ORDINANCE NO. 2009-01

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING SECTION 24.12.1425 OF THE SANTA CRUZ MUNICIPAL CODE
AND TO THE LOCAL COASTAL IMPLEMENTATION PLAN
PERTAINING TO WIRELESS TELECOMMUNICATIONS FACILITIES

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

Section 1. Chapter 24.12.1425 of the Santa Cruz Municipal Code is hereby amended as follows

24.12.1425 LOCATION STANDARDS.

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

1. Single Family Residence (RS, R-1)
2. Multiple Family Residence (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. Exceptions to Prohibited Districts. Wireless telecommunications facilities may be sited in the prohibited zoning districts described above with an Administrative Use Permit provided that the applicant can demonstrate to the Zoning Administrator that:

1. The proposed wireless telecommunications facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and

2. There are no viable, technically feasible, and environmentally (e.g. visually) equivalent or superior potential alternatives (i.e., sites/facility types) outside the prohibited zoning districts that could eliminate or substantially reduce said significant gap(s).

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

1. Industrial or commercial sites.

2. Facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to: buildings, telephone and utility poles, signage and sign standards, traffic signals, light standards and flagpoles.

3. Sites which are not highly visible from adjacent roadways, public areas, parks, schools, greenbelts or other visually sensitive areas, as determined by the Zoning Administrator.

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

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

F. Wireless telecommunications facilities are prohibited within 1000 feet of any public elementary school.

Section 2. For areas outside of the Coastal Zone, this Ordinance shall take effect and be in force thirty (30) days after final adoption. For areas inside of the Coastal Zone, this Ordinance shall take effect and be in force upon certification of this Ordinance by the California Coastal Commission.

PASSED FOR PUBLICATION this 13th day of January, 2009, by the following vote:
AYES: Councilmembers Coonerty, Robinson, Lane, Madrigal, Beiers, Vice Mayor Rotkin; Mayor Mathews. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: Cynthia Mathews, Mayor. ATTEST: Lorrie Brewer, City Clerk.
This Ordinance is scheduled for further consideration at the Council meeting of January 27, 2009.