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### LCP-1-EUR-16-0018-1 (WIRELESS TELECOMMUNICATION FACILITIES)

JUNE 8, 2017

### EXHIBITS

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**EXHIBIT 1: ARTICLE 29 WITH CHANGES FROM PROPOSED  
AMENDEMENT & COMMISSION SUGGESTED MODIFICATIONS**

Relevant excerpts of Article 29 are included below to show the context of the City's proposed changes to the article in concert with the Commission staff's suggested modifications.

Language of the currently certified Article 29 is shown in plain text.

The City's proposed additions are shown in underlined text.

The City's proposed deletions are shown in ~~strike out text~~.

The Commission's suggested additions are shown in **bold, double-underlined text**.

The Commission's suggested deletions are shown in ~~**bold, double-strike out text**~~.

<b>EXHIBIT NO. 1</b>
<b>LCP AMENDMENT LCP-1-EUR-16-0018-1</b> CITY OF EUREKA <b>AMENDED ARTICLE 29 WITH SUGGESTED MODIFICATIONS</b>

## Article 29. Coastal Development Permit Procedures

### Part 1. General Provisions

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#### 10-5.2906.10.

(a) “Nursing home” shall mean a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatments, such as customarily are given in hospitals or sanitariums, are not provided. A convalescent home or a rest home shall be deemed a nursing home.

(b) “Off-street loading facilities” shall mean site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

(c) “Off-street parking facilities” shall mean a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

(d) “Oil and gas pipeline” shall mean any public or private facility for transmitting hydrocarbons.

(e) “One-family dwelling” shall mean a building designed for and/or occupied as a residence by one (1) family or individual. The term “one-family dwelling” shall include manufactured homes when placed on permanent foundation, converted to real property, and taxed as a site-built dwelling as provided by law.

(f) “Oriel window” shall mean a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

(g) “Other permits and approvals” shall mean a permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed.

(h) “Outdoor advertising structure” shall mean a structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which any advertising sign may be placed.

(i) “Patio, covered” shall mean an attached or detached structure not exceeding fourteen 14 feet in height and enclosed on not more than three (3) sides except for posts necessary for roof support.

(j) “Permitted use” shall mean any use allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g., building permit) to be issued by the approving authority.

(k) “Pre-existing” shall mean prior to the adoption of this chapter; and

(l) “Public utility” shall mean an organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

#### 10-5.2906.11.

(a) “Railroad right-of-way” shall mean a strip of land on which railroad tracks, switching equipment, signals and other facilities normally associated with and owned by a railroad are located. Areas of railroad rights-of-way may be used solely for the purpose of

accommodating tracks, signals, and other operative devices and facilities related to and necessary for the operation of a railroad, and for public accessways at or above grade to and along the shoreline.

(b) "Recreational vehicle" shall mean a vehicle with or without motive power designed for human habitation for recreational or emergency occupancy meeting the criteria of Division 13, Part 12.11, Section 18215.5 of the California Health and Safety Code. A "recreational vehicle" shall include a motorhome, travel trailer, truck camper or camping trailer.

(c) "Recreational vehicle park" shall mean any area or tract of land or a separate designated section within a mobilehome park, where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents used for travel or recreational purposes on a transient basis.

(d) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(~~e~~) "Scrap metal yard" shall mean a site or portion of a site used for storage, sorting, collecting, or baling of previously semi-prepared scrap metal, provided that no burning shall be permitted.

(~~e~~f) "Service station" shall mean a place where gasoline or any other motor fuel, lubricating oil, or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including the sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

(~~e~~g) "Shop" shall mean a small, usually independent retail establishment that offers specialized goods, services, or products. The size of a "Shop" is determined relative to other similar visitor-serving and retail businesses in the Waterfront Commercial zone district.

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#### **10-5.2906.15.**

(a) "Usable open space" shall mean open space meeting the requirements of Section 10-5.212 of Article 2 of this chapter.

(b) "Variety shop" shall mean a shop that sells a wide variety of inexpensive items for personal or household use.

(c) "Width" shall mean the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

(d) "Wired telecommunication facility" shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (dsl), internet and cable tv and internet services where tv, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(e) "Wireless telecommunication facility" shall mean public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. "Wireless telecommunication facility" shall include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities colocated on utility poles. "Wireless telecommunication facility" shall include "satellite telecommunication facility." "Wireless telecommunication facility" shall not include "wired

telecommunication facility," or private personal wireless facilities that do not require a license from the federal communications commission, including direct-to-home satellite tv.

(f) "Wireless telecommunication facility permit" shall mean an administrative permit issued by the director of community development or the planning commission.

(dg) "Yard" shall mean an open space on the same site as a structure located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard, or rear yard.

(eh) "Yard, front" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

(fi) "Yard, rear" shall mean a yard extending across a full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site. [2-89 Minor]

(gj) "Yard, side" shall mean a yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

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## **Part 2. Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations**

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### **Sec. 10-5.2927. Height limits.**

#### **10-5.2927.1 Measurement.**

The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or the mean height between eaves and ridges for a hip, gable or gambrel roof. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall.

#### **10-5.2927.2 Exceptions.**

Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, ~~radio and television aerials and antennas,~~ transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure may be erected to a height of not more than one hundred (100') feet or not more than twenty-five (25') feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. ~~Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.~~ The height of wireless telecommunication facilities shall be regulated by Article 31 of this chapter (Wireless Telecommunication Facilities).

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**Part 7. AC — Coastal Agricultural District.**

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**Sec. 10-5.2973. Conditional uses.**

The following uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Aquaculture and similar resource-dependent activities;
- Coastal-dependent oil and gas wells;
- Oil and gas pipelines;
- Incidental public service purposes;
- Wetland restoration and enhancement projects; ~~and~~

~~Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).~~

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**Part 8. RS — One-Family Residential Districts.**

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**Sec. 10-5.2983. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Secondary dwelling units as provided in Article 18.5 of the Chapter (Secondary Dwelling Units);
- (b) Charitable institutions;
- (c) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;
- (d) Commercial nursery growing grounds;
- (e) Golf courses;
- (f) Nursery schools;
- (g) Nursing homes for not more than three (3) patients;
- (h) Parking facilities improved as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), on a site having a side property line which adjoins an OR, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, C, or M District and has access therefrom, provided that the site of the parking facility shall not extend more than one hundred fifty (150') feet from the boundary of the OR, C, or M District;
  - (i) Private recreation parks and swim clubs;
  - (j) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;
  - (k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;
  - (l) Accessory structures and uses located on the same site as a conditional use; and

(m) Bed and breakfast inns in which not more than fifteen (15) paying transient guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre;

(n) Timber harvest of less than three (3) acres; and

(o) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

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## **Part 9 RM — Multi-Family Residential Districts.**

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### **Sec. 10-5.2992. Conditional uses.**

The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Charitable institutions;

(b) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;

(c) Commercial nursery growing grounds;

(d) Golf courses;

(e) Nursery schools;

(f) Nursing homes, no including nursing homes for mental, drug addict, or liquor addict cases;

(g) Parking facilities improved as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), on a site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom, provided that the site of the parking facility shall not extend more than one thousand five hundred (1500') feet from the boundary of the OR, HM, C, or M District;

(h) Private recreation parks and swim clubs;

(i) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;

(j) Private noncommercial clubs and lodges, not including employment offices;

(k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

(l) Mobile home parks in an RM-1,000 District in accordance with the provisions of Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);

(m) Timber harvest of less than three acres; and

(n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

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**Part 10 OR — Office and Multi-Family Residential Districts.**

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**Sec. 10-5.29103. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Nursing homes, not including nursing homes for mental, drug addict, or liquor addict cases;

(b) Private schools and colleges, including music and dance studios not less than one hundred fifty (150') feet from an R District;

(c) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission and to be necessary for the public health, safety, or welfare;

(d) Accessory structures and uses located on the same site as a conditional use;

(e) Family care homes and halfway houses;

(f) Charitable institutions;

(g) Churches and other religious institutions;

(h) Nursery schools;

(i) Private noncommercial clubs and lodges;

(j) Mortuaries;

(k) Motels and hotels; and

(l) Retail and service establishments that are compatible with and complementary to other permitted uses, including only:

(1) Art and artists' supply stores;

(2) Art galleries and stores selling objects of art;

(3) Banks and savings and loan offices;

(4) Bail bonding establishments;

(5) Bars not less than one hundred fifty (150') feet from an R District;

(6) Barber shops and beauty shops;

(7) Book stores and rental libraries;

(8) Candy stores;

(9) Finance companies;

(10) Florists;

(11) Gift shops;

(12) Interior decorating shops;

(13) Prescription pharmacies provided at least eighty (80%) percent of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs and provided liquor shall not be sold;

(14) Restaurants and soda fountains, not including drive-in establishments, not less than one hundred fifty (150') feet from an R District;

(15) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities); and,

(16) Travel agencies.

(m) Timber harvest of less than three acres; and



(n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

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**Part 11 CW — Waterfront Commercial Districts.**

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**Sec. 10-5.29112. Permitted uses.**

The following uses shall be permitted in the CW Waterfront Commercial District, provided that when recreation and visitor-serving facilities are integrated with coastal-dependent uses (noted below with an asterisk), the recreation and visitor-serving areas shall be secondary to and compatible with the coastal-dependent uses:

- (a) Accessory uses and structures located on the same site as a permitted use;
- \* (b) Boat launching;
- (c) Coastal dependent and coastal-related uses;
- \* (d) Commercial fishing facilities;
- \* (e) Docks, piers, and wharfs;
- (f) Hotels and motels;
- (g) Ice vending stations;
- (h) Marine and boat sales, services and repairs;
- (i) Offices related to or dependent upon coastal-dependent or coastal-related uses;
- (j) Public and commercial recreation;
- (k) Recreational boating facilities;
- (l) Visitor-serving facilities and other establishments that offer retail sales and services to visitors, including but not limited to:

- Antique shops;
- Art and artists' supply stores;
- Art galleries and stores selling objects of art;
- Bakeries baking for retail sale on the premises only;
- Bars and taverns;
- Bicycle shops;
- Book stores and newsstands;
- Candy stores/shops;
- Clothing shops, boutique;
- Dairy products manufacturing for retail sales on the premises only;
- Day or destination spas;
- Florists;
- Garden shops;
- Gift shops;
- Jewelry stores;
- Leather goods and luggage stores;
- Music, record, and CD stores;
- Picture framing shops;
- Restaurants (not including drive-in establishments)
- Shoe shops, boutique;

Sporting goods stores that primarily include rental and sales of equipment, gear, clothing, and other goods, for coastal-dependent or –related recreation activities;

Stamp and coin stores;

Stationery shops;

Theaters, small;

Toy shops, and;

Variety shops; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunications Facilities).

**Sec. 10-5.29113. Conditional uses.**

The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The applicant shall demonstrate and the City shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

Administrative, business, and professional offices, except medical and dental offices;

Arts and crafts schools and colleges;

Bakeries,

Banks;

Barber shops and beauty shops;

Bus depot;

Bus depots, provided all buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;

Business, professional, and trade schools and colleges;

Charitable institutions;

Christmas tree sales lot;

Churches, parsonages, parish houses and other religious institutions;

Cigar stores;

Cleaning, coin-operated;

Clothing and costume rental establishments;

Clothing stores;

Conference center;

Dance halls;

Department stores;

Finance companies;

Food stores and supermarkets;

Furniture stores;

Gunsmiths;

Gymnasiums;

Hardware stores;

Health clubs, neighborhood;

Ice storage houses;

Interior decorating shops;

Laundries, self-service type;

Liquor stores;  
Locksmiths;  
Massage and physical culture studios;  
Medical and dental offices;  
Medical and orthopedic appliance stores;  
Meeting halls;  
Messengers' offices;  
Music and dance studios;  
Musical instrument repair shops;  
Office and business machine stores;  
Offices and office buildings;  
Oil and gas pipelines;  
Optician and optometrical shops;  
Parking facilities, including fee parking facilities;  
Passenger railroad stations;  
Pet and bird stores;  
Photographic supply stores and studios;  
Post offices;  
Prescription pharmacies and dental and optical laboratories;  
Pressing establishments;  
Printing shops, including lithographing and engraving;  
Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;  
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);  
Realtors and real estate offices;  
Recreational vehicle parks;  
Residential uses permitted in the RM Districts shall be permitted in a CW District, provided the residential units are located above the ground floor of commercial structures and the minimum size of such dwelling units shall not be less than what is required in the Building and Housing Code;  
Saving and loan offices;  
Scientific instrument shops;  
Skating rinks;  
Skating rinks within buildings;  
Sporting goods stores;  
Sports arenas within buildings;  
Stationery stores;  
Stenographic services;  
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);  
Television and radio sales and repair stores;

Theaters and auditoriums within buildings;  
Toy stores;  
Variety stores;  
Warehouses;  
Watch and clock repair shops;  
Wholesale establishments without stocks; and

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities); and

Any other use which is determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the Land Use Plan. In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (Conditional Uses), the Planning Commission must find:

- (a) That consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;
- (b) That the use conforms to the purposes of the CW Waterfront Commercial District;
- (c) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or
- (d) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

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## **Part 12 CN — NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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### **Sec. 10-5.29122. Permitted uses.**

The following uses shall be permitted:

Accessory uses and structures, not including warehouses, located on the same site as a permitted use;

Administrative, business, and professional offices, except medical and dental offices;

Art galleries;

Arts and artists' supply stores;

Arts and crafts schools and colleges;

Bakeries, including baking for sale on the premises only;

Banks;

Banquet rooms not less than one hundred fifty (150') feet from an R District;

Barber shops and beauty shops;

Bars not less than one hundred fifty (150') feet from an R District;

Bicycle shops;

Book stores and rental libraries;

Candy stores;

Christmas tree sales lots;

Cigar stores;

Cleaning and dyeing;

Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;

- Cleaning, coin operated;
- Clothing and costume rental establishments;
- Clothing stores;
- Computer and communications equipment stores;
- Dairy products manufacturing for retail sales on the premises only;
- Delicatessen stores;
- Drugstores;
- Dry goods stores;
- Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;
- Finance companies;
- Florists;
- Food lockers;
- Food stores and supermarkets;
- Fur shops;
- Furniture stores;
- Garden shops;
- Gift shops;
- Hardware stores;
- Hobby shops;
- Household appliance stores;
- Ice vending stations;
- Interior decorating shops;
- Jewelry stores;
- Laundries, self-service type;
- Leather goods and luggage stores;
- Liquor stores;
- Locksmiths;
- Medical and dental offices;
- Medical and orthopedic appliance stores;
- Meeting halls not less than one hundred fifty (150') feet from an R District;
- Mens' furnishing stores;
- Messengers' offices;
- Millinery shops;
- Music and dance studios not less than one hundred fifty (150') feet from an R District;
- Music stores;
- Musical instrument repair shops;
- Newsstands;
- Nurseries and garden supply stores provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
- Office and business machine stores;
- Offices and office buildings;
- Optician and optometrical shops;

Paint, glass, and wallpaper shops;  
 Parking facilities, including fee parking facilities;  
 Pet and bird stores;  
 Pet and bird stores not less than one hundred fifty (150') feet from an R District;  
 Phonograph record stores;  
 Photographic supply stores and studios;  
 Picture framing' shops;  
 Post offices;  
 Prescription pharmacies and dental and optical laboratories;  
 Pressing establishments;  
 Private clubs and lodges not less than one hundred fifty (150') feet from an R District;  
 Realtors and real estate offices;  
 Residential uses permitted under permitted uses in RM Districts shall be permitted in a CN District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;  
 Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District;  
 Saving and loan offices;  
 Scientific instrument shops;  
 Self-service laundries and self-service dry cleaning establishments;  
 Shoe repair shops;  
 Shoe stores;  
 Sporting goods stores;  
 Stamp and coin stores;  
 Stationery stores;  
 Stenographic services;  
 Tailor and dressmaking shops;  
 Taxicab stands;  
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);  
 Television and radio sales and repair stores;  
 Ticket agencies;  
 Toy stores;  
 Travel agencies and bureaus;  
 Umbrella repair shops;  
 Video sales and rental stores;  
 Watch and clock repair shops;  
 Wholesale establishments without stocks; and  
 Women's apparel accessory stores; and  
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29123. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Accessory uses and structures located on the same site as a conditional use;

Ambulance service;

Blueprint and photostat shops;

Business, professional and trade schools and colleges;

Charitable institutions;

Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;

Oil and gas pipelines;

Parking facilities, including required off-street parking facilities, located on a site separated from the use which the facilities serve;

Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;

Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District; and

Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides.

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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### **Part 13 CS — SERVICE COMMERCIAL DISTRICT.**

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#### **10-5.29132. Permitted uses.**

The following uses shall be permitted:

Accessory uses and structures located on the same site as a permitted use;

Accessory uses and structures located on the same site as conditional use;

Addressograph services;

Administrative, business, and professional offices, except medical and dental offices;

Ambulance services;

Art and artists' supply stores;

Art galleries and stores selling objects of art;

Arts and crafts schools and colleges;

Auction rooms;

Auction establishments, including outdoor displays;

Automobile rental agencies;

Automobile repairing, overhauling, rebuilding, and painting;

Automobile (new car) sales and services, including used car sales incidental to new car sales;

Automobile (used car) sales;

Automobile supply stores;  
Automobile upholstery and top shops;  
Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners;  
Bail bonds;  
Bakeries;  
Bakeries, including baking for sale on the premises only;  
Banks;  
Banquet rooms;  
Barber shops and beauty shops;  
Bars;  
Beverage distributors;  
Bicycle shops;  
Blacksmith shops not less than three hundred (300') feet from an R or OR District;  
Blueprint and photostat shops;  
Boat sales, services, and repairs;  
Book stores and rental libraries;  
Bookbinding;  
Bottling works;  
Bowling alleys;  
Building materials' yards and other than gravel, rock, or cement yards not less than three hundred (300') feet from an R or OR District;  
Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;  
Business, professional, and trade schools and colleges;  
Cabinet shops;  
Candy shops;  
Carpenter shops;  
Carpet and rug cleaning and dyeing;  
Catering establishments;  
Christmas tree sales lots;  
Cigar stores;  
Cleaning and dyeing;  
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;  
Cleaning, coin-operated;  
Clothing and costume rental establishments;  
Clothing stores;  
Cold storage plants;  
Columbariums and crematories not less than three hundred (300') feet from an R or OR District;  
Contractors' equipment rental or storage yards not less than three hundred (300') feet from an R or OR District;  
Dairy products plants;  
Dairy products manufacturing for retail sales on the premises only;  
Dance halls;



Delicatessen stores;  
Department stores;  
Diaper supply services;  
Drugstores;  
Dry goods stores;  
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail stores;  
Electrical repair shops;  
Employment agencies;  
Feed and fuel stores;  
Finance companies;  
Florists;  
Food lockers;  
Food stores and supermarkets;  
Freight forwarding terminals;  
Frozen food distributors;  
Fur shops;  
Furniture stores;  
Garden shops;  
Gift shops;  
Glass replacement and repair shops;  
Golf driving ranges;  
Gunsmiths;  
Gymnasiums;  
Hardware stores;  
Heating and ventilating shops;  
Hobby shops;  
Hospital equipment;  
Hotels and motels;  
Household appliance stores;  
Household repair shops;  
Ice storage houses;  
Ice vending stations;  
Interior decorating shops;  
Janitorial services and supplies;  
Jewelry stores;  
Laboratories;  
Laundry plants;  
Laundries, self-service type;  
Leather goods and luggage stores;  
Linen supply services;  
Liquor stores;  
Live storage, killing, or dressing of poultry or rabbits for retail sale on premises not less than three hundred (300') feet from an R or OR District;  
Locksmiths;

Lumberyards, not including planing mills or saw mills, not less than three hundred (300') feet from an R or OR District;

- Machinery sales and rentals;
- Massage and physical culture studios;
- Mattress repair shops;
- Marine sales, services, and repairs;
- Medical and orthopedic appliance stores;
- Meeting halls;
- Mens' furnishing stores;
- Millinery shops;
- Motorcycle sales and services;
- Mortuaries;
- Motels and hotels;
- Music and dance studios;
- Music stores;
- Musical instrument repair shops;
- Newsstands;
- Nurseries and garden supply stores;

Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;

- Office and business machine stores;
- Offices and office buildings;
- Packing and crating;
- Paint, glass, and wallpaper shops;

Parcel delivery services, including garage facilities for trucks but excluding repair shop facilities and repair shop facilities;

Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;

- Passenger railroad stations;
- Pet and bird stores;
- Phonograph record stores;
- Photographic supply stores and studios;
- Pickup truck camper, and canopy assembly, sales, and service;
- Picture framing shops;
- Plumbing, heating, and ventilating equipment showrooms with storage for floor samples

only;

- Plumbing shops;
- Pool halls;
- Post offices;
- Prescription pharmacies and dental and optical laboratories;
- Pressing establishments;
- Printing, including lithographing and engraving;
- Printing shops;
- Private clubs and lodges;

Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines;

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);

Realtors and real estate offices;

Refrigeration equipment;

Rental and tools, garden tools, power tools, trailers, and other similar equipment;

Residential uses permitted under permitted uses in RM Districts shall be permitted in a CS District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;

Riding Stables;

Saving and loan offices;

Safe and vault repairing;

Scientific instrument, shops;

Secondhand stores and pawn shops;

Self-service laundries and self-service dry cleaning establishments;

Septic tank and cesspool installation and service;

Service stations, including automobile, truck, and trailer rentals as accessory uses only;

Sheet metal shops;

Shoe repair shops;

Shoe stores;

Shooting galleries within buildings;

Sign painting shops;

Skating rinks;

Skating rinks within buildings;

Small animal boarding not less than three hundred (300') feet from an R or OR District;

Sporting goods stores;

Sports arenas within buildings;

Stamp and coin stores;

Stationery stores;

Stenographic services;

Stone and monument yards not less than three hundred (300') feet from an R or OR District;

Storage buildings for household goods;

Storage yards for commercial vehicles;

Swimming pool sales and services;

Tailor and dressmaking shops;

Taxidermist;

Taxicab stands;

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);

Television and radio sales and repair stores;

Theaters and auditoriums within buildings;

- Ticket agencies;
- Tire sales and service, not including retreading and recapping, or mounting of heavy truck tires;
- Tire sales and service, including retreading and recapping;
- Tool and cutlery sharpening or grinding;
- Toy stores;
- Travel agencies and bureaus;
- Travelers' aid societies;
- Truck and trailer rentals, sales and services;
- Truck sales;
- Trucking terminals not less than one hundred fifty (150') feet from an R or OR District;
- Umbrella repair shops;
- Variety stores;
- Vending machine services;
- Veterinarians' offices and small animal hospitals, including short-term boarding of animals and incidental care, such as bathing and trimming, provided all operations are conducted entirely within a completely enclosed building which complies with the specifications of soundproof construction by the Building Inspector;
- Warehouses except for the storage of fuel or flammable liquids;
- Watch and clock repair shops;
- Welding shops not less than three hundred (300') feet from an R or OR District;
- Wholesale establishments; and
- Women's apparel accessory stores; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29133. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Accessory uses and structure located on the same site as a conditional use;
- Amusement parks;
- Automobile and motorcycle racing stadiums and drag strips;
- Charitable institutions;
- Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;
- Circuses, carnivals, and other transient amusement enterprises;
- Drive-in theaters;
- Kennels not less than three hundred (300') feet from an R or OR District;
- Light industrial uses permitted in the ML Limited Industrial District;
- Mobilehome Parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);
- Oil and gas pipelines;
- Pony riding rings;
- Prefabricated structures sales;

Racetracks;  
Recreational Vehicle Parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);  
Restaurants and soda fountains, including drive-in establishments;  
Riding stables;  
Sports areas or stadium;  
Storage yards for fuel or flammable liquids; and  
Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than three hundred (300') feet from an R or OD District; and  
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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#### **Part 14 CP — PLANNED SHOPPING CENTER COMMERCIAL DISTRICTS.**

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##### **Sec. 10-5.29142. Permitted uses.**

The following uses shall be permitted in the CP - Planned Shopping Center Commercial District:

Accessory uses and structures located on the same site as a permitted use;  
Administrative, business, and professional offices;  
Art and artists' supply stores;  
Art galleries and stores selling objects of art;  
Auction rooms;  
Automobile supply stores;  
Bakeries, including baking for sale on the premises only;  
Banks;  
Banquet rooms;  
Barber shops and beauty shops;  
Bars;  
Bicycle shops;  
Blueprint and photostat shops;  
Book stores and rental libraries;  
Candy stores;  
Christmas tree sales lots;  
Cigar stores;  
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;  
Cleaning, coin-operated;  
Clothing and costume rental establishments;  
Clothing stores;

Computer and electronics sales and repair stores, provided repair services shall be incidental to retail sales;

Dairy products manufacturing for retail sales on the premises only;

Delicatessen stores;

Department stores;

Drugstores;

Dry goods stores;

Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;

Finance companies;

Florists;

Food lockers;

Food stores and supermarkets;

Furniture stores;

Fur shops;

Garden shops;

Gift shops;

Gunsmiths;

Gymnasiums;

Hardware stores;

Hobby shops;

Household appliance stores;

Ice vending stations;

Interior decorating shops;

Jewelry stores;

Laundries, self-service type;

Leather goods and luggage stores;

Liquor stores;

Locksmiths;

Massage and physical culture studios;

Medical and dental offices;

Medical and orthopedic appliance stores;

Meeting halls;

Mens' furnishing stores;

Messengers' offices;

Millinery shops;

Music stores;

Music and dance studios;

Musical instrument repair shops;

Newsstands;

Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in package form only;

Office and business machine stores;

Offices and office buildings;

Optician and optometrical shops;

Paint, glass, and wallpaper shops;  
 Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;  
 Pet and bird stores;  
 Phonograph and record stores;  
 Photographic supply stores and studios;  
 Picture framing shops;  
 Piers, docks, and wharves;  
 Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only;  
 Plumbing shops;  
 Pool halls;  
 Post offices;  
 Pressing establishments;  
 Printing shops;  
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);  
 Realtors and real estate offices;  
 Rental hand tools, garden tools, power tools, trailers, and other similar equipment;  
 Taxidermists;  
 Taxicab stands;  
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);  
 Television and radio sales and repair stores;  
 Theaters and auditoriums within buildings;  
 Ticket agencies;  
 Tire sales and service, not including retreading or recapping, or mounting of heavy truck tires;  
 Toy stores;  
 Travel agencies and bureaus;  
 Travelers' aid societies;  
 Umbrella repair shops;  
 Variety stores;  
 Watch and clock repair shops;  
 Wholesale establishments without stocks; and  
 Women's apparel accessory stores; and  
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**10-5.29143. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter:

- Accessory uses and structures located on the same site as a conditional use;
- Catering establishment;
- Circuses, carnivals, and other transient amusement enterprises; and
- Pool halls; and

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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## **Part 15. MC — COASTAL DEPENDENT INDUSTRIAL DISTRICTS.**

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### **Sec 10-5.29152. Permitted uses.**

The following uses shall be permitted:

- Boat repair and ship building;
- Commercial fishing facilities;
- Docks, piers and wharves;
- Marine services;
- Marine oil terminals;
- OCS service bases and offshore pipelines;
- Seafood processing; and
- Water borne carrier import and export facilities; and

~~Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).~~

### **Sec. 10-5.29153. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter:

- Access support facilities;
- Boat launching and berthing facilities;
- Electrical generating or other facilities which require intake, outfalls, or pipelines;
- Fish waste processing plants;
- Fishing piers;
- Ice and cold storage facilities;
- OCS oil and/or gas processing and treatment facilities;
- Oil and gas pipelines;
- Onshore petroleum production;
- Outfalls; and
- Warehouses serving permitted uses;

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).



Existing developed parcels in existence as of January 1, 1984 of less than one acre located in a coastal-dependent industrial district shall be allowed to be developed with coastal-related or general industrial uses if they are not proposed for consolidation with other parcels to permit a new or expanded coastal-dependent industrial use and are not adjacent to the shoreline.

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## **Part 16 ML — LIMITED INDUSTRIAL DISTRICTS.**

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### **Sec. 10-5.29162. Permitted uses.**

Manufacturing, assembling, compounding, packaging, and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber, and synthetic fiber, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shells, straw, textiles, tobacco, and wood (not including a planing mill or saw mill);

Manufacturing, assembling, compounding, packaging, and processing cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries;

Manufacture of ceramic products, such as pottery, figurines, and small glazed tile, utilizing only previously pulverized slag, providing that kilns are fired only by electricity or gas;

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products, including heating, and ventilating ducts and equipment, cornices, eaves, and the like;

Manufacture of scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, and cameras and photographic equipment, except film;

Assembly of small electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys, but not including refrigerators, washing machines, dryers, dishwashers, and similar home appliances;

Assembly of electrical equipment, such as radio and television receivers, phonographs, and home motion picture equipment, but not including electrical machinery;

Manufacture and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;

Manufacture of cutlery, hardware, and hand tools, die and pattern making, metal stamping, and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;

Manufacturing, canning, and packing of food products, including fruits and vegetables, but not including meat products, pickles, sauerkraut, vinegar, or yeast, dehydrating of garlic or onions, or refining or rendering of fats and oils;

Processing, packing, and canning of seafood for human consumption, not including processing seafood for fish oils;

Bakeries;

Blacksmith shops;  
 Boat buildings;  
 Bottling works;  
 Building material storage yards;  
 Bus depots;  
 Cold storage plants;  
 Contractors' equipment yards;  
 Dairy products plants;  
 Freight forwarding terminals;  
 Furniture manufacture;  
 Ice manufacture;  
 Janitorial services and supplies;  
 Kennels;  
 Laboratories;  
 Laundry and cleaning plants;  
 Lumber yards, not including planing mills or saw mills;  
 Machine shops not involving the use of drop hammers, automatic screw machines, or punch presses with a rated capacity of over twenty (20) tons;  
 Mattress manufacture;  
 Metal finishing and plating;  
 Offices, not including medical or dental offices;  
 Printing, lithographing, and engraving;  
 Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, storage tanks, and transmission lines;  
 Railroad stations;  
 Repair shops, including electrical, glass and automotive;  
 Sheet metal shops;  
 Storage yards for commercial vehicles;  
 Textile, knitting and hosiery mills;  
 Trucking terminals;  
 Veterinarians' offices and small animal hospitals;  
 Warehouses, except for the storage of fuel or flammable liquids;  
 Welding shops;  
 Woodworking shops and cabinet shops;  
 Pickup truck camper and canopy assembly;  
 Retail sales establishments with single occupant floor areas of forty thousand (40,000) square feet or larger;  
 Wholesale stores with single occupant floor areas of forty thousand (40,000) square feet or larger and public utility building, and uses;  
 Parking lots;  
 Accessory structures and uses located on the same site as a permitted use-; and  
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec 10-5.29163. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Accessory structures and uses located on the same site as a conditional use;

Motor vehicle wrecking yards and scrap metal yards;

Oil and gas pipelines;

Recreational vehicle parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks).

Storage of fuel and flammable liquids;

Storage of logs or wood chips; and

Gymnastics schools and health clubs; and

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Any of these uses listed as permitted uses in the MG District provided that, on the basis of the use permit application and evidence submitted, the Planning Commission makes the following findings:

(a) The consideration of all determinable characteristics of the use that is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted uses in the ML District with respect to the method of operations, type of process, materials, equipment, structures, storage, and appearance;

(b) That the use will conform with each of the principles and standards prescribed for uses in the ML District;

(c) That the use will not create significantly, more vehicular or rail traffic than the volumes normally created by the permitted uses of the ML District.

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**Part 17 MG — GENERAL INDUSTRIAL DISTRICTS.**

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**Sec 10-5.29172. Permitted uses.**

The following uses, shall be permitted:

All uses listed as permitted uses in the ML District;

Aircraft and aircraft accessories and parts manufacture;

Automobile, trucks, and trailer accessories and parts manufacture;

Automobile, truck, and trailer assembly;

Bag cleaning;

Battery manufacture;

Boiler works;

Box factories and cooperages;

Breweries and distilleries;

Building materials manufacture and assembly, including composition wallboards, partitions, panels, and prefabricated structures;

Business machines manufacture, including accounting machines, calculators, cardcounting equipment, and typewriters;  
Can and metal container manufacture;  
Candle manufacture, not including rendering;  
Carpet and rug manufacture;  
Cement products manufacture, including concrete mixing and batching;  
Chemical products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue, and size;  
Clay products manufacture, including brick, fire brick, tile, and pipe;  
Cork manufacture;  
Electronics manufacturing;  
Firearms manufacture;  
Flour, feed and grain mills;  
Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils, and yeast;  
Glass and glass products manufacture;  
Gravel, rock, and cement yards;  
Hair, felt, and feathers processing;  
Insecticides, fungicides, disinfectants, and similar industrial and household chemical compounds manufacture;  
Jute, hemp, sisal, and oakum products manufacture;  
Leather and fur furnishing and dyeing, not including tanning and curing;  
Machinery manufacture, including heavy electrical, agricultural, construction, and mining machinery, and light machinery and equipment, such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines;  
Machine tools manufacture, including metal lathes, metal presses, metal stamping machines, and woodworking machines;  
Match manufacture;  
Meat products processing and packaging, not including slaughtering and glue and size manufacture;  
Metal alloys and foil manufacture, including solder, pewter, brass, bronze, and tin, lead, and gold foil;  
Metal casting and foundaries, not including magnesium foundaries;  
Motor and generator manufacture;  
Motor testing of internal combustion motors;  
Painting, enameling, and lacquering shops;  
Paper products manufacture, including shipping containers, pulp goods, carbon paper, and coated paper stencils;  
Paraffin products manufacture;  
Plastics manufacture;  
Porcelain products manufacture, including bathroom and kitchen fixtures and equipment;

Railroad equipment stations manufacture, including railroad car and locomotive manufacture;

Railroad freight stations, repair shops, and yards;

Rubber products manufacture, including tires and tubes;

Sandblasting;

Shoe polish manufacture;

Starch and dextrine manufacture;

Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture;

Stone products manufacture and stone processing, including abrasives, asbestos, stone screening and sand and lime products;

Structural steel products manufacture, including bars, girders, rails and wire rope;

Textile bleaching;

Wire and cable manufacture;

Wood and lumber processing and woodworking, including planing mills, saw mills, excelsior, plywood, veneer, and wood-preserving treatment; and

Wood scouring and pulling.

#### **Sec. 10-5.29173. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Airports and heliports;

Asphalt and asphalt products manufacture;

Cement, lime, gypsum, and plaster of paris manufacture;

Charcoal, lampblack, and fuel briquettes manufacture;

Chemical products manufacture, including acetylene, aniline dyes, ammonia, carbide, caustic, soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and carbolic, hydrochloric, picric, and sulfuric acids;

Coal, coke, and tar products manufacture;

Drop forges;

Dumps and slag piles;

Fertilizer manufacture;

Film manufacture;

Fireworks manufacture and storage;

Fish products processing and packaging;

Garbage dumps;

Gas manufacture or storage;

Gas and oil wells;

Gelatine, glue, and size manufacture from animal or fish refuse;

Incineration or reduction of garbage, offal, and dead animals;

Junk yards;

Lard manufacture;

Linoleum and oil cloth manufacture;

Magnesium foundaries;

Manure, peat, and topsoil processing and storage;  
 Metal and metal ores reduction, refining, smelting, and alloying;  
 Motor vehicle wrecking yards;  
 Oil and gas pipelines;  
 Paint manufacture, including enamel, lacquer, shellac, turpentine, and varnish;  
 Paper mills;  
 Petroleum and petroleum products refining, including gasoline, kerosene, naphtha, and  
 oil  
 Petroleum and petroleum products storage;  
 Pulp mills;  
 Rifle ranges;  
 Rolling mills;  
 Rubber manufacture or processing, including natural or synthetic rubber and gutta-  
 percha;  
 Soap manufacture, including fat rendering;  
 Steam plants;  
 Stockyards and slaughterhouses;  
 Storage of inflammable liquids;  
 Storage of used building materials;  
 Tallow manufacture;  
 Tanneries and curing and storage of rawhides;  
 Wood and bones distillation;  
 Wood pulp and fiber reduction and processing;  
 Storage of logs or wood chips; and  
 Accessory structures and uses located on the same site as a conditional use; and  
Wireless telecommunication facilities located within 100' of an R District subject to a  
 wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless  
 Telecommunication Facilities).

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**Part 18 P — PUBLIC DISTRICTS.**

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**Sec. 10-5.29182 Permitted uses.**

Each use and structure existing in a P District as of the adoption date of these regulations is hereby declared to be a conforming use and structure.

- Airports;
- Animal shelters;
- Boat harbors and wharves;
- Cemeteries;
- Corporation yards;
- Fire stations;
- Hospitals;
- Libraries;
- Offices;

Police stations;  
Power stations;  
Pumping stations;  
Public recreation facilities, including parks, playgrounds, zoos, and golf courses;  
Public buildings and grounds;  
Public schools, including nursery, elementary, junior high, and high schools, colleges and universities;  
Reservoirs;  
Sewage treatment plants;  
Storage tanks; and  
Uses which are accessory and incidental to a permitted use; and  
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29183. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Oil and gas pipelines;  
Parking facilities located on a site separated from the use which the facilities serve; and  
Storage or processing of materials or equipment accessory to other permitted or conditional uses; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

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**Part 19 PF/M — PUBLIC FACILITY/MARINA.**

**Sec. 10-5.29188.1. Purposes.**

The purposes of this district shall be (1) to encourage, protect, maintain, and provide commercial fishing facilities and uses related to the commercial fishing industry, and (2) to provide for all of the specific land uses granted to the Humboldt Bay Harbor, Recreation, and Conservation District through coastal development permit NCR-76-C-369 and the underlying the Planning Commission Permit Resolutions 76-25 and 78-39 (extension).

**Sec. 10-5.29188.2. Permitted uses.**

Consistent with coastal development permit NCR-76-C-369, permitted uses within that part of Woodley Island and adjacent waters designated for development shall be limited to:

Docks, piers (including recreational fishing piers), and wharves;  
Boat launching facilities;  
Commercial fishing facilities and fishing boat berthing facilities;  
Recreational boating facilities and boat berthing facilities (not to exceed 30% of the total number of berths permitted by the 1976 coastal permit);  
Two restaurants;  
Offices and shops directly related to marine uses;

Ice vending stations;  
Marine and boat sales, services, and repairs;  
On-site fish sales and processing incidental to permitted restaurants;  
Parking; and,  
Public access facilities.

**Sec. 10-5.29188.3. Conditional uses.**

A third restaurant, ~~and~~ on-site incidental fish sales and processing, ~~and wireless telecommunication facilities subject to the Provisions of Article 31 of this chapter (Wireless Telecommunication Facilities)~~ shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.

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**RESOLUTION NO. 2016-11**

**A RESOLUTION OF TRANSMITTAL OF THE CITY COUNCIL OF THE CITY OF EUREKA TRANSMITTING TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION AN AMENDMENT TO THE IMPLEMENTATION PLAN PORTION OF THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL COASTAL PROGRAM**

**WHEREAS**, the City of Eureka desires to certify language to regulate Wireless Telecommunication Facilities in the coastal zone; and

**WHEREAS**, the proposed Local Coastal Program Amendment includes an amendment to the text of the Implementation Plan; and

**WHEREAS**, the proposed Local Coastal Program Amendment will affect all zone districts in the coastal zone; and

**WHEREAS**, the Implementation Plan Amendment will modify the principally and conditionally permitted uses in the zone districts, and add a new Article 31 to the Implementation Plan; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on December 30, 2015, a "*Notice of Availability of Draft Local Coastal Program Amendment and Public Hearing*" for the draft Amendment was mailed to 47 local, state, and federal agencies; the Humboldt County Library; one newspaper of general circulation, and 11 radio stations; and

**WHEREAS**, on December 31, 2015, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the Planning Commission on January 11, 2016 and before the City Council on February 2, 2016; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on December 30, 2015, and the publication on December 31, 2015, was at least ten days prior to the scheduled public hearing; and

**WHEREAS**, pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA; and

**EXHIBIT NO. 2**

LCP AMENDMENT LCP-1-EUR-  
16-0018-1  
CITY OF EUREKA  
RESOLUTION OF  
TRANSMITTAL

**WHEREAS**, at the public hearing held by the Planning Commission on January 11, 2016, no persons provided testimony regarding the Text and Local Coastal Program amendments; and

**WHEREAS**, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the Text Amendment and Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2016-01, *“Resolution of the Planning Commission of the City of Eureka recommending the City Council approve the Text Amendment to add Article 31 Wireless Telecommunication Facilities and to modify the principally and conditionally permitted uses in several zone districts in the Eureka Municipal Code to allow Wireless Telecommunication Facilities, and approve the Local Coastal Program Amendment and direct Staff to submit the Local Coastal Program Amendment to the California Coastal Commission”*; and

**WHEREAS**, the City Council held a public hearing on February 2, 2016, to consider the Text Amendment and Local Coastal Program Amendment. No persons provided testimony either in favor or against the Local Coastal Program amendment; and

**WHEREAS**, on February 2, 2016, upon closing the public hearing, the City Council considered Text Amendment and Local Coastal Program Amendment and the Planning Commission’s recommendation, and took action to waive reading, read by title only and introduce Bill No. 906-C.S., an *“An ordinance of the City of Eureka adding Article 31 Wireless Telecommunication Facilities to Chapter 5 and modifying the principally and conditionally permitted uses in several zone districts in the Eureka Municipal Code to allow Wireless Telecommunication Facilities, and approving the Local Coastal Program Amendment and directing staff to submit the Local Coastal Program Amendment to the California Coastal Commission.”*; and

**WHEREAS**, on February 16, 2016, the City Council took action to waive reading, read by title only and adopt Bill No. 906-C.S., *“An ordinance of the City of Eureka adding Article 31 Wireless Telecommunication Facilities to Chapter 5 and modifying the principally and conditionally permitted uses in several zone districts in the Eureka Municipal Code to allow Wireless Telecommunication Facilities, and approving the Local Coastal Program Amendment and directing staff to submit the Local Coastal Program Amendment to the California Coastal Commission.”*; and

**WHEREAS**, on February 16, 2016, the City Council adopted *“A Resolution of Transmittal of the City Council of the City of Eureka Transmitting to the California Coastal Commission for certification an Amendment to the Implementation Plan portion of the Adopted and Certified City of Eureka Local Coastal Program”*; and

**WHEREAS**, Section 13515(c) of Title 14 Code of Regulations requires that there be a minimum of six weeks (42 days) between the *“Notice of Availability of Draft Local Coastal Program Amendment”* for the draft Local Coastal Program Amendment and the City’s final action; and

**WHEREAS**, the City Council's final action on the Local Coastal Program occurred on February 16, 2016, which is 48 calendar days following the December 30, 2015, mailing of the Notice of Public Hearing, and 47 calendar days following the publication of the same notice in the Times Standard.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Eureka as follows:

**SECTION 1:** Amending the text of the Eureka Municipal Code is a "project" for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines, section 15061, there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Currently, the City does not have specific regulations for the design and regulation of wireless telecommunication facilities Chapter 5 of the zoning code. The proposed text amendment will codify regulations and identify which zoning districts principally permit or conditionally permit wireless telecommunication facilities. The text amendment will not be more permissive than current regulations. All wireless telecommunication facilities, regardless of which zoning district they are located in, will require a Wireless Telecommunications Facility (WTF) permit to demonstrate that the proposed facility is in compliance with local, state and federal law and is compatible with the surrounding neighborhood. When a conditional use permit is required, it will be subject to CEQA review which will assure on an application-by-application basis that all potential adverse environmental impacts are analyzed and mitigated.

Because the text amendment will regulate wireless telecommunication facilities in a uniform and consistent manner, will not be more permissive, will require a WTF permit for all wireless telecommunications facilities, and in cases where a conditional use permit is required, cause the facility to be subject to CEQA, staff believes that the proposed text amendment will, with certainty, not result in any significant effect on the environment. Therefore, pursuant to CEQA Guidelines section 15061 the text amendment is not subject to CEQA

**SECTION 2** The City Council hereby finds that the Text Amendment conforms with Chapter 3 of the Coastal Act.

**SECTION 3** The City Council hereby finds that the Text Amendment, which amends the Implementation Plan of the Local Coastal Program, is consistent with the adopted Land Use Plan and is not known to create any conflicts or contradictions to adopted Plan policy, nor any inconsistencies within the General Plan itself, and furthermore, is generally found to be consistent with existing General Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka.

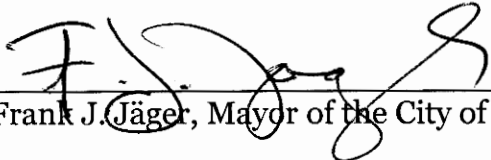
**SECTION 4** The City Council hereby declares that pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the Wireless Telecommunication Facility Text Amendment and Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

**SECTION 5** The City Council directs Staff to transmit the adopted Wireless Telecommunication Facility Text Amendment and Local Coastal Program Amendment to the Coastal Commission for approval and certification.

**SECTION 6** The City Council directs that the Wireless Telecommunication Facility Text Amendment and Implementation Plan Amendment of the Local Coastal Program Amendment take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka, County of Humboldt, State of California, on the 16<sup>th</sup> day of February, 2016, by the following vote:

AYES: COUNCIL MEMBERS: BRADY, ATKINS, BERGEL, CIARABELLINI,  
ARROYO  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

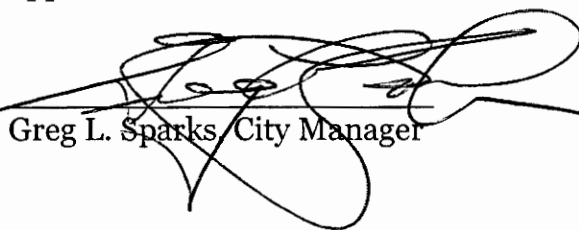
  
\_\_\_\_\_  
Frank J. Jäger, Mayor of the City of Eureka

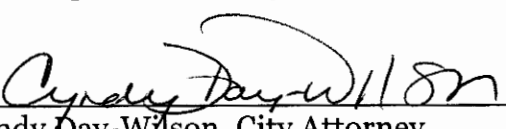
*Attest:*

  
\_\_\_\_\_  
Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

  
\_\_\_\_\_  
Greg L. Sparks, City Manager

  
\_\_\_\_\_  
Cyndy Day-Wilson, City Attorney

AN ORDINANCE OF THE CITY OF EUREKA ADDING ARTICLE 31 WIRELESS TELECOMMUNICATION FACILITIES TO CHAPTER 5 AND MODIFYING THE PRINCIPALLY AND CONDITIONALLY PERMITTED USES IN SEVERAL ZONE DISTRICTS IN THE EUREKA MUNICIPAL CODE TO ALLOW WIRELESS TELECOMMUNICATION FACILITIES, AND APPROVING THE LOCAL COASTAL PROGRAM AMENDMENT AND DIRECTING STAFF TO SUBMIT THE LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

The following article is hereby added to Title 10, Chapter 5:

**Article 31. Wireless Telecommunications Facilities**

**Part 1. General Provisions**

**Sec. 10-5.3101. Purpose**

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development and operation of wireless telecommunications facilities. The regulations contained herein are intended to protect and promote the public health, safety, community welfare and the aesthetic quality of the City while at the same time providing reasonable opportunities for providers of wireless telecommunications services to provide such services in a safe, effective and efficient manner.

**Sec. 10-5.3102. Findings.**

**Sec. 10-5.3102.1. Community benefit.**

The City believes that access to wireless telecommunication is an essential service and should be made available to all persons, agencies, organizations and businesses desiring such service.

**Sec. 10-5.3102.2. Community welfare.**

The City acknowledges that there are concerns over the exposure of people and animals to electromagnetic and radio frequency radiation. The City also acknowledges that regulations promulgated by the Federal Communications Commission limit the City's ability to regulate the electromagnetic and radio frequency radiation emitted by wireless telecommunication facilities.

**Sec. 10-5.3103. Objectives.**

The objectives of this chapter are to:

- (a) Encourage and promote the location of new wireless telecommunications facilities in areas that are not zoned for residential use;

**EXHIBIT NO. 3**

LCP AMENDMENT LCP-1-EUR-  
16-0018-1

CITY OF EUREKA  
ORDINANCE OF ADOPTION OF  
IP AMENDMENT

(b) Provide for the appropriate location and development of wireless telecommunication facilities;

(c) Protect the City's built and natural environment by promoting compatible design standards for wireless telecommunications facilities;

(d) Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;

(e) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of wireless telecommunications tower structures and antennas;

(f) Maximize use of existing wireless telecommunication towers and alternative structures so as to minimize the need to construct new towers and minimize the total number of towers throughout the City.

**Sec. 10-5.3104. Applicability.**

All wireless telecommunication facilities located in the City are controlled by the provisions of this chapter. A tower or other wireless telecommunication support structure built on speculation and for which there is no wireless tenant is prohibited within city limits.

**Sec. 10-5.3105. Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Local historic district" shall mean an historic district listed on the City's Local Register of Historic Places.

(b) "National historic district" shall mean an historic district listed on the National Register of Historic Places.

(c) "Public utility" shall mean an organization that provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

(d) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(e) "Wired telecommunication facility" shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (DSL) internet, and cable TV and internet services where TV, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(f) "Wireless telecommunication facility" shall mean public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. "Wireless telecommunication facility" shall also include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. "Wireless telecommunication facility" includes "Satellite telecommunication facility." "Wireless telecommunication facility" does not include "Wired telecommunication facility," or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

(g) "Wireless telecommunication facility permit" shall mean an administrative permit issued by the Director of Development Services or the Planning Commission.

**Sec. 10-5.3106. Development standards.**

**Sec. 10-5.3106.1. Residential neighborhoods.**

It is strongly preferred that the location of new wireless telecommunication facilities be located outside of residential neighborhoods. In an R District, all new wireless telecommunications facilities, not including co-location with an existing permitted facility, shall submit with the conditional use permit application factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service.

**Sec. 10-5.3106.2. Design standards.**

All wireless telecommunication facilities are subject to the following design standards:

(a) Facilities shall be designed to be visually unobtrusive. Colors and designs should be compatible with the existing improvements on or adjacent to the site;

(b) In an R District or within 100 feet of an R District, or in the HM District within 150 feet of an R District, facilities located shall be camouflaged or of an innovative design to minimize negative visual impacts of the facility on the surrounding residential neighborhood;

(c) Screening and landscaping:

(1) In an R, OR, or C District, or within 100 feet of an R District, or in the HM District within 150 feet of an R District, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility, and an area ten feet in depth adjoining the facility shall be landscaped with plant materials including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening or landscaping unnecessary;

(2) In all other districts, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening unnecessary;

(3) Screening of the facility should take into account the existing improvements on or adjacent to the site, including landscaping, walls, fences, berms or other devices specifically designed to screen development.

(d) Facilities shall be sited to avoid or minimize obstruction of scenic views;

(e) Facilities shall not be of a bright, shiny or glare reflective finish;

(f) If feasible, the base station and all wires and cables necessary for the operation shall be placed underground; and

(g) If the base station is located within or on the roof of a building, it may be placed in any location not visible from the surrounding neighborhood, with any wires and cables attached to the base station screened from public view.

**Sec. 10-5.3106.3. Noise.**

(a) For a wireless telecommunication facility in an R District, non-transportation noise levels generated by the proposed wireless telecommunication facility, measured immediately within the property line on which the facility is located, shall not exceed the following performance standards:

<i>Noise level descriptor</i>	<i>Daytime (7:00 a.m. to 10:00 p.m.)</i>	<i>Nighttime (10:00 p.m. to 7:00 a.m.)</i>
Hourly $L_{eq}$ , dB	50	45
Maximum level, dB	70	65
<i>Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</i>		

(b) For a wireless telecommunication facility located in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the noise performance standards listed above shall be measured at the boundary of the R District.

**Sec.10-5.3106.4. Height limits.**

The maximum height of all structures and accessory structures shall be as prescribed for the district in which the facility is located. The maximum height of towers and other support structures for a wireless telecommunication facility and including the maximum height of all antennas, dishes, and the like shall be in accordance with the following schedule:

<i>District</i>	<i>Maximum Height (feet)</i>	
	<i>Free-standing</i>	<i>On top of building</i>
A	100	25 feet above the height of the building, not to exceed 100 feet
RS-6000	60	25 feet above the height of the building, not to exceed 60 feet
RS-12000	60	25 feet above the height of the building, not to exceed 60 feet
RM-2500	60	25 feet above the height of the building, not to exceed 60 feet
RM-1000	60	25 feet above the height of the building, not to exceed 100 feet
OR	60	25 feet above the height of the building, not to exceed 60 feet
HM	60	25 feet above the height of the building, not to exceed 100 feet
CN	60	25 feet above the height of the building, not to exceed 60 feet
CP	60	25 feet above the height of the building, not to exceed 100 feet
CC	60	25 feet above the height of the building, not to exceed 100 feet
CW	60	25 feet above the height of the building, not to exceed 60 feet
CS	100	25 feet above the height of the building, not to exceed 100 feet
ML	100	25 feet above the height of the building, not to exceed 100 feet
MG	150	25 feet above the height of the building, not to exceed 150 feet
MC	150	25 feet above the height of the building, not to exceed 150 feet
P	100	25 feet above the height of the building, not to exceed 100 feet



**Sec. 10-5.3106.5. Minimum yards.**

The minimum yards for all structures and accessory structures shall be as prescribed for the district in which the facility is located. The minimum yards for free standing towers and other free-standing support structures for a wireless telecommunication facility shall be in accordance with the following schedule:

<i>District</i>	<i>Minimum yards (feet)</i>					
	<i>Within 100 feet of an R District</i>			<i>More than 100 feet from an R District</i>		
	<i>front</i>	<i>side</i>	<i>rear</i>	<i>front</i>	<i>side</i>	<i>rear</i>
A	30	30	30	30	30	30
RS-6000	25	25	25	-	-	-
RS-12000	25	25	25	-	-	-
RM-2500	20	20	20	-	-	-
RM-1000	20	20	20	-	-	-
OR	20	20	20	-	-	-
HM	20*	20*	20*	0*	0*	0*
CN	20	20	20	5	5	5
CP	50	50	50	50	50	50
CC	20	20	20	5	5	5
CW	20	20	20	5	5	5
CS	20	20	20	0	0	0
ML	20	20	20	0	0	0
MG	20	20	20	0	0	0
MC	20	20	20	0	0	0
P	20	20	20	0	0	0

\* in the HM District the distance from an R District is measured at one hundred fifty (150') feet not one hundred (100') feet.

**Sec. 10-5.3106.6. Utility poles.**

Co-location of wireless telecommunication facility antennas on utility poles shall be subject to the same permit requirements for all other wireless telecommunication facilities, and shall be subject to the following standards:

- (a) The utility pole shall be located in a public right-of-way or in a utility easement and subject to any applicable franchise fees or lease agreements required by the City;
- (b) The antenna(s) shall not extend more than ten feet above the top of the utility pole;
- (c) If the utility pole must be replaced to accommodate the antenna(s), the replacement pole shall not be more than ten feet higher than the existing utility pole. If the replacement pole exceeds the height of the existing pole, the antenna(s) shall be mounted to the sides of the pole and

shall not extend above the top of the replacement pole. Replacement of a utility pole shall be subject to a conditional use permit;

(d) Antenna(s) including the mounting structure with an outside diameter between 24 inches and 36 inches shall be subject to a conditional use permit;

(e) Antenna(s) including the mounting structure with an outside diameter greater than 36 inches are not permitted on utility poles;

(f) If the antenna(s) and mounting structure are narrower than the top of the utility pole, stealth shielding of the antenna(s) shall be used to make the antenna(s) appear as a vertical extension of the utility pole;

(g) Electrical equipment shall either be attached directly to the utility pole or placed underground. If the electrical equipment is attached to the pole, the box(es) shall not be larger than 36 inches in height, 12 inches deep and no wider than 20 inches. Not more than five such boxes shall be mounted on any one utility pole (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet above the ground. The power meter and network interface box may be installed below the ten-foot level;

(h) Antenna(s) and electrical boxes shall be painted to match the utility pole to minimize visual impact;

(i) Generators or noise-producing venting systems shall not be permitted;

(j) Lighting for aircraft is prohibited except where required by federal law;

(k) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground;

(l) Prior to co-location the utility pole shall be certified by the utility company or an independent structural engineer as being structurally capable of supporting the existing and proposed equipment; and

(m) If the wired utilities using the pole are relocated or placed underground, the telecommunications antennas and equipment shall be relocated so that the utility pole can be removed at the same time as adjoining poles.

#### **Sec. 10-5.3106.7. Maintenance.**

All wireless telecommunication facilities shall be maintained in a neat and orderly manner on a regular and as-need basis. Maintenance shall include but not be limited to the following:

(a) Mowing, weeding, gardening and general maintenance of landscaping, and including replacement of diseased or dying plant material;

(b) Painting;

(c) Removal of debris, garbage and waste; and

(d) Graffiti removal.

#### **Sec. 10-5.3106.8. Removal.**

Wireless telecommunication towers or support structures shall be demolished, deconstructed or otherwise removed upon abandonment or termination of use, and all debris shall be recycled and/or disposed of in an appropriate manner. Removal shall be completed within 90 days of abandonment or termination of use. Upon notification by the City to the property owner that the tower or support structure appears abandoned, the property owner shall remove the tower or support structure within 90 days, or the property owner shall provide satisfactory evidence to the City that the tower or support structure has not been abandoned. Expenses incurred to demolish, deconstruct or otherwise

remove wireless communication towers or support structures shall be fully paid by the company owning the tower or support structure and/or the property owner where the tower or support structure is located. Nothing in this provision shall have the effect nor shall it be construed to interfere with private contracts for facility uses in existence at the time of adoption of this chapter.

**Part 2. Wireless telecommunication facility permit - requirements and regulations.**

**Sec. 10-5.3120. Applications and fees.**

(a) Except as provided in this chapter, all wireless telecommunication facilities shall require a wireless telecommunication facility permit.

(b) All wireless telecommunication facilities shall be co-located with existing facilities, unless it is determined that co-location is not feasible.

(c) An application for a wireless telecommunication facility permit shall include the following:

(1) All application materials otherwise required for design review as prescribed in the Eureka Municipal Code;

(2) Scaled photo simulations, elevations and other visual or graphic illustrations necessary to determine the visual compatibility of the proposed project, including all equipment and antennae associated with future co-located telecommunications, with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood;

(3) A landscape plan that shows existing vegetation, vegetation to be removed and proposed landscaping by type, size and location with the expectation that maturity will occur in three to five years;

(4) A geographic service area map showing:

(i) The applicant's existing and anticipated future wireless telecommunications network within three miles in all directions of the proposed wireless telecommunication facility;

(ii) The handoff sites within the area described in (a) above;

(iii) The geographic area of the "cell" in which the proposed wireless telecommunication facility could be located to provide the new or expanded wireless service;

(iv) All other existing facilities that could be used for co-location within three miles in all directions of the proposed wireless telecommunication facility.

(5) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility, written justification why co-location is not feasible shall be submitted. Feasibility shall include the following:

(i) Whether there are any existing facilities within the geographic area of the cell required for the proposed wireless telecommunication facility;

(ii) If there are existing facilities within the geographic area of the cell for the proposed wireless telecommunication facility, feasibility shall consider whether:

A. The existing facility(ies) is of sufficient height to meet the needs of the proposed wireless telecommunication facility;

B. The existing tower(s) or support structure(s) have sufficient structural strength to support the proposed new wireless telecommunication antennas or antenna arrays and related equipment;

C. There is adequate vertical and horizontal distance available on the existing tower(s) or support structure(s) to accommodate the proposed wireless telecommunication antennas or antenna arrays and related equipment;

D. The proposed wireless telecommunication facility would cause adverse electromagnetic interference with the existing facility(ies);

E. There is adequate site area and/or building floor area at the existing facility(ies) to accommodate the proposed wireless telecommunications ground equipment; and

F. The owner of the existing facility(ies) will consent to co-location.

(f) A Federal Communications Commission TOWAIR Determination that the antenna structure does not require registration, or an aircraft and airport safety analysis providing a copy of the Federal Aviation Administration approval letter that the project conforms to Federal Aviation Administration regulations (Form FAA 7460-1 "*Notice of Proposed Construction or Alteration*" and "*The Determination of No Hazard to Air Navigation*") and including specific safety requirements such as lighting, facility color, and the like;

(g) A structural analysis prepared by a qualified California licensed civil engineer showing that the proposed wireless telecommunication facility meets manufacturer's specifications and the requirements of the state's building code contained in Title 24 of the California Administrative Code, as may be amended from time to time, relating to structural design, wind, ice and snow loads;

(h) A public health report, prepared by a qualified radio frequency engineer written in plain English and in conformance with the Federal Communications Commission OET 65. The public health report shall state the maximum electromagnetic and radio frequency radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The public health report shall include the cumulative analysis of the electromagnetic and radio frequency radiation of all other existing and anticipated future wireless telecommunication facilities within 2,000 feet of the proposed facility;

(i) Noise and acoustical information for non-transportation noise sources, including the base transceiver station(s), equipment building(s) and associated equipment, such as cooling equipment and back-up generator(s) showing compliance with Sec. 10-5.3106 of this chapter (Development Standards);

(j) Application fees as established by Resolution of the City Council.

**Sec. 10-5.3121. Design Review.**

(a) All wireless telecommunications facilities shall be subject to site plan and architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) The Design Review Committee may adopt pre-approved designs for wireless telecommunications facilities. For proposed wireless telecommunication facilities that use pre-approved designs the site plan or architectural review required by Article 18 of this chapter (Site Plan Review and Architectural Review) may be approved by the Director of Planning.

**Sec. 10-5.3122. Action on wireless telecommunication facility permit.**

(a) Action to approve or deny a wireless telecommunication facility permit shall be taken by the Director of Planning. The action of the Director on the wireless telecommunication facility

permit shall be after design review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) The Director of Planning may at his or her discretion refer the wireless telecommunication facility permit to the Planning Commission for action.

**Sec. 10-5.3123. Required findings.**

A wireless telecommunication facility permit may be granted only if the following findings are made:

(a) The proposed wireless telecommunication facility will not generate electromagnetic or radio frequency radiation in excess of the Federal Communications Commission adopted standards for human exposure; and

(b) The proposed wireless telecommunication facility will be compatible with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood.

**Sec. 10-5.3124. Historic resources.**

In addition to the wireless telecommunication facility permit, all wireless telecommunications facilities located within a Local or National Historic District or within 100 feet of a Local or National Historic District shall require a conditional use permit as prescribed in this chapter.

**Part 3. Conditional use permit - requirements and regulations**

**Sec. 10-5.3130. Application requirements; fees.**

(a) Where a wireless telecommunication facility requires a conditional use permit, the conditional use permit shall also act as the wireless telecommunication facility permit otherwise required by this chapter.

(b) An application for a conditional use permit for a wireless telecommunication facility shall include the following:

(1) All application materials otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(2) All materials listed as required for a wireless telecommunications facility permit application as prescribed in this chapter;

(3) In an R District, all new wireless telecommunications facilities, not including co-location with an existing permitted facility, factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service; and

(4) Application fees as established by Resolution of the City Council.

(c) In addition to the conditional use permit a wireless telecommunication facility located in the coastal zone shall only be allowed upon the granting of a coastal development permit as required pursuant to the Eureka Municipal Code.

**Sec. 10-5.3131. Education/outreach.**

(a) Within 60 days of submittal of a complete application for a conditional use permit to locate a wireless telecommunication facility in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the applicant shall host a neighborhood education and informational meeting at which, at a minimum, a summary of the

information provided with the conditional use permit application shall be presented and made available to attendees in electronic and/or hard copy.

(b) The education and informational meeting shall be noticed by the applicant in conformance with Section 10-5.3132 of this chapter (Noticing). The notice shall be printed on brightly-colored (preferably fluorescent) heavy stock post cards. Additionally, a sign of a minimum size of two and one half feet tall by three feet wide of a visible color other than yellow advertising the education and informational meeting shall be posted in a conspicuous place on or near the location of the proposed wireless telecommunication facility. The sign shall state the date, time and location of the education and informational meeting, the location of the proposed wireless telecommunication facility, and a contact phone number of the applicant or agent.

(c) The applicant shall prepare and submit to the Planning Department within 21 days of the education and informational meeting, at a minimum, the following:

- (1) A copy of the information presented and made available (in all formats) by the applicant at the meeting;
- (2) A summary of the issues and concerns, if any, that were presented either verbally or in writing at the meeting along with proposed mitigation to address them;
- (3) A copy of all written correspondence received at the meeting;
- (4) Information and/or documentation prepared by the applicant addressing each of the issues and/or concerns, if any, expressed at the meeting; and
- (5) A list of names and email addresses of persons requesting to receive notice of the public hearing for the conditional use permit.

**Sec. 10-5.3132. Noticing.**

(a) All noticing for hearings on a conditional use permit application for a wireless telecommunications facility shall be as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(b) For a proposed wireless telecommunication facility greater than 60 feet in height in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, notice shall also be provided to all owners and tenants of real property within 500 feet of the site proposed for the wireless telecommunication facility.

**Sec. 10-5.3133. Design review.**

(a) All wireless telecommunications facilities shall be subject to site plan and architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) No conditional use permit for a wireless telecommunications facility shall be approved until the site plan and architectural review required by this chapter are approved by the Planning Commission.

**Sec. 10-5.3134. Action on conditional use permit.**

All conditional use permits for a wireless telecommunication facility shall be acted upon as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code.

**Sec. 10-5.3135. Required findings.**

A conditional use permit for a wireless telecommunication facility may be granted only if the following findings are made:

(a) All findings otherwise required for a conditional use permit pursuant to the Eureka Municipal Code; and

(b) All findings required for a wireless telecommunication facility permit as prescribed in Section 10-5.3102 of this chapter (Findings).

**Sec. 10-5.3136. Lapse of permit.**

Lapse of a conditional use permit for a wireless telecommunications facility shall be the same as the lapse of all other conditional use permits as prescribed in the Eureka Municipal Code.

**Sec. 10-5.3137 Penalties.**

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or the provisions of any code adopted by reference by this code, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this code which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

(1) The City Attorney files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(b) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code, or the provisions of any code adopted by reference by this code, shall be deemed a public nuisance and may be summarily abated by this city, and each day such condition continues shall be regarded as a new and separate offense.

**Section 2.**

Title 10, Chapter 5, Article 1, Section 10-5.106.11, is hereby amended to read as follows:

(a) "Pre-existing" shall mean in existence prior to October 16, 1966.

(b) "Public utility" shall mean an organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

(c) "Railroad right-of-way" shall mean a strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards, or other uses are located. Areas of railroad rights-

of-way may be used solely for the purpose of accommodating tracks, signals, and other operative devices and facilities related to and necessary for the operation of a railroad.

(d) "Recreational vehicle" shall mean a vehicle with or without motive power designed for human habitation for recreational or emergency occupancy meeting the criteria of Division 13, Part 2.1, Section 18215.5 of the California Health and Safety Code. A "recreational vehicle" shall include a motorhome, travel trailer, truck camper, or camping trailer.

(e) "Recreational vehicle park" shall mean any area or tract of land or a separate designated section within a mobilehome park, where one (1) or more lots are rented or leased or held out for rent, or lease to owners or user of recreational vehicles or tents used for travel or recreational purposes on a transient basis.

(f) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(g) "Scrap metal yard" shall mean a site or portion of a site used for storage, sorting, collecting, or bailing of previously semi-prepared scrap metal, provided that no burning shall be permitted.

(h) "Service Station" shall mean a place where gasoline or any other motor fuel, lubricating oil, or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including the sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

### Section 3.

Title 10, Chapter 5, Article 1, Section 10-5.106.16, is hereby amended to read as follows:

(c) "Wired telecommunication facility" shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (dsl), internet and cable tv and internet services where tv, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(d) "Wireless telecommunication facility" shall mean public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. "Wireless telecommunication facility" shall include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. "Wireless telecommunication facility" shall include "satellite telecommunication facility." "Wireless telecommunication facility" shall not include "wired telecommunication facility," or private personal wireless facilities that do not require a license from the federal communications commission, including direct-to-home satellite tv.

(e) "Wireless telecommunication facility permit" shall mean an administrative permit issued by the director of community development or the planning commission.

(f) "Yard" shall mean an open space on the same site as a structure, located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.



(g) "Yard, front" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

(h) "Yard, rear" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

(i) "Yard, side" shall mean a yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

**Section 4.**

Title 10, Chapter 5, Article 2, Section 10-5.210.2, is hereby amended to read as follows:

**Sec. 10-5.210. Exceptions.**

Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than twenty-five (25') feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. The height of wireless telecommunication facilities shall be regulated by Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 5.**

Title 10, Chapter 5, Article 4, Section 10-5.404., is hereby amended to read as follows:

**Sec. 10-5.404. Conditional Uses.**

- (x) Veterinarians' offices;
- (y) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities); and
- (z) Accessory structures and uses located on the same site as a conditional use.

**Section 6.**

Title 10, Chapter 5, Article 5, Section 10-5.504, is hereby amended to read as follows:

**Sec. 10-5.504. Conditional uses.**

- (m) "Bed and breakfast inn" in which not more than 15 paying guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area;
- (n) Timber harvest of less than three (3) acres; and
- (o) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 7.**

Title 10, Chapter 5, Article 6, Section 10-5.604, is hereby amended to read as follows:

**Sec. 10-5.604. Conditional Uses**

- (n) Family care homes and halfway houses;
- (o) Timber harvest of less than three (3) acres; and
- (p) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 8.**

Title 10, Chapter 5, Article 7, Section 10-5.704, is hereby amended to read as follows:

**Sec. 10-5.704. Conditional Uses**

- (m) Timber harvest of less than three (3) acres; and
- (n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 9.**

Title 10, Chapter 5, Article 8, Section 10-5.803, is hereby amended to read as follows:

**Sec. 10-5.803. Permitted Uses.**

- (f) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required parking facilities in Section 10-5.1504 of this chapter (Standards for off-street parking facilities);
- (g) Wireless telecommunication facilities located more than 150' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities); and
- (h) Accessory structures and uses located on the same site as a permitted use.

**Section 10.**

Title 10, Chapter 5, Article 8, Section 10-5.804, is hereby amended to read as follows:

**Sec. 10-5.804. Conditional Uses**

- (f) Any use permitted in Section 10-5.603 of Article 6 of this chapter (Permitted Uses) In "RM" Districts, subject to all the requirements of the "RM 1000" District. "HM" District regulations shall control where they impose greater restrictions; and,
- (g) Timber harvest of less than three (3) acres; and
- (h) Wireless telecommunication facilities located within 150' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 11.**

Title 10, Chapter 5, Article 9, Section 10-5.903, is hereby amended to read as follows:

	CN	CP	CC	CW	CS
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).			P	P	P
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).	C	C	C	C	C
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).	P	P	P	C	P
Telegraph offices ; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).	P	P	P	P	P

**Section 12.**

Title 10, Chapter 5, Article 10, Section 10-5.1003.1, is hereby amended to read as follows:

**Sec. 10-5.1003.1. ML Limited Industrial Districts.**

(e) Parking lots improved in conformity with the standards prescribed for required parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities);

(f) Accessory structures and uses located on the same site as a permitted use;

(g) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 13.**

Title 10, Chapter 5, Article 10, Section 10-5.1004.1, is hereby amended to read as follows:

**Sec. 10-5.1004.1 ML Limited Industrial Districts.**

- (g) Gymnastics schools, and health clubs; and
- (h) Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 14.**

Title 10, Chapter 5, Article 10, Section 10-5.1004.2, is hereby amended to read as follows:

**Sec. 10-5.1004.2 MG General Industrial Districts.**

- (44) Storage of logs or wood chips;
- (b) Accessory structures and uses located on the same site as a conditional use; and
- (c) Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 15.**

Title 10, Chapter 5, Article 11, Section 10-5.1104, is hereby amended to read as follows:

**Sec. 10-5.1104. Conditional uses.**

- (h) Public pumping stations, power stations, equipment buildings and installations, corporation yards, drainage ways and structures, reservoirs, storage tanks, and sewage treatment plants;
- (i) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by subsection (b) of Section 10-5.1505 of Article 15 of this chapter (Location of off-street parking facilities); and
- (j) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 16.**

Title 10, Chapter 5, Article 29, Part 1, Section 10-5.2906.10, is hereby amended to read as follows:

**Sec. 10-5.2906.10.**

- (k) "Pre-existing" shall mean prior to the adoption of this chapter; and
- (l) "Public utility" shall mean an organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

**Section 17.**

Title 10, Chapter 5, Article 29, Part 1, Section 10-5.2906.11, is hereby amended to read as follows:

Sec. 10-5.2906.10.

(c) "Recreational vehicle park" shall mean any area or tract of land or a separate designated section within a mobilehome park, where one or more lots are rented or leased or held out for rent, or lease to owners or user of recreational vehicles or tents used for travel or recreational purposes on a transient basis.

(d) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(e) "Scrap metal yard" shall mean a site or portion of a site used for storage, sorting, collecting, or bailing of previously semi-prepared scrap metal, provided that no burning shall be permitted.

Section 18.

Title 10, Chapter 5, Article 29, Part 1, Section 10-5.2906.15, is hereby amended to read as follows:

**Sec. 10-5.2906.15**

(d) "Wired telecommunication facility" shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (dsl), internet and cable tv and internet services where tv, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(e) "Wireless telecommunication facility" shall mean public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. "Wireless telecommunication facility" shall include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. "Wireless telecommunication facility" shall include "satellite telecommunication facility." "Wireless telecommunication facility" shall not include "wired telecommunication facility," or private personal wireless facilities that do not require a license from the federal communications commission, including direct-to-home satellite tv.

(f) "Wireless telecommunication facility permit" shall mean an administrative permit issued by the director of community development or the planning commission.

(g) "Yard" shall mean an open space on the same site as a structure, located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

(h) "Yard, front" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

(i) "Yard, rear" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

(j) "Yard, side" shall mean a yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

**Section 19.**

Title 10, Chapter 5, Article 29, Part 2, Section 10-5.2927.2, is hereby amended to read as follows:

**10-5.2927.2. Exceptions.**

Towers, spires, cupolas, chimneys penthouses, water tanks, flagpoles, monuments, scenery lofts, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure may be erected to a height of not more than one hundred (100') feet or not more than twenty-five (25') feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. The height of wireless telecommunication facilities shall be regulated by Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 20.**

Title 10, Chapter 5, Article 29, Part 7, Section 10-5.2973., is hereby amended to read as follows:

**Sec. 10-5.2973. Conditional uses.**

Wetland restoration and enhancement projects, and  
Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 21.**

Title 10, Chapter 5, Article 29, Part 8, Section 10-5.2983., is hereby amended to read as follows:

**Sec. 10-5.2983. Conditional uses.**

- (m) Bed and breakfast inns in which not more than 15 paying transient guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area;
- (n) Timber harvest of less than three acres; and
- (o) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 22.**

Title 10, Chapter 5, Article 29, Part 9, Section 10-5.2992, is hereby amended to read as follows:

**Sec. 10-5.2992. Conditional uses.**

- (m) Timber harvest of less than three (3) acres; and
- (n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Section 23.

Title 10, Chapter 5, Article 29, Part 10, Section 10-5.29103., is hereby amended to read as follows:

**Sec. 10-5.29103. Conditional uses.**

(l) Retail and service establishments that are compatible with and complementary to other permitted uses, including only:

(15) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities); and,

(m) Timber harvest of less than three acres; and

(n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Section 24.

Title 10, Chapter 5, Article 29, Part 11, Section 10-5.29112., is hereby amended to read as follows:

**Sec. 10-5.29112. Permitted uses.**

Variety shops; and

(m) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Section 25.

Title 10, Chapter 5, Article 29, Part 11, Section 10-5.29113., is hereby amended to read as follows:

**Sec. 10-5.29113. Conditional uses.**

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Wholesale establishments without stocks;

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities); and

Section 26.

**BILL NO. 906-C.S.**  
**ORDINANCE NO. 830-C.S.**  
**Page 20**

Title 10, Chapter 5, Article 29, Part 12, Section 10-5.29122., is hereby amended to read as follows:

**Sec. 10-5.29122. Permitted uses.**

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Women's apparel accessory stores; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 27.**

Title 10, Chapter 5, Article 29, Part 12, Section 10-5.29123., is hereby amended to read as follows:

**Sec. 10-5.29122. Conditional uses.**

Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 28.**

Title 10, Chapter 5, Article 29, Part 13, Section 10-5.29132., is hereby amended to read as follows:

**Sec. 10-5.29132. Permitted uses.**

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Women's apparel accessory stores; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).



**Section 29.**

Title 10, Chapter 5, Article 29, Part 13, Section 10-5.29133., is hereby amended to read as follows:

**Sec. 10-5.29133. Conditional uses.**

Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than 300 feet from an R or OD District; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 30.**

Title 10, Chapter 5, Article 29, Part 14, Section 10-5.29142., is hereby amended to read as follows:

**Sec. 10-5.29142. Permitted uses.**

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Women's apparel accessory stores; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 31.**

Title 10, Chapter 5, Article 29, Part 14, Section 10-5.29143., is hereby amended to read as follows:

**Sec. 10-5.29143. Conditional uses.**

Circuses, carnivals, and other transient amusement enterprises;

Pool halls; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 32.**

Title 10, Chapter 5, Article 29, Part 15, Section 10-5.29152., is hereby amended to read as follows:

**Sec. 10-5.29152. Permitted uses.**

**BILL NO. 906-C.S.**  
**ORDINANCE NO. 830-C.S.**  
**Page 22**

Water borne carrier import and export facilities; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 33.**

Title 10, Chapter 5, Article 29, Part 15, Section 10-5.29153., is hereby amended to read as follows:

**Sec. 10-5.29153. Conditional uses.**

Warehouses serving permitted uses;

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 34.**

Title 10, Chapter 5, Article 29, Part 16, Section 10-5.29162, is hereby amended to read as follows:

**Sec. 10-5.29162. Permitted uses.**

Accessory structures and uses located on the same site as a permitted use; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 35.**

Title 10, Chapter 5, Article 29, Part 16, Section 10-5.29163, is hereby amended to read as follows:

**Sec. 10-5.29163. Conditional uses.**

Gymnastics schools and health clubs; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 36.**

Title 10, Chapter 5, Article 29, Part 17, Section 10-5.29173, is hereby amended to read as follows:

**Sec. 10-5.29173. Conditional uses.**

Accessory structures and uses located on the same site as a conditional use; and

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 37.**

Title 10, Chapter 5, Article 29, Part 18, Section 10-5.29182, is hereby amended to read as follows:

**Sec. 10-5.29182. Permitted uses.**

Uses which are accessory and incidental to a permitted use; and  
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 38.**

Title 10, Chapter 5, Article 29, Part 18, Section 10-5.29183, is hereby amended to read as follows:

**Sec. 10-5.29183. Conditional uses.**

Storage or processing of materials or equipment accessory to other permitted or conditional uses; and  
Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

**Section 39.**

Title 10, Chapter 5, Article 29, Part 19, Section 10-5.29188.3, is hereby amended to read as follows:

**Sec. 10-5.29188.3. Conditional uses.** A third restaurant, on-site incidental fish sales and processing, and wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities) shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.

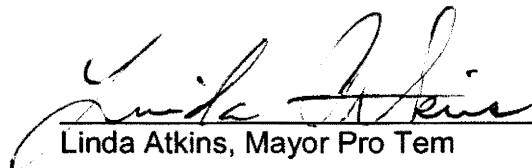
**BILL NO. 906-C.S.**  
**ORDINANCE NO. 830-C.S.**  
**Page 24**

Section 40.

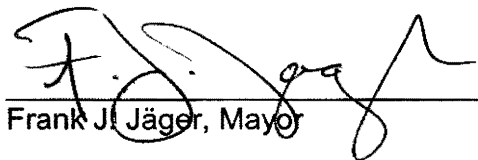
This ordinance becomes effective upon certification by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 16th day of February, 2016 by the following vote:

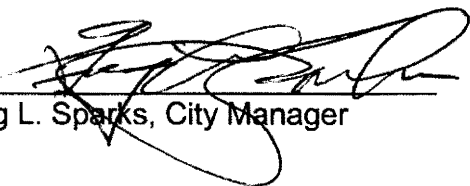
AYES: COUNCILMEMBERS BRADY, ATKINS, BERGEL, CIARABELLINI,  
ARROYO  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS

  
Linda Atkins, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the \_\_\_\_ day of \_\_\_\_\_, 2016, and hereby approved.

  
Frank J. Jäger, Mayor

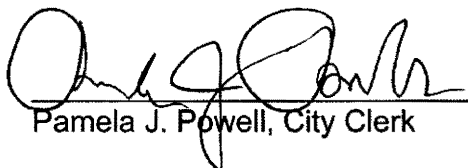
*Approved as to Administration:*

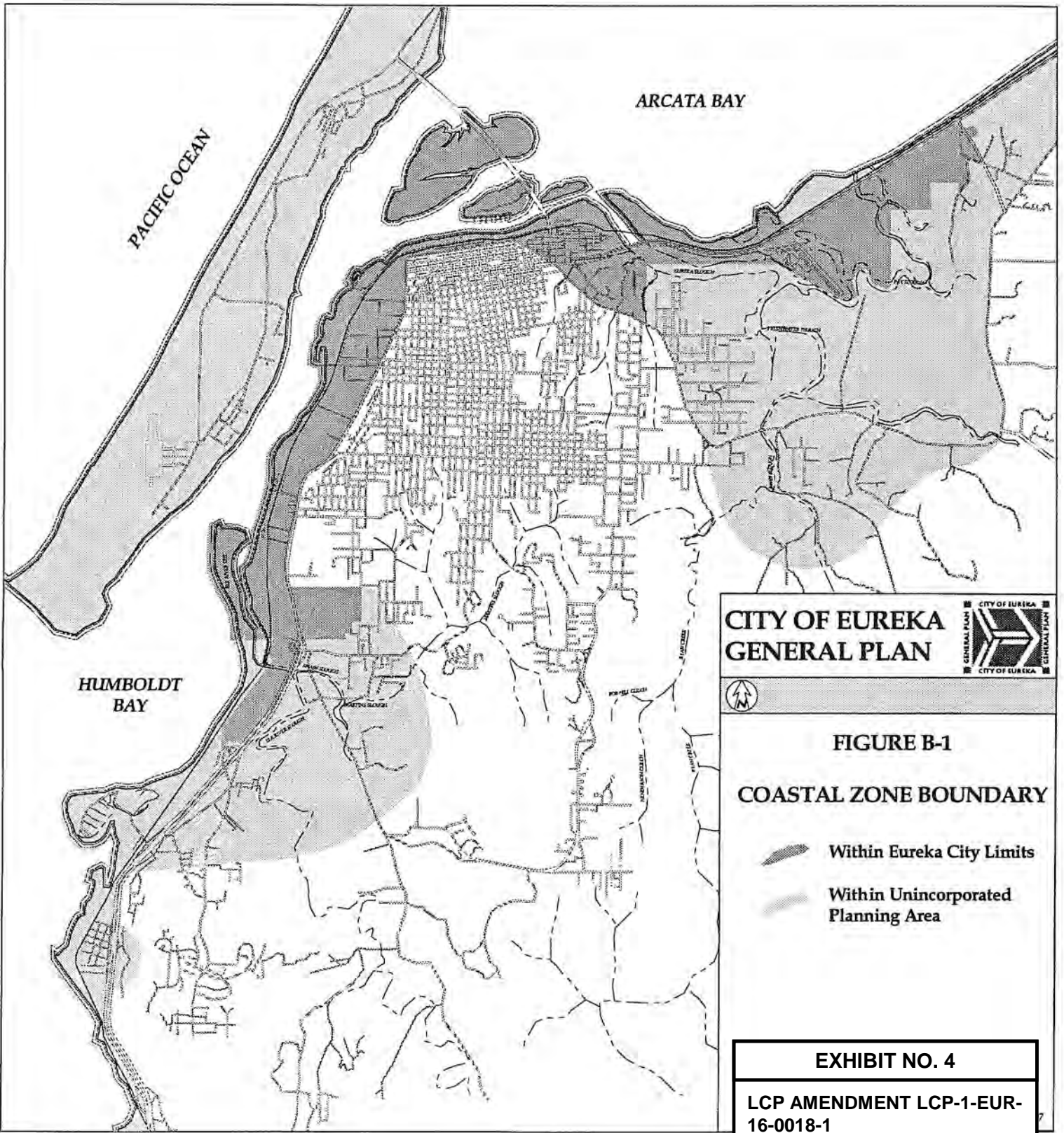
  
Greg L. Sparks, City Manager

*Approved as to form:*

  
Cyndy Day-Wilson, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the 3rd day of March, 2016.

  
Pamela J. Powell, City Clerk





**CITY OF EUREKA  
GENERAL PLAN**



**FIGURE B-1**

**COASTAL ZONE BOUNDARY**

-  Within Eureka City Limits
-  Within Unincorporated Planning Area

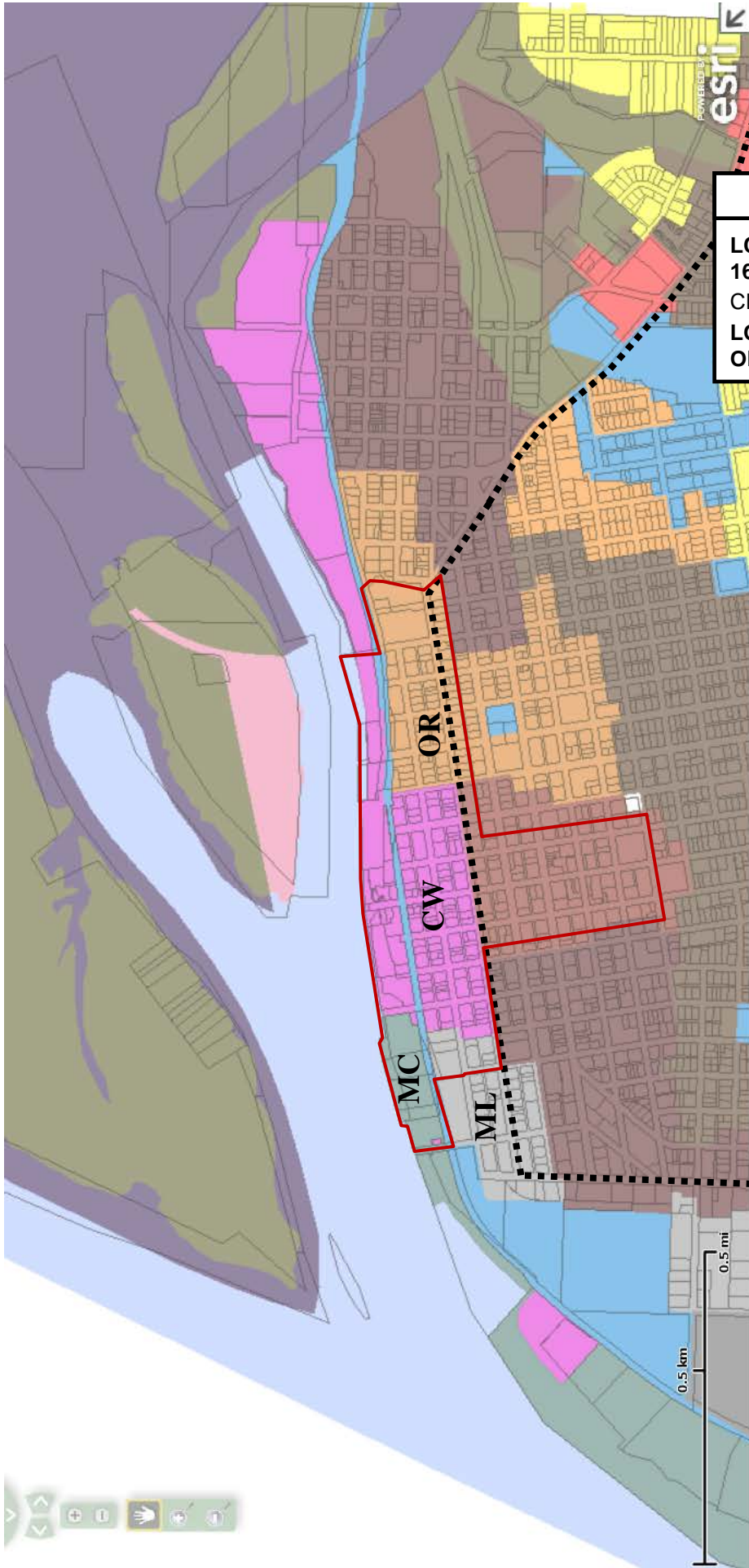
**EXHIBIT NO. 4**

**LCP AMENDMENT LCP-1-EUR-16-0018-1**

**CITY OF EUREKA**

**MAP OF EUREKA'S COASTAL ZONE**

# Core Area Zoning Districts in the Coastal Zone



[http://www.ci.eureka.ca.gov/depts/development\\_services/gis\\_mapping.asp](http://www.ci.eureka.ca.gov/depts/development_services/gis_mapping.asp)

**EXHIBIT NO. 5**  
**LCP AMENDMENT LCP-1-EUR-16-0018-1**  
**CITY OF EUREKA**  
**LOCATION & ZONING OF CITY OF EUREKA CORE AREA**

- ..... = Coastal Zone
  - = Core Area
- Zoning Districts
- MC = Coastal Dependent Industrial District
  - CW = Waterfront District
  - ML = Light Industrial District
  - OR = Office and Multi-Family Residential District



DEL NORTE

Redwood NP

Stone Lagoon

Big Lagoon

Patrick's Pt.

Big Lagoon Rancheria

City of Trinidad

Trinidad Rancheria

City of McKinleyville

Blue Lake Rancheria

Arcata Bay

City of Arcata

Humboldt Bay

City of Eureka

Table Bluff Reservation

Bear River Band - Rohnerville Rancheria

City of Fortuna

City of Ferndale

Cape Mendocino

King Range NCA

HUMBOLDT

MENDOCINO

**EXHIBIT NO. 6**

**LCP AMENDMENT LCP-1-EUR-16-0018-1**

**CITY OF EUREKA  
REGIONAL LOCATION MAP**

