

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared May 26, 2022 for June 10, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for June 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on June 10, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on June 10th during the hybrid virtual/in-person hearing.

With respect to the June 10th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on June 10, 2022 (see attached)

CDP Amendments

- 3-00-125-A11, Caltrans' Waddell Bluffs Talus Operations (North Santa Cruz County)

LCP Certification Reviews

- LCP-3-STC-21-0071-2, Wireless Telecommunications Facilities (City of Santa Cruz)

CDP Waivers, CDP Extensions, and Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: May 26, 2022

To: All Interested Parties

From: Dan Carl, Central Coast District Director
Rainey Graeven, Coastal Planner

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-00-125
Applicant: California Department of Transportation (Caltrans)

Original CDP Approval

CDP 3-00-125 was approved by the Coastal Commission on October 12, 2000 and has been amended ten times. CDP 3-00-125, as amended, allows for the annual collection, movement, and placement of up to 30,000 cubic yards per year of landslide talus material from the toe of Waddell Bluffs inland of Highway 1 to the bluffs on the seaward side of Highway 1 (immediately south of the San Mateo County line at the Waddell Creek State Beach portion of Big Basin Redwoods State Park). Talus operations under the CDP are limited to the period between October 15th through December 31st of each year. Talus placement is limited to specified locations adjacent to the shoreline where the talus materials can be reached by ocean wave action, including atop the 600-foot-long rock revetment that protects the Waddell Creek beach parking lot and atop the revetment fronting Highway 1 extending upcoast from the parking lot. The CDP requires that authorized activities be monitored and that Caltrans report such data to the Commission every five years. The existing amendments include CDP Amendments 3-00-125-A1 through 3-00-125-A10.

Proposed CDP Amendment

The proposed amendment would extend the permit expiration (currently June 30, 2022) to December 31, 2030 and allow ten-year extensions subject to Executive Director review and approval going forward.¹ The proposed amendment represents the culmination of close coordination between Caltrans staff and Commission staff to update the condition language to provide greater clarity, certainty, and efficiency regarding the parameters and requirements of the CDP as it relates to talus operations, reporting, and coastal resource protection standards. The revised special conditions² are shown in Attachment A, and a map depicting the public access locations where through access is to be maintained at all times is shown in Attachment B. The

¹ Future extensions would be subject to Executive Director review and approval provided there are no changed circumstances that may affect the consistency of this authorization with the policies of Chapter 3 of the Coastal Act that would necessitate re-review of the CDP by the Commission.

² Standard conditions remain unchanged.

Commission's reference number for this proposed amendment is **3-00-125-A11**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

Project activities have remained largely the same since Caltrans' talus operations began at this location in 1994, and continuation will allow Caltrans to maintain safe highway operations while mimicking natural shoreline erosion and sand supply processes as closely as feasible. Commission and Caltrans staff agree that the proposed updated permit will serve to increase clarity, certainty, and efficiency, including making certain operational considerations that have adapted over time more explicit. In sum, the proposed amendment will maintain public access and natural shoreline processes consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. Caltrans, acting as lead CEQA agency, adopted a Negative Declaration for annual talus disposal activities.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, June 10, 2022 at the hybrid virtual and in-person meeting at the Hilton in Del Mar. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection,

please contact Rainey Graeven in the Central Coast District office at Rainey.Graeven@coastal.ca.gov.

Attachment A:

Special Conditions of Coastal Development Permit 3-00-125, as modified through and including Coastal Development Permit Amendment 3-00-125-A11.

1. **Approved Project.** This CDP authorizes the Permittee to collect talus material from the bluffs on the inland side of Highway 1 and to deposit those materials on the seaward side of Highway 1 between the mouth of Waddell Creek and the Santa Cruz-San Mateo County line subject to the terms and conditions of this CDP, including all of the following:
 - a. **Yearly Work Window and Timing.** Activities associated with this CDP shall only occur during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset) from October 15th through December 31st of each year. Lighting of the work area is prohibited.
 - b. **Talus Storage in Stockpiling Materials and Berms.** The storage of talus materials in stockpiles and berms shall be limited to the greatest extent feasible to minimize impacts on public access and coastal views.
 - 1) Stockpiles are defined as the temporary placement (i.e., up to two weeks) of talus materials for the purpose of completing annual talus relocation activities during the authorized construction window in the project area.
 - 2) Berms are defined as compacted talus material located at the top seaward edge of the coastal bluff and the parking lot, which can remain on site year-round in the project area.
 - 3) Stockpiles and berms:
 - a. shall be limited in height, length, and width to the greatest extent feasible;
 - b. shall not obstruct beach/ocean access points (including from the beach parking lot, as well as the three identified access points upcoast of the lot (see Attachment B)), and a minimum opening (i.e., areas without stockpiles and/or berms) of 20 feet shall be maintained at all access points at all times.
 - 4) Stockpiles shall be no higher than 5 feet, and berms no higher than 3.5 feet.
 - 5) Stockpiles in parking areas may be allowed only during the authorized construction window and only when: (a) space allocated to such operations shall be limited to the smallest area possible (and shall in no case occupy more than half of the parking area at one time); (b) stockpiling and depositing operations shall be completed within two weeks; and (c) affected areas shall be returned to their pre-construction state or better immediately following operations.

- 6) The Permittee may request, and the Executive Director may grant, minor and temporary adjustments to the terms above when consistent with Special Condition 5 below and upon a demonstration of the infeasibility of meeting the terms or a substantial need for temporary modification.
- c. Depositing Materials.** Collected materials shall be deposited on the bluffs, revetments fronting the bluffs/parking lot, and the beach. In all cases, materials shall be deposited in the manner that has the least adverse impacts on coastal resources, including that:
- 1) Priority shall be given to covering revetments in the project area with talus materials as much as possible before depositing any such materials in other allowable locations. If possible, revetments shall be completely covered prior to utilizing secondary deposition locations.
 - 2) Sandy beach coverage shall be avoided as much as possible, and such coverage shall be kept to no more than 25 feet in width (as measured seaward from the base of the bluff and/or revetments) where unavoidable.
 - 3) Traffic delays shall be minimized as much as possible, and shall be limited to no more than 15 minutes.
- d. Material Volumes.** Only the amount of material that accumulates at the base of the bluff on the inland side of the highway in the project area since removal during the previous year is covered by this CDP. The total quantity of talus materials deposited seaward of the highway shall not exceed 30,000 cubic yards in any single year, unless authorized by the Executive Director because it can be accomplished in a manner that is consistent with this CDP otherwise and does not lead to any more significant coastal resource impacts than would 30,000 cubic yards.
- e. Highway Pullouts/Public Views.** Upon completion of project area activities in any given year, the Permittee shall ensure that all pullout areas (i.e., the area seaward of the highway in the project area) are graded as necessary to ensure that they provide maximum useable and flat public pullout space, and to minimize impacts to public views from the highway and the pullouts as much as possible.
- f. Contingencies.** If the Executive Director determines that authorized activities are adversely affecting coastal resources in ways not anticipated by this CDP (e.g., if materials are unexpectedly leading to fisheries impacts in Waddell Creek), the Executive Director may direct that such activities cease until the Executive Director determines that operations can be modified and/or can continue in a way that avoids any such adverse impacts. The Permittee shall notify the Executive Director within at least three working days of any knowledge of new and/or unexpected impacts related to coastal resources (including to public access, public views, and creek/marine resources) and/or coastal hazards (including related to sea level rise).

- g. Reporting.** The Permittee shall provide a report to the Executive Director by March 31, 2026, and by March 31st every five years thereafter (i.e., in 2031, 2036, 2041, etc.) for as long as this CDP remains valid. Each report shall:
- 1) Document each year's activities, including information demonstrating that all such activities were consistent with the terms and conditions of this CDP (including timing and duration, material volumes, stockpiles, berms, placement locations, end of year pull-out/public view protection grading, etc.).
 - 2) Include photographs (in color hard copy 8½ x 11 and digital format) that provide representative documentation of project activities and the project area that meet at least the following requirements:
 - a. Photographs shall cover each yearly season (including photos taken before, during, and after the allowed construction window for the year), and each photograph shall include date and time information;
 - b. Photographic locations shall be sufficient to provide detailed coverage of the project area as seen with the unaided eye from the highway, the pullouts, the parking lot, and the beach, and shall be accompanied by a site plan noting all photographic locations;
 - c. Photographs shall be taken at the same locations over the years to allow for ease of comparison, where such photographs and photographic locations shall be sufficient to demonstrate compliance with the terms and conditions of this CDP (including in relation to stockpiles, berms, pullouts and parking areas, and talus deposition areas), and where photographs are presented in each report in a manner that facilitates both before and after comparisons as well as highlights project compliance with this CDP; and
 - d. Baseline photographs meeting the above criteria and going back as far as possible shall be provided (including pre-2022 photographs as much as possible, but at least a set of 2022 baseline photographs taken at least one week prior to the 2022 construction window).
 - 3) Document any changing circumstances that may affect ongoing talus relocation activities (including but not limited to increased erosion, flooding, wildfire events, or changes related to sea level rise).
 - 4) Include a section that identifies any potential project changes that could be implemented in the future to better achieve project objectives and to better protect coastal resources.
- h. Duration.** This CDP is valid until December 31, 2030, which term may be extended in 10-year increments by the Executive Director if (1) the Permittee requests such an extension prior to expiration of any such 10-year term; and (2) the Executive Director verifies that there are not changed circumstances that

may affect the consistency of this authorization with the policies of Chapter 3 of the Coastal Act and that necessitate re-review of the CDP by the Commission.

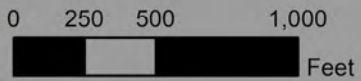
2. **Enforceability.** All requirements above shall be enforceable components of this CDP, and the Permittee shall undertake development in conformance with the terms and conditions of this CDP.
3. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a) that the project area is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise; (b) to assume the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.
4. **Other Authorizations.** PRIOR TO COMMENCEMENT OF AUTHORIZED ACTIVITIES IN ANY YEAR, the Permittee shall provide to the Executive Director written documentation of authorizations from all entities from which such authorization is necessary for the approved project, including at a minimum from the U.S. Army Corps of Engineers, Monterey Bay National Marine Sanctuary, the California State Lands Commission, Central Coast Regional Water Quality Control Board, and Santa Cruz County, or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project unless and until (a) the Permittee obtains an amendment to this CDP, or (b) the Executive Director authorizes such changes as consistent with the approved CDP, and determines that no amendment is legally required.
5. **Minor Changes.** The Executive Director may approve minor adjustments to CDP terms and conditions if the Executive Director determines that the adjustments: (1) are de minimis in nature and scope; (2) are reasonable and necessary; (3) do not adversely impact coastal resources; and (4) do not legally require an amendment.



Waddell Bluffs Beach Access



Beach Access



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F 11

Prepared May 26, 2022 (for June 10, 2022 Hearing)

To: Coastal Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Dan Carl, Central Coast District Director
Kiana Ford, Coastal Planner

Subject: Certification Review for City of Santa Cruz LCP Amendment Number LCP-3-STC-21-0071-2 (Wireless Ordinance)

On February 11, 2022, the California Coastal Commission considered a proposed City of Santa Cruz LCP amendment (LCP-3-STC-21-0071-2) to update the LCP Implementation Plan (IP) standards associated with wireless telecommunications facilities, including a series of changes specific to small-cell wireless telecommunication facilities. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Santa Cruz City Council considered the Commission's conditional certification on May 10, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's May 10, 2022 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's June meeting on June 10, 2022 as part of the Central Coast District Director's Report. The Commission meeting starts at 9am on June 10th, and the District Director's Report is item number 11 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in

LCP-3-STC-21-0071-2 Certification Review

that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the Central Coast District office at (831) 427-4863 and/or centralcoast@coastal.ca.gov.

Attachment: City of Santa Cruz City Council's May 10, 2022 Action

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING TITLE 24 OF THE SANTA CRUZ MUNICIPAL CODE (ZONING ORDINANCE) AND THE LOCAL COASTAL IMPLEMENTATION PLAN: AMENDING SECTION 24.12.1400 ET SEQ. REGARDING REQUIREMENTS FOR "SMALL CELL" WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND WITHIN THE COASTAL ZONE, AMENDING SECTION 24.04.130 "DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL", SECTION 24.04.186 "APPEALS TO COASTAL COMMISSION"

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 24.12.1405 (Definitions) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.12.1405 DEFINITIONS.

- A. As used in this chapter, the following terms shall have the meaning set forth below, unless the context clearly dictates a different meaning.
1. "Amateur radio facilities" are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a written authorization from the Federal Communications Commission to operate an amateur radio facility.
 2. "American National Standards Institute" or "ANSI" is a private organization that develops widely accepted standards for various modem-day equipment.
 3. "Antenna" is a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.
 4. "Base transceiver station" or "BTS" is the electronic equipment housed in cabinets that together with antennas comprises a PCS facility or "site". The cabinets include an air conditioning unit, heating unit, electrical supply, telephone hook-up and back-up power supply.
 5. "California Public Utility Commission" or "CPUC" is the state-level regulatory agency responsible for regulating wireless telecommunications.
 6. "Cell" is the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagates.

7. "Cell site" is a parcel of real property or public right-of-way on which a wireless telecommunications facility is to be located.
8. "Co-location" is a wireless telecommunications facility comprising a single telecommunications tower, monopole or building supporting antennas owned or used by more than one wireless telecommunications carrier.
9. "Direct-to-home" generally means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises.
10. "Facade-mounted antenna" is an antenna that is directly attached or affixed to any facade of building.
11. "Feasible" shall mean, for the purpose of this Chapter 24.12 Part 15, capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, social, and technological factors.
12. "Federal Communications Commission" or "FCC" is the federal agency responsible for licensing and regulating wireless telecommunications providers. The agency has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.
13. "Freestanding monopole" is a structure composed of a single spire used to support communications equipment.
14. "Ground-mounted" is an antenna with its support structure placed directly on the ground.
15. Monopole. See "Freestanding monopole."
16. "Non-ionizing electromagnetic radiation" or "NIER" means low energy and low frequency electromagnetic energy, including visible light, television, pagers, AM/FM radio, cellular systems, enhanced specialized mobile radio (ESMR) systems and personal communications services (PCS) systems.
17. "Omni-directional" means an antenna that is equally effective in all directions (360 degrees) and is typically cylindrical in shape, the size of which varies with the frequency for which it is designed. Whip antennas are often referenced by this name.
18. "Panel antenna" means an antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular, long devices generally three square feet in size, although some technologies utilize larger panel antennas. Also known as directional antennas.

19. "Roof-mounted" means an antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower. This type of installation is sometimes called a freestanding roof mounted antenna.
20. "Service provider" means a wireless telecommunications provider, a company or organization, or the agent of a company or organization that provides wireless telecommunications services.
21. "Significant gap" is a gap in the service provider's own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
22. "Small Cell Facilities" means, pursuant to 47 CFR 1.6002, any facilities that meet each of the following conditions:
 1. The facilities:
 - a. Are mounted on structures 50 feet or less in height including their antennas; or
 - b. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent whichever is greater;
 2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
 3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 4. The facilities do not require antenna structure registration by the FCC;
 5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.1 6(x); and
 6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by the FCC.
23. "Small Cell Aesthetic/Design Standards" means the aesthetic and design standards for small cell wireless facilities adopted by the city council.
24. "Stealth facility" is any telecommunications facility, which is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities

may include architecturally screened roof-mounted antennas, facade-mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation, trees, or commonly expected structures for the area in question. Also known as concealed telecommunications facilities.

25. "Stealth technologies/techniques" are camouflaging methods applied to wireless telecommunications facilities which render them visually inconspicuous.
26. "Telecommunications" is any transmission, emission or reception of signals, images and sound or information of any nature by wire, radio, visual or electromagnetic system that work on a "line-of-sight" principle.
27. "Telecommunication tower" is a monopole, lattice tower, free standing tower or other structures designed to support antennas.
28. "Visual impact" means the placement or design of an antenna or the associated equipment and/or buildings such that they are not screened or shielded or are plainly visible and are likely to be noticeable or otherwise conspicuous.
29. Whip antenna. See "Omni-directional antenna."
30. "Wireless telecommunications facility" is a land use facility that sends and/or receives radio frequency signals. Wireless telecommunications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment cabinets, base transceiver stations, and other accessory development. Also referred to as a telecommunication facility.
31. "Wireless telecommunications provider" is any company or organization that provides or who represents a company or organization that provides wireless telecommunications services.

Section 2. Section 24.12.1410 (Applicability) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.12.1410 APPLICABILITY.

- A. These regulations shall apply to all property owned by private persons, firms, corporations or organizations, and property owned by the city, and property owned by any agencies of the city, or by any local, state, or federal government agency or political subdivision thereof required to comply with local government regulations or by written agreement.
- B. These regulations (Chapter 24.12, Part 15) shall not apply to the following facilities:
 1. Amateur radio facilities as provided in 47 Code of Federal Regulations Part 97.

2. Over the Air Receptions Devices (OTARDs) as defined and further provided in 47 Code of Federal Regulations Section 1.4000 et seq.
3. Wireless telecommunication facilities used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g. county 911 emergency services, police, sheriff, fire departments, first responder medical services, hospitals, etc.) and incorporating stealth technologies.
4. Small Cell Facilities located in the public right-of-way outside the coastal zone, which are subject to the requirements of Chapter 15.38 of the Municipal Code.
5. Any other antennas and wireless communications facilities identified by the FCC or the CPUC as exempt from local regulations.

Section 3. Section 24.12.1415 (Permit Requirements and Findings) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.12.1415 PERMIT REQUIREMENTS AND FINDINGS.

A. Unless a coastal exclusion or exemption as defined in Sections 24.08.230 through 24.08.230.2 applies, and in addition to any other required permit or authorization, a coastal permit shall be required for all wireless telecommunication facilities located within the coastal zone, as follows:

1. For all wireless telecommunication facilities other than Small Cell Facilities located in the public right-of-way as specified in subsection 2 below, the coastal permit shall be governed by the findings and standards in the Local Coastal Program (LCP), including, but not limited to Chapter 24.08 Part 3, as well as the standards and findings specified herein at Chapter 24.12 Part 15.
2. For Small Cell Facilities in the public right-of-way, the coastal permit shall be governed by the findings and standards in the LCP, including, but not limited to 24.08.200 et seq, as well as the standards and findings specified herein at 24.12.1425 and 24.12.1434. City approval of the coastal permit may be appealed directly to the California Coastal Commission (as further provided in Section 24.04.186).

In case of conflict between the coastal permit and any other permit or authorization, the requirements of the coastal permit shall prevail.

B. Any proposed facade-mounted or roof-mounted wireless telecommunications facility (other than Small Cell Facilities located in the public right-of-way, which are covered by Sections 24.12.1425 and 24.12.1434) that is determined by the zoning administrator to be consistent with all of the requirements of this Part 15, and that incorporates stealth technologies and/or is

not visible from public areas, shall require a design permit from the zoning administrator based on the following findings:

1. The wireless telecommunications facility has demonstrated consistency with Sections 24.12.1430 and 24.12.1435 (as applicable).
 2. The wireless telecommunications facility has been located and designed so as to be compatible with the purpose of Chapter 24.12 Part 15 and the goals and objectives of the General Plan and the Local Coastal Program (if applicable).
 3. The wireless telecommunications facility is in compliance with all FCC and California PUC standards and requirements and with all other applicable requirements of Chapter 24.12 Part 15.
- C. Small Cell Facilities located in the public right-of-way within the coastal zone are exempt from the requirements of Sections 24.12.1415 (B) and 24.12.1415 (D) regarding design permit and administrative use permit requirements. Instead, such Small Cell Facilities shall require, in addition to a coastal permit as specified in 24.12.1415(A)(2), the following:
1. A small cell wireless facilities permit in compliance with Chapter 15.38 and the city's Small Cell Aesthetic/Design Standards;
 2. A master license agreement, in a form approved by the city attorney for the use of a city pole in a specified license area, and shall pay a license fee subject to the city's fee schedule, if any Small Cell Facilities are proposed to be installed on a city pole controlled by the city and located within the public right-of-way. Any applicant seeking a master license agreement shall pay a master license agreement administrative fee subject to the city's fee schedule to reimburse the city for reasonable costs in connection with its preparation, review of, and action upon the request for such an agreement. The absence of a city-approved master license agreement shall be an independently sufficient basis to deny any application for a Small Cell Facility on such a city pole.
- D. All wireless telecommunications facilities that do not meet the criteria defined in subsections (B) or (C) above, shall require an administrative use permit with a public hearing before the zoning administrator, in addition to a design permit with the required findings provided in subsection (B) above.
- E. In approving an application, the city may impose such conditions as it deems appropriate or necessary to further the purposes of this chapter, including, but not limited to, requiring the redesign or relocation of the facility. Alternatively, the city may direct the applicant to resubmit a revised proposal for further consideration.
- F. Minor modifications to wireless telecommunications facility equipment design, location, height, and other elements may be allowed, subject to the approval of the zoning administrator,

if such modifications are in keeping with the architectural statement and layout design of the original approval, and meet the requirements of this chapter.

Section 4. Section 24.12.1425 (Location Standards) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.12.1425 LOCATION STANDARDS.

A. Prohibited Zoning Districts. Wireless telecommunications facilities shall not be allowed in the zoning districts listed below, except as set forth in 24.12.1425(B). This prohibition shall also not apply to Small Cell Facilities in the public right-of-way.

1. Single-Family Residence (RS, R-1).
2. Multiple-Family Residence (RL, RM, RH).
3. Beach Residential (RT(A), RT(D), RT(E)).
4. Ocean Front Recreational (OFR).
5. Flood Plain (FP).
6. Agriculture (EA-20).

B. Wireless telecommunications facilities may be sited in the prohibited zoning districts described above in Section 24.12.1425 (A) with an administrative use permit, in addition to any other required permits; provided, that the applicant can demonstrate to the zoning administrator that:

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

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

1. Locations that do not adversely impact significant public views (e.g., of the beach, shoreline, ocean, natural areas, etc.).
2. Industrial or commercial sites.
3. Facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to buildings, traffic signals, flagpoles, signs and sign standards.

4. Sites which are not highly visible from adjacent roadways, public areas, parks, schools, greenbelts or other visually sensitive areas, as determined by the zoning administrator.
 5. Sites outside the coastal zone, and particularly sites located within the Coastal Zone Overlay zone district (as defined in Chapter 24.10 Part 26) where city decisions can be appealed.
- D. When feasible and in conformance with other provisions of this chapter, wireless telecommunications providers shall be encouraged to locate their wireless telecommunications facilities on publicly owned or controlled property.
- E. Wireless telecommunications facilities are prohibited in all natural areas designated in the General Plan or LCP.
- F. To the maximum extent feasible, wireless telecommunication facilities are prohibited within one thousand feet of any public elementary school or daycare facility.
- G. Additional Site Location Standards for Small Cell Facilities in the public right-of-way and in the coastal zone. In addition to the requirements listed above, the following location standards shall also apply to Small Cell Facilities located in the public right-of-way and within the coastal zone:
1. Site locations shall be selected in the following order of preference:
 - a. Area not visible to the public or area that does not significantly impair public views (such as in alleys, on rooftops, near property corners or side property lines, or in inconspicuous areas);
 - b. Attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to telephone/utility poles and non-decorative light standards;
 - c. Area not requiring the removal of existing infrastructure, parkway trees or reductions of the parkway landscape planters;
 - d. Within the public parkway landscaping and requiring only minor alterations to the existing parkway landscaping (including planter size) and/or infrastructure;
 - e. Within the public right-of-way in a manner that requires significant but feasible alteration to the existing public improvements and/or infrastructure.
 2. To the maximum extent feasible, the following site locations shall be prohibited:
 - a. Facility site locations that lead to removal of any existing public parking areas.

- b. Facility site locations directly in front of residences and businesses.
- c. Facilities with components located within driveway and intersection sight lines.
- d. Site locations in Residential and Commercial Zoning Districts that are within 1500 feet of another Small Cell Facility and any associated equipment; provided, however, that this restriction may be waived by the zoning administrator upon a demonstration that the refusal to allow an additional facility within a 1500-foot radius will otherwise violate an applicable state or federal law.
- e. Facilities on strand or overhead lines.
- f. Facility site locations that will negatively impact public recreation and access, or damage a known or sensitive archeological site.
- g. Site locations that adversely impact significant public views (e.g., of the beach, shoreline, ocean, natural areas, etc.), including those locations identified in Map CD-3 of the Local Coastal Program.

Section 5. Section 24.12.1434 (Requirements For Small Cell Facilities in the Coastal Zone) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby added as follows:

24.12.1434 REQUIREMENTS FOR SMALL CELL FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND WITHIN THE COASTAL ZONE.

Small Cell Facilities located in the public right- of-way and which require a coastal permit shall comply with the following standards and requirements:

A. Pole Type Preferences. Facilities on poles shall be sited in the following order of preference:

- 1. On an existing or replacement street light pole;
- 2. On an existing or replacement structure other than a street light pole or utility pole;
- 3. On an existing or replacement utility pole.

B. Equipment preferences. Equipment (including, but not limited to, radio units, power supplies, voltage converters, electrical service connections, shut off switches and electric meters) shall be sited in the following order of preference:

- 1. Within a below-grade equipment vault;
- 2. In an at grade equipment cabinet provided the size of the cabinet is minimized to the maximum extent feasible; At grade equipment cabinets shall participate in the Traffic

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Graphics program or pay an in lieu fee depending on the location (i.e. commercial or residential areas) at the discretion of the decision making body.

3. Enclosed at the base of the pole on which the antenna is mounted provided the size of the base of the pole is minimized to the maximum extent feasible;
4. Equipment boxes using stealth techniques mounted on a utility pole, provided the size of the boxes is minimized to the maximum extent feasible.

C. Visual, Public Access, and Archeological Impact Avoidance. To the maximum extent feasible, such facilities shall be sited and designed in a manner that avoids overall visibility, and eliminates or substantially reduces their visual and aesthetic impact upon the surrounding public right-of-way, archeologic resources, public views and public access. Measures to achieve this objective may include, but are not limited to the following:

1. The number of antennas on each site shall be minimized to the maximum extent feasible with the goal of minimizing adverse visual impacts.
2. To the maximum extent feasible, the antenna size, cabinet equipment and other facilities shall minimize visual clutter.
3. The project shall use the smallest and least visible antennas feasible to accomplish the coverage objectives. Facilities that are proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within 100 feet shall incorporate appropriate techniques to camouflage or disguise the facility, and/or blend it into the surrounding environment, to the maximum extent feasible.
4. To the maximum extent feasible, facilities shall not be designed in such a manner that will negatively impact public recreation and access, or damage a known or sensitive archeological site.
5. Applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts of the facilities to the maximum extent feasible. Stealth techniques are especially encouraged in areas easily visible from a major traffic corridor or commercial center or in residential areas. Stealth techniques may be required as conditions of approval for a coastal permit when determined to be necessary to mitigate adverse visual impacts.

D. Design Standards:

1. Any pole to be installed in the public right-of-way shall be disguised to resemble a utility pole to the maximum extent feasible. Facility's antennas shall not exceed a diameter of 15 inches. All antennas and screening devices shall be painted or finished to match the pole. All pole or equipment shall be painted or otherwise coated to be

visually compatible with existing poles and equipment. Facilities shall be placed on the same vertical axis as the center of the pole.

2. Small Cell Facility installations on existing city infrastructure shall be placed in a manner so that the size, appearance and function of the final installation is essentially identical to the installation prior to the antenna installation taking place.
 3. Small Cell Facility installations shall not be located on decorative street light poles.
 4. Small Cell Facility equipment located above the surface grade in the public right-of-way including, but not limited to those on certain street lights, shall consist of small equipment components that are compatible in structure, scale, function and proportion to the poles they are mounted on. Equipment shall be painted or otherwise coated to be visually compatible with the subject pole (may include public art). Underground vaults shall employ flush-to-grade access portals and vents that are heel shoe safe and slip safe; provided, however, that this restriction shall not apply in flood prone areas.
 5. All cables and conduits shall be routed through the interior of the subject pole to be screened from public view; provided, however, that for wood poles, all cables shall be contained within conduit, and conduits shall be mounted and routed in a manner calculated to minimize their visibility to the maximum extent feasible.
 6. All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment shall be concealed from public view.
 7. Small Cell Facilities may not encroach onto or over any private or other property outside the public right-of-way without the property owner's express written consent.
 8. To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- E. Noise Standards. Facilities and all accessory equipment and transmission equipment shall comply with all applicable noise control standards and regulations in the LCP and shall be operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities to the maximum extent feasible. To the maximum extent feasible fans shall not be used. If not feasible, noise attenuation measures shall be required for all fans. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the zoning administrator when deemed necessary.
1. Testing and maintenance activities of Small Cell Facilities which generate audible noise shall occur between the hours of 8:00 a.m. and 5:00 p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the

zoning administrator. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the zoning administrator.

- F. Lighting Standards. Small Cell Facilities shall not include any lights that would be visible from publicly accessible areas except for during night maintenance checks or emergencies, and except as may be required under Federal Aviation Administration, FCC, or other applicable regulations for health and safety. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security and safety. All Small Cell Facilities and equipment (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas, and shall avoid glare and illumination of adjacent properties to the maximum extent feasible. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required by the city.
- G. Signage. Small Cell Facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small Cell Facilities shall also include signage for hazardous or toxic materials warning where applicable. Small Cell Facilities may not bear any advertisements, identifying logos, or any other signage unless expressly approved by the city, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations. To the maximum extent feasible, signs shall be above eye level and hidden from public view with background matching the color of equipment unless otherwise required by the FCC or other regulatory agencies. All signs shall be legible from a distance of at least ten feet from the Small Cell Facility. No sign shall be greater than two square feet in size. The design, materials, colors and location of any signage shall be subject to zoning administrator's review and approval.
- H. Maintenance and Repair.
1. Small Cell Facilities, including, but not limited to, antennas, towers, equipment, cabinets, structures, accessory structures, and signs shall be maintained by the wireless telecommunication provider in good condition and in their approved and/or required state. This shall include keeping all facilities graffiti-free and maintaining security walls/fences in good condition. All graffiti must be removed as soon as practicable, and in no instance more than seventy-two hours from the time of notification by the city.
 2. Any landscaping associated with or required in connection with the permitting of the Small Cell Facility, including landscaping of the public right-of-way, shall be maintained in good, healthy condition at all times. Any dead or dying landscaping shall be promptly replaced or rehabilitated by the wireless telecommunications provider.
 3. The applicant or successor in interest shall repair, at its sole cost and expense, any damage (including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support) to public utilities, infrastructure, and property, including city streets, sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and systems, underground utility line and systems, or sewer systems or sewer lines that

results from any activities performed in connection with the installation and/or maintenance of a Small Cell Facility by applicant or successor in interest. In the event the applicant or successor in interest fails to complete said repair within the number of days stated on a written notice by the city, the city shall cause said repair to be completed and shall invoice the applicant or successor in interest for all costs incurred by city as a result of such repair.

4. All sidewalk panels affected by any work associated with the installation of a Small Cell Facility shall be restored to their original condition.
5. Structural foundations must be removed when removing structures from the right-of-way.

I. Security and Safety.

1. Facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. Facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices. No barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures shall be permitted. All exterior surfaces on Small Cell Facilities shall be constructed from or coated with graffiti-resistant materials.
2. Small Cell Facilities shall be reviewed by an electrical engineer licensed by the state according to the following guidelines:
 - a. Within forty-five days of initial operation or modification of a Small Cell Facility, the wireless telecommunications provider shall submit to the zoning administrator a written certification by an electrical engineer licensed by the state that the wireless telecommunications facility, including the actual radio frequency radiation of the facility, is in compliance with the application submitted, any conditions imposed, and all other provisions of this chapter in order to continue operations past the forty-five day period. At the wireless telecommunications provider's expense, the zoning administrator may employ on behalf of the city an independent technical expert to confirm and periodically reconfirm compliance with the provisions of this chapter.
 - b. All Small Cell Facilities shall demonstrate continued compliance with all radio frequency standards adopted by the Federal Communications Commission (FCC). The wireless telecommunications provider shall hire a professional engineer registered in the State of California, and approved by the zoning administrator to measure the actual radio frequency radiation of the approved facility and determine if it meets the FCC's standards. A report of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC standards shall be submitted to the zoning administrator every three years thereafter. In the case of a change in standards, the required report shall be submitted within ninety days of the date the said change becomes effective. In order to assure the objectivity of the

analysis, the city may require, at the wireless telecommunications provider's expense, independent verification of the results of any analysis. If a wireless telecommunications provider fails to supply the required reports or remains in continued noncompliance with the FCC standard, the zoning administrator may schedule a public hearing to consider revocation of the permit in accordance with Section 24.04.225.

- J. Natural Disaster. Small Cell Facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation. To this end, the following measures shall be implemented:
1. Openings in all above ground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers.
 2. The material used as supports for the antennas shall be fire resistant, termite proof, and subject to all the requirements of the Uniform Building Code.
 3. Small Cell Facilities shall be designed to withstand the forces expected during an earthquake in a manner subject to the requirements of the Uniform Building Code. All equipment mounting racks and attached equipment shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.
 4. All connections between various components of the Small Cell Facility and with necessary power and telephone lines shall be protected against damage by fire, flooding and earthquake.
 5. Measures shall be taken to keep Small Cell Facilities in operation in the event of a disaster.
 6. An electrical permit from the Planning and Community Development Department shall be required for the electric service associated with construction, installation, repair or alteration of all support structures for Small Cell Facilities.
- K. Cessation, Abandonment, or Revocation. Upon 6 months after the cessation or abandonment of the use of a Small Cell Facility under this Section for any reason, or revocation of any applicable permits, the wireless telecommunications provider shall restore the site to its original pre-construction condition to the satisfaction of the city and comply with any notice or other requirements provided in Section 24.12.1435 (J).
- L. Transfer of Ownership. In the event that the original permittee sells its interest in or transfers ownership of a Small Cell Facility under this Section, the succeeding carrier shall provide proof of obtaining all required approvals to operate the Small Cell Facility satisfactory to the city, shall assume all responsibilities concerning the facility, and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding

carrier to the planning and community development department within thirty (30) days of transfer of interest of the facility. Any required signs by the city shall be updated within thirty (30) days to reflect the name and phone number of the new wireless telecommunication provider. The colors, materials and design of the updated signs shall match those of the required and approved signs.

M. Compliance with Applicable Laws.

1. The applicant or successor in interest shall install and maintain permitted Small Cell Facilities in compliance with the requirements of the Uniform Building, National Electrical Code, and any and all applicable federal and state laws, codes, and regulations.
2. The applicant or successor in interest shall also install and maintain permitted Small Cell Facilities in compliance with any applicable city noise standards, the city's Small Cell Aesthetic/Design Standards, and all other applicable local codes, laws, and regulations, except to the extent that such standards conflict with those specified herein, in which case this section shall apply.
3. Americans with Disabilities Act. All Small Cell Facilities and their locations shall comply with the Americans with Disabilities Act.

Section 6. Section 24.12.1435 (General Requirements) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.12.1435 GENERAL REQUIREMENTS.

The following requirements are applicable to all wireless telecommunications facilities, except for Small Cell Facilities in the public right-of-way and within the coastal zone, and except for exempt facilities described in Section 24.12.1410:

- A. Visual Effect. All proposed wireless telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible. Measures to achieve this objective may include but are not limited to the following:
1. The applicant shall use the smallest and least visible antennas feasible to accomplish the owners/operator's coverage objectives. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within 100 feet shall incorporate appropriate techniques to camouflage or disguise the facility, and/or blend it into the surrounding environment, to the maximum extent feasible.
 2. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting. Wireless telecommunications facilities shall not be located on city, state or federal registered historic buildings. When

proposed within a designated historic district wireless telecommunications facilities shall be limited to facade-mounted facilities only and integrated architecturally with the style and character of the structure and the district or otherwise made unobtrusive. No wireless telecommunications facility shall be sited such that its design and/or construction will damage a known or sensitive archeological site.

3. Whenever possible, base transceiver stations, equipment cabinets and buildings, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope. If this is not feasible, the equipment shall be low profile, screened, fenced, landscaped, painted, or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable) and should be a visually pleasing feature.
4. All ground-mounted base transceiver stations, equipment cabinets, and utility panels for telecommunications facilities shall be limited to a maximum height of ten feet above grade unless other techniques are adopted to ensure minimal visual impact. Base transceiver stations, equipment cabinets, and utility panels that are taller may be partially buried underground or installed by use of another technique to maintain the ten foot height limit. Greater height may be granted upon a finding that it is not possible to meet the height limitation and that adequate screening of the equipment is provided.
5. No advertising signage or identifying logos shall be displayed on wireless telecommunication facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
6. Applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts for all telecommunication facilities. Stealth techniques are especially encouraged in areas easily visible from a major traffic corridor or commercial center or in residential areas. Stealth techniques may be required as Conditions of Approval when determined to be necessary to mitigate adverse visual impacts.
7. All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The zoning administrator may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance. The design of the fencing and other access control devices shall be subject to review. The use of chain-link fencing is discouraged and the use of razor wire is prohibited.

- B. Landscaping. Landscaping may be required to visually screen wireless telecommunications facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the zoning administrator's review and approval. Landscaping guidelines include but are not limited to the following:
1. To the extent feasible, existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of wireless communications facilities and related access roads.
 2. All trees used in landscaping shall be a minimum of fifteen gallons in size and all shrubs in a minimum of five gallons, unless otherwise approved.
 3. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access-ways shall be protected from damage both during and after construction.
 4. The applicant shall enter into a landscape performance and maintenance agreement with the city to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial guarantees acceptable to the zoning administrator in an amount equal to 150 percent of the estimated cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for the length of the permit.
 5. All landscape design shall meet the water efficiency landscaping requirements of the Municipal Code, including installing or upgrading existing irrigation systems if necessary.
- C. Access Roads. All wireless telecommunications facilities shall use existing access roads, where available. Unless visual impacts can be adequately mitigated, no new access roads shall be allowed with any proposed wireless telecommunications facility.
- D. Setbacks. Wireless telecommunication facilities shall comply with all applicable setback regulations of the zoning district in which they are situated.
1. All setbacks shall be measured :from the furthest extent of a wireless telecommunications facility to the closest applicable property line or structure, with the exception of equipment shelters.
 2. Ground mounted or freestanding monopole facilities shall be setback at a distance not less than the height of the structure from any residentially zoned land.

3. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure. Underground equipment shelters or cabinets may adjoin property lines, if approved by the building official.
- E. Number of Antennas and Facilities Permitted. The number of antennas allowed per site shall be determined on a case-by-case basis by the zoning administrator with the goal of minimizing adverse visual impacts.
- F. Noise. All wireless telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Noise attenuation measures shall be required for all air-conditioning units. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the zoning administrator when deemed necessary.
1. Testing and maintenance activities of wireless telecommunications facilities which generate audible noise shall occur between the hours of 8:00 a.m. and 5:00 p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the zoning administrator. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the zoning administrator.
- G. Interference. All wireless telecommunications facilities shall be operated in a manner, which complies with the Federal Communication Commission's regulations regarding signal interference.
- H. Maintenance and Safety. All wireless telecommunications providers shall provide signage, as required by the zoning administrator, which shall identify the name and phone number of the wireless telecommunications provider for use in case of an emergency.
1. The design, materials, colors and location of the identification signs shall be subject to zoning administrator's review and approval. All signs shall be legible from a distance of at least ten feet from the wireless telecommunications facility. No sign shall be greater than two square feet in size.
 2. If at any time a new wireless telecommunications provider takes over operation of an existing wireless telecommunications facility, the new wireless telecommunications provider shall notify the planning and community development department of the change in operation within thirty days and the required and approved signs shall be updated within thirty days to reflect the name and phone number of the new wireless telecommunication provider. The colors, materials and design of the updated signs shall match those of the required and approved signs.
 3. All wireless telecommunications facilities, including, but not limited to, antennas, towers, equipment, cabinets, structures, accessory structures, and signs shall be maintained by the wireless telecommunication provider in good condition. This shall

include keeping all wireless telecommunications facilities graffiti-free and maintaining security walls/fences in good condition. All graffiti must be removed as soon as practicable, and in no instance more than seventy-two hours from the time of notification by the city.

4. All wireless telecommunications facilities shall be reviewed by an electrical engineer licensed by the state according to the following guidelines:
 - a. Within forty-five days of initial operation or modification of a wireless telecommunications facility, the wireless telecommunications provider shall submit to the zoning administrator a written certification by an electrical engineer licensed by the state that the wireless telecommunications facility, including the actual radio frequency radiation of the facility, is in compliance with the application submitted, any conditions imposed, and all other provisions of this chapter in order to continue operations past the forty-five day period. At the wireless telecommunications provider's expense, the zoning administrator may employ on behalf of the city an independent technical expert to confirm and periodically reconfirm compliance with the provisions of this chapter.
 - b. Every wireless telecommunications facility shall demonstrate continued compliance with all radio frequency standards adopted by the Federal Communications Commission. The wireless telecommunications provider shall hire a professional engineer registered in the State of California, and approved by the zoning administrator to measure the actual radio frequency radiation of the approved facility and determine if it meets the Federal Communications Commission's standards. A report of all calculations, required measurements, and the engineer's findings with respect to compliance with the Federal Communications Commission standards shall be submitted to the zoning administrator every three years thereafter. In the case of a change in standards, the required report shall be submitted within ninety days of the date the said change becomes effective. In order to assure the objectivity of the analysis, the city may require, at the wireless telecommunications provider's expense, independent verification of the results of any analysis. If a wireless telecommunications provider fails to supply the required reports or remains in continued noncompliance with the Federal Communications Commission standard, the zoning administrator may schedule a public hearing to consider revocation of the permit. After conducting the hearing, if the hearing body determines that the wireless telecommunications provider has failed to supply the required reports or remains in continued noncompliance, the hearing body may modify or revoke all approvals.
- I. Natural Disaster. All wireless telecommunications facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation. To this end, the following measures shall be implemented:
 1. Nonflammable exterior wall and roof covering shall be used in the construction of all above ground equipment shelters and cabinets.

2. Openings in all above ground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers.
3. The material used as supports for the antennas shall be fire resistant, termite proof, and subject to all the requirements of the Uniform Building Code.
4. Wireless telecommunications facility towers shall be designed to withstand the forces expected during an earthquake in a manner subject to the requirements of the Uniform Building Code. All equipment mounting racks and attached equipment shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.
5. All connections between various components of the wireless telecommunications facility and with necessary power and telephone lines shall be protected against damage by fire, flooding and earthquake.
6. Measures shall be taken to keep wireless telecommunications facilities in operation in the event of a disaster.
7. All equipment shelters and wireless telecommunications facility towers shall be reviewed and approved by the city fire department.
8. A building permit shall be required for the construction, installation, repair or alteration of all support structures for wireless telecommunications facilities equipment. Wireless telecommunications facilities must be stable and must comply with the Uniform Building Code and any conditions imposed as a condition of issuing a building permit.
9. All reports, certifications and verifications required to be prepared and maintained by this section shall at all times be readily available for public examination and review. To this end, upon the request of any person to the city or any wireless telecommunications provider, the city or provider shall promptly make any such report, certification or verification available for review and/or copying. Reasonable copying cost reimbursement may be required. In addition, the wireless telecommunications provider shall post all current reports, certifications and verifications at the site of the wireless telecommunications facility to which they pertain.

J. Cessation of Operation On-Site.

1. Wireless telecommunications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation.
2. A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.

3. All equipment associated with a wireless telecommunications facility shall be removed by the property owner after cessation of the said use for more than six consecutive months, and the site shall be restored to its original pre-construction condition. An exception to this subsection may be made by the zoning administrator for an one extension of up to twelve months if the property owner continues to make a good faith attempt to sell or lease the property as a wireless telecommunications facility site, as certified by a licensed real estate broker who is under contract with a right to sell or lease the property.
4. Any wireless telecommunications provider that is buying, leasing, or is considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the zoning administrator.

K. **Transfer of Ownership.** In the event that the original permittee sells its interest in a wireless telecommunications facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding carrier to the planning and community development department within thirty days of transfer of interest of the facility.

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

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

Section 7. Section 24.04.130 (Decision-Making Body with Final Authority on Application Approval) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

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1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

| Permits/Actions**** | Public Hearing Requirement and Decision-Making Body Which Can Approve an Application | | | |
|---|--|----------------|--------|--------------------------|
| | No Public Hearing | Public Hearing | | Appeal Bodies (in order) |
| | Action | Recommendation | Action | |
| Coastal Permit | ZA (ADU*) | | ZA* | CPC/CC/CCC* |
| Administrative Use Permit: Large family daycare homes, temporary uses, and half baths in accessory buildings | ZA | | | CPC/CC |
| Administrative Use Permit: Variations to parking design requirements or variations to number of required spaces | ZA | | | CPC/CC/CCC |
| Other uses as listed by individual zoning districts as requiring an Administrative Use Permit | | | ZA | CPC/CC |
| Conditional Fence Permit | ZA | | ZA | CPC/CC |
| Slope Regulations Modifications (Variance) | | | CPC | CC |
| Slope Regulations Modifications (Design Permit) | ZA | | | CPC/CC |
| Design Permit | ZA | | | CPC/CC |
| Substandard lots: New two-story structures and second-story additions, including ADUs | | | ZA | CPC/CC |
| Large homes per Section 24.08.450 | | | ZA | CPC/CC |

| Permits/Actions***** | Public Hearing Requirement and Decision-Making Body Which Can Approve an Application | | | |
|--|--|----------------|-----------|--------------------------|
| | No Public Hearing | Public Hearing | | Appeal Bodies (in order) |
| | Action | Recommendation | Action | |
| Wireless telecommunications facilities | ZA* | | ZA | CPC/CC |
| New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements | ZA | | | CPC/CC |
| New structures or improvements to existing structures in the WCD Overlay which require a coastal permit | | | ZA | CPC/CC |
| Demolition Permit | | | | |
| 1. Single-family residential | ZA | | | CPC/CC |
| 2. Multifamily residential | | | CPC | CC |
| 3. Historic demolition permit | | | HPC | CC |
| 4. Nonresidential | ZA** | | ZA** | CPC/CC |
| General Plan Text and Map Amendments | | CPC | CC/CCC*** | |
| Historic Alteration Permit | | | HPC | CC |
| Administrative Historic Alteration Permit | ZA | | | HPC/CC |
| Historic Building Survey: | | | | |
| Building designation, deletion | | HPC | CC | |
| Historic District Designation | | HPC/CPC | CC | |
| Historic Landmark Designation | | HPC | CC | |
| Mobile Homes (Certificate of Compatibility) | ZA | | | CPC/CC |
| Mobile Home Park Conversion | | | CPC | CC |
| Outdoor Extension Areas per Section 24.12.192 | ZA | | | CPC/CC |
| Planned Development Permit | | CPC | CC | |

| Permits/Actions**** | Public Hearing Requirement and Decision-Making Body Which Can Approve an Application | | | Appeal Bodies (in order) |
|---|--|----------------|------------|----------------------------------|
| | No Public Hearing | Public Hearing | | |
| | Action | Recommendation | Action | |
| Project (Major) Modification | Reviewed by ZA or body approving application | | | Appeal to next highest body(ies) |
| Project (Minor) Modification | ZA | | | CPC/CC |
| Relocation of Structures Permit | ZA | | | CPC/CC |
| Revocation Permit | Hearing by ZA or body approving application | | | Appeal to next highest body(ies) |
| Sign Permit | ZA | | | CPC/CC |
| Special Use Permit | | | CPC | CC |
| Variance | | | ZA | CPC/CC |
| Watercourse Variance | | | CPC | CC |
| Watercourse Development Permit | ZA | | | CPC/CC |
| Zoning Ordinance Text and Map Amendments | | | | |
| Amendments recommended by CPC | | CPC | CC/CCC**** | |
| Amendments not recommended byCPC | | CPC | | CC/CCC**** |
| CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator | | | | |
| <p>* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. In the coastal zone, all proposed accessory dwelling units shall require a coastal permit (unless they are exempt or excluded from coastal permit requirements) and shall be processed in the manner described in Chapter 24.04 and Section 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140(10). For Small Cell Facilities projects that are in the public right-of-way and in the portion of the Coastal Zone Overlay zone district where city decisions can be appealed to the California Coastal Commission, appeals shall be made directly to the Coastal Commission. For Small Cell Facilities projects that are in the public right-of-way</p> | | | | |

| Permits/Actions**** | Public Hearing Requirement and Decision-Making Body Which Can Approve an Application | | | |
|---|--|----------------|--------|--------------------------|
| | No Public Hearing | Public Hearing | | Appeal Bodies (in order) |
| | Action | Recommendation | Action | |
| but are not in the portion of the Coastal Zone Overlay zone district where such Coastal Commission appeals are allowed, appeals shall be made directly to the City Council. | | | | |
| ** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey. | | | | |
| *** California Coastal Commission in case of CLUP policy, CLIP elements. | | | | |
| **** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2). | | | | |

(Ord. 2020-22 § 2, 2020; Ord. 2016-11 § 2, 2016; Ord. 2016-04 § 1, 2016; Ord. 2012-19 § 6 (part), 2012; Ord. 2012-06 § 1, 2012; Ord. 2008-17 § 2 (part), 2008; Ord. 2006-02 § 1 (part), 2006; Ord. 2004-27 § 3, 2004; Ord. 2004-02 § 6, 2004; Ord. 2003-17 § 10, 2003; Ord. 2003-16 § 10, 2003; Ord. 2000-27 § 1, 2000; Ord. 99-17 § 2, 1999; Ord. 94-34 § 2, 1994; Ord. 94-33 § 5, 1994; Ord. 91-14 § 1, 1991; Ord. 90-09 § 1, 1990; Ord. 86-12 § 1, 1986; Ord. 85-05 § 1 (part), 1985).

Section 8. Section 24.04.186 (Appeals to Coastal Commission) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

24.04.186 APPEALS TO COASTAL COMMISSION.

1. Coastal permits fall into either of two categories: appealable or nonappealable to the Coastal Commission.

The determination of whether a project is appealable or nonappealable, or categorically exempt, shall be made by the zoning administrator at the time the application is filed. This determination is appealable pursuant to the provision of California Coastal Commission Local Coastal Program Regulations Section 13569.

2. Coastal permits are only appealable after all city appeals are exhausted except for (a) appeals by members of the Coastal Commission and (b) appeals of city decisions on Small Cell Facilities in the public right of way and in the portion of the Coastal Zone Overlay zone district where city decisions can be appealed to the California Coastal Commission, in which case the appeal may be made directly to the Coastal Commission. No fee shall be charged for coastal permit appeals.

- a. Only the following coastal permit applications are appealable to the Coastal Commission:
- (1) Any major public works project or facility. The phrase "major public works project or energy facility" is the same as used in Public Resources Code Section 30603(A)(5) and these regulations shall mean any proposed public works projects as defined by Section 13012 of the Coastal Commission Regulations, or "energy facility" as defined by Public Resources Code Section 13012 of the Coastal Commission Regulations, or "energy facility" as defined by Public Resources Code Section 30107 and exceeding \$50,000.00 in estimated cost of construction.
 - (2) Development approved between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (3) Developments approved not included within subsection (a)(2) above, located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff.
 - (a) Subsections (a)(2) and (a)(3) above are shown as the SP-O Shoreline Protection Overlay zone on the zoning map.
 - (4) Developments approved that are located in a sensitive coastal resource area.
- b. An appeal may be filed only by the applicant, an aggrieved person as defined by this title, or any two members of the Coastal Commission. An appeal must be filed in accordance with the appeal procedures contained in this title, except that appeals by any two members of the Coastal Commission do not require exhaustion of local appeals and may be made following the decisions of the reviewing body, zoning administrator, zoning board or city council.

However, commissioner appeals taken prior to exhaustion of all local appeals shall be transmitted to the appropriate local appellate body and the appeal to the commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the commissioners shall be required to file a new appeal from that decision.

- c. Grounds for appeal, pursuant to subsection (a)(2) above, shall be limited to an allegation that the development does not conform to standards set forth in the certified Local Coastal Program or the Public Access Policies set forth in the California Coastal Act.
- d. The grounds for an appeal of a denial of a permit pursuant to subsection (a)(1) shall be limited to an allegation that the development conforms to the standards set forth in the

certified Local Coastal Program and the public access policies set forth in the California Coastal Act.

- e. Appeals to the Coastal Commission pursuant to this section must be filed with the Coastal Commission on forms prescribed by and available from the Coastal Commission.

(Ord. 94-42 § 1, 1994; Ord. 94-33 § 8, 1994; Ord. 88-58 § 7, 1988; Ord. 85-47 § 2, 1985; Ord. 85-05 § 1 (part), 1985).

Section 9. This ordinance shall take effect and be in force thirty (30) days after final adoption, except that in the Coastal Zone, the ordinance shall take effect and be in force thirty (30) days after final adoption and following the Coastal Commission's Executive Director reporting to the Commission his determination that the City's actions are legally adequate and the Commission not objecting to the Executive Director's determination.

PASSED FOR PUBLICATION this 26th day of April 2022, by the following vote:

AYES: Councilmembers Kalantari-Johnson, Golder, Cummings, Brown, Meyers; Vice Mayor Watkins; Mayor Brunner.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Sonja Brunner, Mayor

ATTEST:  _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 10th day of May, 2022, by the following vote:

AYES: Councilmembers Kalantari-Johnson, Golder, Cummings, Brown, Meyers;
Vice Mayor Watkins; Mayor Brunner.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Sonja Brunner, Mayor

ATTEST:  _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2022-07 and that it has been published or posted in accordance with the Charter of the


City of Santa Cruz.
Bonnie Bush, City Clerk Administrator

