

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY COUNCIL 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  
REGARDING REQUIREMENTS FOR “SMALL CELL” WIRELESS  
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAY

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:

- 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 modern-day equipment.
  3. “Antenna” is a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.
  4. “Base transceiver station” 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. “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.

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

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

14. Monopole. See “Freestanding monopole.”

15. “Non-ionizing electromagnetic radiation” 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.

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

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

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

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

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

21. “Small Cell Facilities” means any facilities that meet each of the following conditions:

1. The facilities:
  - a. Antennae mounted on structures 50 feet or less in height including their antennas as defined above, or
  - b. Antennae mounted on structures no more than 10 percent taller than other adjacent structures, or
  - c. Antennae that do not extend the height of existing structures more than 10 percent or 50 feet, 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 800.16(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.

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

23. “Stealth technologies/techniques” are camouflaging methods applied to wireless telecommunications facilities which render them visually inconspicuous.

24. “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.

25. “Telecommunication tower” is a monopole, lattice tower, free standing tower or other structures designed to support antennas.

26. “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.

27. Whip antenna. See “Omni-directional antenna.”

28. “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.

29. “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:

- 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 shall not apply to the following facilities:
  - 1. Amateur (including ham and short-wave) radio facilities on private property provided that the antenna does not exceed sixty-five feet in height or is not more than twenty-five feet above the height limit prescribed by the regulations for the district in which the facility is located, whichever is less.
  - 2. Amateur (including ham and short-wave) radio facilities on public property provided the facilities do not exceed sixty-five feet in height or are not more than twenty-five feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less.
  - 3. Wireless telecommunications facilities, which are not licensed by the Federal Communications Commission and are determined by the planning director to have little or no adverse visual impact.
  - 4. Direct-to-home satellite services smaller than two feet in diameter provided that such facilities are in accordance with other sections of this title.
  - 5. Any wireless telecommunications facility located on land owned by one of the public entities listed below and operated for the public entity’s public purpose only and not for commercial reasons:

- a. The United States of America or any of its agencies;
  - b. The state or any of its agencies or political subdivisions of the state not required by state law to comply with local zoning ordinances.
6. Wireless telecommunication facilities used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g. county 911 emergency services, police, sheriff, fire departments, first responder medical services, hospitals, etc.) and incorporating stealth technologies.
7. Small Cell Facilities located in the public right-of-way which are subject to the requirements of Chapter 15.38 of the Municipal Code and the adopted Standards and Guidelines policy for small cell facilities in the public right-of-way.

**Section 3.** Section 24.12.1425 (Location Standards) of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) is hereby amended to read as follows:

- A. Prohibited Zoning Districts. Wireless telecommunications facilities shall not be allowed in the following zoning districts, subject only to exceptions as described in subsection (B).
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. Small Cell Facilities may be located in the public right-of-way of prohibited districts subject to the requirements of Chapter 15.38. Other 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, signage and sign 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.
- E. Wireless telecommunications facilities are prohibited in all natural areas designated in the General Plan.

**Section 4.** This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 9<sup>th</sup> day of April, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 14<sup>th</sup> day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019- and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

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Bonnie Bush, City Clerk Administrator