design Permit, Section 24.08.430:

- 11. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

The project is consistent with the General Plan and Local Coastal Plan (LCP) in that the project is an infill site served by public water, sewer and transit services and at 26 units, this project will have a density of 7.8 dwelling units per acre which corresponds to the General Plan Designation of Low Density. The proposed development promotes several key tenets of the General Plan including infill development and optimal use of vacant land while respecting the environmental goals of the General Plan. The project includes an increase riparian setback and development of a habitat restoration and maintenance plan for the existing degraded riparian habitat on site. The drainage plan meets the intentions of the Moore Creek Access and Management Plan in terms of water quality in that maintaining predevelopment runoff rates, directing storm-water runoff after being cleansed to Moore Creek and the use of energy dissipation to reduce sedimentation are all programs of the management plan and part of the design of this project.

- 12. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The proposed development will be compatible with existing development pattern of the surrounding residential development in that the site plan design includes an 18 to 22 foot setback from High Street with extensive landscaping and berms to screen views from the road. Although the project is located adjacent to a heavily-traveled High Street corridor, the design of the project will enhance the streetscape through under-grounding utilities, parking and building setbacks vegetated berms and landscaping all of which are provided in the design of the proposed project. The project will result in construction of residential units which will introduce a more suburban appearance to an area that is located at the transition between developed City limits and adjacent open space lands. Existing tree cover along Moore Creek will continue to serve as a visual backdrop for the project property, and the development would not be inconsistent with the size and styles of other single-family residences found in the vicinity. Although the homes will be located at the edge of an urban/rural transition area, the City's General Plan identifies the site as being suitable for residential infill and also indicates that the east branch of Moore Creek is the City's urban development boundary.

- 13. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components that are harmonious, materials and colors that blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, Exhibit 6**

RESOLUTION NO. NS-26,674

storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.

The design of the site maintains a balance of scale, form and proportion appropriate to the site and its surrounding environs. The proposed homes include detailed second stories, smaller than the first floor and which are inset from some first floor walls. The location of the structures does not impede any public views and the site plan provides adequate accessibility. The building materials proposed are compatible with and will complement structures in the surrounding areas.

- 14. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The site abuts riparian areas but maintains a 130 foot setback from the center line of Moore Creek. The development has been designed to protect and enhance the riparian area.

- 15. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

The proposed development maintains a 130 foot setback from the center line of Moore Creek. A landscape plan includes 83 trees including red alder, birch, jacaranda, spruce, locust, western redbud, crepe myrtle, and willows with 24 trees of the trees being located along the High Street frontage. Three to four types of mass plantings of grasses and low shrubs will be spread out over the development as well as vertical accent plantings adjacent to each home. Four significant trees are located on proposed lot one. A 22 inch cedar tree is proposed to be removed to accommodate the new home. The remaining three trees will be protected and maintained. A 13 inch avocado tree adjacent to lot 23 is proposed to be removed to accommodate the loop road. The proposed project will not significantly block the sunlight of adjacent developments.

- 16. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

The project will not impact views along the ocean or public views of any scenic coastal areas. The project includes a 130 foot open space/riparian buffer adjacent to Moore Creek. The 100 foot riparian setback area will be restored and maintained in perpetuity as riparian woodland.

- 17. The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern**

Exhibit 6

RESOLUTION NO. NS-26,674

within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

The right-of-way cross section for the loop road accommodates a five foot sidewalk, a seven foot bio-swale, street parking, two travel lanes, street parking, a three foot planter strip and a four foot sidewalk. A left turn pocket will be designed to accommodate turns into the development from High Street, a bus turnout/shelter will be constructed, street lights, ADA compliant curb cuts and adequate off street parking facilities for all of the proposed homes have been incorporated into the design of the site.

18. **The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

The applicant will construct a bus turnout and shelter as part of this development. All of the proposed homes have garages that will have adequate storage area for bicycles.

19. **The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The site plan will provide private and common open space areas that will complement the homes and will be useful to the residents and visitors. An open space area on lot 22, approximately 1,000 square feet in size incorporates a curved walk way and low stone sitting wall. This area will serve as the bio-swale collection area and will incorporate ornamental rock features, extensive landscaping and appropriate riparian vegetation. Water will move under the road in a 12 inch storm drain and into a 1,800 square foot bio-swale retention area on lot nine. This area has also been designed as an ornamental feature including a wooden bridge that crosses a dry stream bed style channel that leads to the storm water retention basin. The settlement basin includes an extensive riparian planting plan including willow and red alder tree species. The applicant will restore and enhance the existing degraded riparian habitat within 100 feet from the centerline of Moore Creek as part of this project.

The proposed landscape plan incorporates 83 trees including red alder, birch, jacaranda, spruce, locust, western redbud, crepe myrtle, and willows with 24 trees of the trees being located along the High Street frontage. Three to four types of mass plantings of grasses and low shrubs will be spread out over the development as well as vertical accent plantings adjacent to each home. All of the proposed homes include a private rear yard.

Exhibit 6

RESOLUTION NO. NS-26,674

20. **The site plan shall reasonably protect against external and internal noise, vibration and other factors, which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The site plan is designed to protect against external and internal noise and vibration. Project designs include setbacks and berms to buffer road noise along High Street as well as Uniform Building Code requirements.

21. **Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

No permanent signs are proposed. Standard construction and sales signs are allowed.

22. **Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

The buildings will require the issuance of a building permit that meets the Uniform Building Code requirements relative to energy efficiency.

23. **The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

The Inspections section of the Planning and Community Development Department will ensure that the low-flow water fixtures will be installed in accordance with City Ordinance 90-17 through the building permit process. The Water Department will ensure that the final landscape plans are consistent with Chapter 16.16 of the Municipal Code (Water Efficient Landscaping) through the building permit process.

Design Permit Findings 14, 15, 16, and 17 do not apply as the project is not within an industrial zone and does not involve a hot tub or swimming pool.

With Respect to the Tentative Subdivision Map, Section 23.16.050:

24. **The proposed tentative map is consistent with the applicable general and specific plans.**

The tentative subdivision map, together with its design and improvements, is consistent with the General Plan in that the proposed number of units resulting from the subdivision is consistent with the density range established for the subject parcel.

RESOLUTION NO. NS-26,674

- 25. The design or improvements of the proposed subdivision are consistent with applicable general and specific plans.**

The design and improvements of the proposed subdivision are consistent with the policies of the General Plan, the Local Coastal Program and the Moore Creek Plan. The design of the subdivision meets the intentions of the Moore Creek Plan in terms of water quality and quantity as well as open space and habitat enhancements.

- 26. The site is physically suitable for the type of development proposed.**

The site is physically suitable for the type of development proposed in that a soils report, arborist report, biotic report, engineered drainage, grading, traffic plan as well as a Phase One Environmental Site Assessment were all completed without any indication that the site was not physically suitable for residential development. The site has a Residential General Plan and Zoning designation.

- 27. The site is physically suitable for the proposed density of development.**

The site is physically suited for the proposed density of development. A soils report, arborist report, biotic report, engineered drainage, grading, traffic plan as well as a Phase One Environmental Site Assessment were all completed without any indication that the site was not physically suitable for the proposed number of units. The proposed development is within the range of the General Plan designation of Low Density.

- 28. The design of the subdivision or proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

As conditioned, the design and improvements of the subdivision will not cause substantial environmental damage, or substantially injure fish, wildlife, or their habitats, or cause serious public health problems. A biotic report was completed for this site and an update letter has been provided to address this project. The report found no impacts to sensitive plant or wildlife species or communities from construction of the project. The recommendations of this report are incorporated into the Conditions of Approval.

- 29. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.**

Design of the subdivision and improvements will not cause serious public health problems in that the development will be served by City water and sewer and will fall under City Fire and Police service areas. In accordance with the State Subdivision Map Act and city's Subdivision Ordinance, the City Council shall impose the foregoing requirements, because it finds that such construction is necessary for reasons of public health and safety and/or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.

Exhibit 6

RESOLUTION NO. NS-26,674

- 30. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or the use of, property within the subdivision.**

The design of the subdivision will not conflict with public easements for access through or use of the property within the proposed subdivision since no such easements exist on the subject parcel. The applicant will be required to record an Open Space Easement to maintain the 100 foot setback area from the centerline of Moore Creek.

With respect to the Coastal Permit, Section 24.08.250:

- 31. Maintain views between the sea and the first public roadway parallel to the sea.**

The proposed Subdivision is located on the east side of the east branch of Moore Creek and south of Highview Drive. Development of the site will not block existing views between the sea and the first public roadway parallel to the sea.

- 32. Protect vegetation, natural habitats, and natural resources consistent with the Local Coastal Land Use Plan.**

A soils report has been submitted that analyzed grading, drainage and foundation design for the proposed development. All recommendations of this report are incorporated in the Conditions of Approval. An engineered drainage plan was submitted that analyzed the Subdivision in terms of the Moore Creek Corridor Access Plan. The recommendations of this report will also be incorporated in the Conditions of Approval. A biotic report was completed for the proposed project. That report found no impacts to sensitive plant or wildlife species or communities from construction of the project. The recommendations of this report are incorporated into the Conditions of Approval. An Arborist report has been submitted that has analyzed the existing trees on site. The recommendations of this report are incorporated into the attached conditions of approval.

- 33. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.**

The proposed Subdivision is consistent with the General Plan, the Western Drive Master Plan and the Moore Creek Corridor Access & Management Plan as incorporated into the Local Coastal Land Use Plan.

- 34. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.**

The project is not located on a site where public access is available to the coast; however, the applicant will be required to dedicate an open space easement extending on portions of the property 100 feet from the centerline of Moore Creek to conform to the Moore Creek Corridor Access Plan. The Open Space Easement shall be recorded prior to recordation of the map.

Exhibit 6

RESOLUTION NO. NS-26,674

35. **Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.**

The project site is not appropriate for the Local Coastal Land Use Plan goal of providing visitor-serving needs.

36. **Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.**

The project site is not appropriate for the Local Coastal Land Use Plan goal of encouraging coastal dependent uses.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the amendment to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.

BE IT FURTHER RESOLVED by the City Council of the City of Santa Cruz that it hereby adopts the Mitigated Negative Declaration attached hereto and made a part hereof as Exhibit "A," and approves the Local Coastal Plan Amendment, the Demolition Authorization, Planned Development, Design Permit, Coastal Permit and Tentative Map to allow for a 26-lot subdivision subject to the Conditions of Approval listed in Exhibit "B," attached hereto and made a part hereof.

PASSED AND ADOPTED this 27th day of July, 2004, by the following vote:

AYES: Vice Mayor Rotkin; Councilmembers Mathews, Porter, Fitzmaurice, Primack, Reilly; Mayor Kennedy.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____

Just Kennedy
Mayor

ATTEST: _____

Leslie Cook
City Clerk

Exhibit 6

RESOLUTION NO. NS-26,654

RESOLUTION OF THE CITY OF SANTA CRUZ AUTHORIZING AND DIRECTING THE
CITY MANAGER TO SUBMIT THE LOCAL COASTAL IMPLEMENTATION PLAN
AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION
FOR FINAL CERTIFICATION

WHEREAS, on April 27, 2004 the Santa Cruz City Council directed staff to prepare an ordinance amendment to Chapter 24.10 Part 16 of the Santa Cruz Zoning Ordinance to require a Special Use Permit for Building Material and Garden Supply uses in the General Industrial (IG) zoning district in certain circumstances; and

WHEREAS, Chapter 24.10 Part 16 is also part of the City's Local Coastal Implementation Plan; and

WHEREAS, the Local Coastal Implementation Plan amendments are consistent with the provisions of the California Coastal Act; and

WHEREAS, the Planning Commission conducted a public hearing on June 17, 2004 and recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on July 13, 2004 to consider the amendment: and

WHEREAS, the project qualifies for a Categorical Exemption (Section 15061 (b)(3)) from the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the amendment to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 13th day of July, 2004, by the following vote:

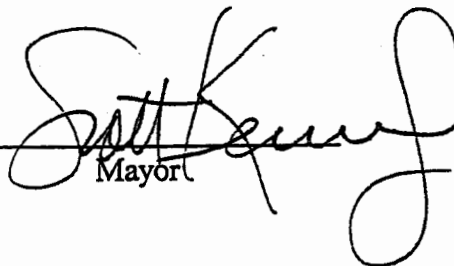
AYES: Vice Mayor Rotkin; Councilmembers Mathews, Primack, Reilly;
Mayor Kennedy.

NOES: Councilmembers Porter, Fitzmaurice.

ABSENT: None.

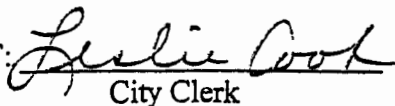
DISQUALIFIED: None.

APPROVED:



Mayor

ATTEST:



City Clerk

Exhibit 6

COPY

RESOLUTION NO. NS-26,704

RESOLUTION OF THE CITY OF SANTA CRUZ AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL COASTAL IMPLEMENTATION PLAN AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, on April 13, 2004 the Santa Cruz City Council directed staff to finalize ordinance amendments to Title 24 of the City of Santa Cruz Zoning Ordinance relating to wireless telecommunication facilities; and

WHEREAS, many portions of Title 24 are also part of the City's Local Coastal Implementation Plan; and

WHEREAS, the Local Coastal Implementation Plan amendments are consistent with the provisions of the California Coastal Act; and

WHEREAS, the Planning Commission conducted a public hearing on June 17, 2004 and recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on September 14, 2004 to consider the amendment; and

WHEREAS, the project qualifies for a Categorical Exemption (Section 15061 (b)(3)) from the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the amendment to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 14th day of September, 2004, by the following vote:

AYES: Vice Mayor Rotkin; Councilmembers Mathews, Porter, Fitzmaurice, Primack, Reilly; Mayor Kennedy.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: 
Mayor

ATTEST: 
City Clerk

STC-MAJ-2-04

Exhibit 6

Page 13

