



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

www.sccoplanning.com

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

NOTICE OF PUBLIC REVIEW AND COMMENT PERIOD

Pursuant to the California Environmental Quality Act, the following project has been reviewed by the County Environmental Coordinator to determine if it has a potential to create significant impacts to the environment and, if so, how such impacts could be solved. A Negative Declaration is prepared in cases where the project is determined not to have any significant environmental impacts. Either a Mitigated Negative Declaration or Environmental Impact Report (EIR) is prepared for projects that may result in a significant impact to the environment.

Public review periods are provided for these Environmental Determinations according to the requirements of the County Environmental Review Guidelines. The environmental document is available for review at the County Planning Department located at 701 Ocean Street, in Santa Cruz. You may also view the environmental document on the web at www.sccoplanning.com under the Planning Department menu. If you have questions or comments about this Notice of Intent, please contact Matt Johnston of the Environmental Review staff at (831) 454-3201

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Romero at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123) to make arrangements.

PROJECT: Wireless Communication and Broadband Facilities Ordinance Revisions

APP #: N/A

APN(S): Countywide

PROJECT DESCRIPTION: The project is a proposed ordinance that would revise the County of Santa Cruz Wireless Communication and Broadband Facilities Ordinance (County Code Sec. 13.10.660-668) to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication and broadband facilities within the County unincorporated area.

PROJECT LOCATION: Countywide

EXISTING ZONE DISTRICT: N/A

APPLICANT: County of Santa Cruz

OWNER: N/A

PROJECT PLANNER: Frank Barron, (831) 454-2530

EMAIL: Frank.Barron@santacruzcounty.us

ACTION: Negative Declaration

REVIEW PERIOD: October 10, 2014 through November 10, 2014

This project will be considered at a public hearing by the Planning Commission on November 19, 2014 at 9:00 a.m. at the Santa Cruz County Board of Supervisors Chambers, 701 Ocean Street, Room 525, Santa Cruz, CA 95060.



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NEGATIVE DECLARATION

Project: Wireless Communications Facilities Ordinance Revisions **APN(S):** Countywide

Project Description: The project is a proposed ordinance that would revise the County of Santa Cruz Wireless Communication and Broadband Facilities Ordinance (County Code Sec. 13.10.660-668) to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication and broadband facilities within the County unincorporated area.

Project Location: Countywide

Owner: N/A

Applicant: County of Santa Cruz

Staff Planner: Frank Barron, (831) 454-2530 email: frank.barron@santacruzcounty.us

This project will be considered at a public hearing by the Planning Commission on November 19, 2014. The meeting will be held in the Board of Supervisors Chambers, 701 Ocean Street, Room 525, Santa Cruz, CA 95060. The meeting will begin at 9:00 a.m.

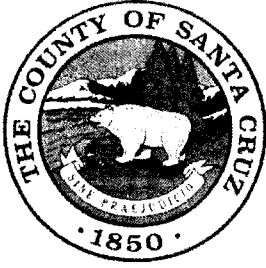
California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Clerk of the Board located at 701 Ocean Street, 5th Floor, Santa Cruz, California.

Review Period Ends: November 10, 2014

Date: _____

TODD SEXAUER, Environmental Coordinator
(831) 454-3511



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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Date: October 6, 2014

Application Number: N/A

Staff Planner: Frank Barron

Project: Proposed WCF and Broadband Ord. Revisions

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz

APN(s): N/A

OWNER: N/A

SUPERVISORAL DISTRICT: Countywide

PROJECT LOCATION: Countywide

SUMMARY PROJECT DESCRIPTION: Proposed revisions to the County's Wireless Communications Facility and Broadband (WCF) Ordinance (County Code Sec. 13.10.660-668), to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: *All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.*

- | | |
|---|---|
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Visual Resources & Aesthetics | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

- | | |
|--|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Coastal Development Permit |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Riparian Exception |
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> LAFCO Annexation |
| <input type="checkbox"/> Sewer Connection Permit | <input checked="" type="checkbox"/> Other: Zoning Code Amendment |

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g., permits, financing approval, or participation agreement):

<u>Permit Type/Action</u>	<u>Agency</u>
Approve ordinance change as a certified LCP Amendment	California Coastal Commission

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

TODD SEXAUER, Environmental Coordinator

Date

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size (acres): N/A
Existing Land Use: N/A
Vegetation: N/A
Slope in area affected by project: 0 - 30% 31 – 100% N/A
Nearby Watercourse: N/A
Distance To: N/A

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Water Supply Watershed:	N/A	Fault Zone:	N/A
Groundwater Recharge:	N/A	Scenic Corridor:	N/A
Timber or Mineral:	N/A	Historic:	N/A
Agricultural Resource:	N/A	Archaeology:	N/A
Biologically Sensitive Habitat:	N/A	Noise Constraint:	N/A
Fire Hazard:	N/A	Electric Power Lines:	N/A
Floodplain:	N/A	Solar Access:	N/A
Erosion:	N/A	Solar Orientation:	N/A
Landslide:	N/A	Hazardous Materials:	N/A
Liquefaction:	N/A	Other:	N/A

SERVICES

Fire Protection:	N/A	Drainage District:	N/A
School District:	N/A	Project Access:	N/A
Sewage Disposal:	N/A	Water Supply:	N/A

PLANNING POLICIES

Zone District:	N/A	Special Designation:	N/A
General Plan:	N/A		
Urban Services Line:	<input checked="" type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside	
Coastal Zone:	<input checked="" type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside	

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

The proposed ordinance amendments would apply to wireless communication facilities (WCFs) in the unincorporated area of Santa Cruz County. Santa Cruz County is uniquely situated along the northern end of Monterey Bay approximately 55 miles south of the City of San Francisco along the Central Coast. The Pacific Ocean and Monterey Bay to the west and south, the mountains inland, and the prime agricultural lands along both the northern and southern coast of the county create limitations on the style and amount of building that can take place. Simultaneously, these natural features create an environment that attracts both

visitors and new residents every year. The natural landscape provides the basic features that set Santa Cruz apart from the surrounding counties and require specific accommodations to ensure building is done in a safe, responsible and environmentally respectful manner.

The California Coastal Zone affects nearly one third of the land in the urbanized area of the unincorporated County with special restrictions, regulations, and processing procedures required for development within that area. Steep hillsides require extensive review and engineering to ensure that slopes remain stable, buildings are safe, and water quality is not impacted by increased erosion. The farmland in Santa Cruz County is among the best in the world, and the agriculture industry is a primary economic generator for the County. Preserving this industry in the face of population growth requires that soils best suited to commercial agriculture remain active in crop production rather than converting to other land uses.

PROJECT BACKGROUND:

The general purpose of the County Wireless Communications Facility (WCF) Ordinance (Santa Cruz County Code Sec. 13.10.660 through 13.10.668 inclusive), passed into law in 2003 (with amendments in 2004 and 2008), is to establish regulations, standards and circumstances for the siting, design, construction, modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of the WCF Ordinance to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the adverse visual impacts of wireless communication facilities, while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California, and all relevant subsequent federal and state statutes and regulations, in addition to the policies of Santa Cruz County.

It is also the purpose of the WCF Ordinance to locate and design wireless communication towers/facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, open space visual resource impacts, impacts to the rural, community and aesthetic character of the built and natural environment, and the general safety, welfare and quality of life of the community. It is also the purpose of the WCF Ordinance to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.

Recent legislation and judicial decisions have provided additional clarification of state and federal requirements for the permitting of telecommunications facilities. The California "Kehoe Act" 2007 (SB1627, regarding co-location); the FCC Declaratory Ruling of November 18, 2009 (regarding permit processing time requirements); the "Omnipoint Communications Enterprises v. Newtown Township" decision (regarding assessment of coverage gaps); and the Presidential Proclamation of December 8, 2009 (regarding the protection of cellular facilities,

which were deemed “critical infrastructure,” during emergencies and natural disasters) are only a few of the legislative and judicial actions that have taken place since the 1996 Act.

The proposed County WCF Ordinance revisions are primarily intended to update the existing WCF regulations in order to maintain consistency with new state and federal regulations. However, the revisions are also intended to protect the community aesthetic and scenic character, implement the direction provided by the Board of Supervisors on November 5, 2013 to streamline the application process and remove outdated or repetitive Code sections, and to provide clarity. These revisions have been proposed to remain current with changes in technology and to remain current with changes in state and federal regulations.

DETAILED PROJECT DESCRIPTION:

The project is a proposed ordinance that would revise the County’s Wireless Communications Facility (WCF) regulations (County Code Sec. 13.10.660-668) to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication facilities (WCFs) within the County unincorporated area. Changes to the existing WCF Ordinance include:

Microcell WCFs in the Public Right-of-Way: Utility pole-mounted “microcells” (including Distributed Antenna Systems or “DAS” nodes) currently require a discretionary Level 5 (Zoning Administrator public hearing) approval and a Building Permit, as well as an encroachment permit from Department of Public Works (DPW) if located in County right-of-way. Under the proposed amendments (County Code Sec. 13.10.660(E)(12), microcell WCFs, located on existing or replacement utility poles in public rights-of-way that are not along a General Plan designated Scenic Road (as listed in GP/LCP Sec. 5.10.10), that do not involve ground disturbance, and that comply with applicable height limits, would no longer require a discretionary zoning permit (nor a separate encroachment permit from DPW if in County right-of-way and a master agreement with a utility or provider is in effect). These WCFs would still require a Building Permit however. Since there would no longer be any discretionary review for such WCFs, they would be allowed in all zoning districts and not “prohibited” in R-1 residential zones as is currently the case (subject to certain exceptions currently).

One-to-one Replacement of Antennas and/or Equipment: As included in Sec. 13.10.660(E)(11), one-to-one replacement of antennas and/or equipment of the same or lesser dimensions at an existing wireless communications facility that does not result in a substantial change to the appearance of the facility would remain subject to a building permit and submittal of a written RF radiation emissions calculation study/report.

Co-locations and Facility Modifications: To comply with new federal legislation (Sec. 6409(a) of the Middle Class Taxpayer Relief and Job Creation Act of 2012) and the 2009 FCC Declaratory Ruling, certain relatively minor additions to existing WCFs, including most co-locations (i.e., adding the antennas and equipment of one or more new carriers to an existing WCF site; (County Code Sections. 13.10.661(G) and 13.10.661(A)(1)), that do not result in a “substantial change in the physical dimensions” (see definitions section), could be permitted under a more streamlined regulatory approach, i.e., shifting from needing a discretionary Level 5 Site Development Permit with a noticed public hearing before the Zoning Administrator, to an administratively approved Level 3 “Minor Variation” to the existing permit or Minor Site Development Permit, which would be revised by staff and subject to conditions of approval to ensure regulatory compliance and soften visual impacts, if necessary. Under the proposed ordinance, the definition of “substantial change in the physical dimensions” would allow horizontal extensions of up to 10-feet from the existing tower, and up to 10% height increases (but not to exceed the height limit for WCFs in the zoning district), to not be considered “substantial”. Also, the current limit of 9 antennas and/or 3 equipment cabinets on any co-location site would be removed for flexibility. Discretionary review would be required for any applications proposing a substantial change in the physical dimensions of a WCF. Also, in-kind 1 for 1 antenna/equipment “swap-outs” would no longer be subject to a discretionary permit requirement, however a Building Permit and RF calculation report would still be required.

Reducing Level of Review for Certain Roof and Structure Mounted WCFs: Under the proposed amendments contained in County Code Sec. 13.10.661(A)(2&3), new roof and structure mounted WCFs that include 3 or fewer antennas that are hidden or camouflaged such that they are entirely hidden from public view would be subject to a Level 3 review (i.e., Minor Site Development Permit - hearing) instead of the currently required Level 5 review (Site Development Permit – with Zoning Administrator public hearing).

Allowing WCFs in the Commercial Ag Zoning District: Under Section 13.10.661(B&C) of the proposed ordinance, properties within the “Commercial Agricultural” (CA) zoning district would be removed from the list “prohibited area” zoning districts, making it one of the allowed districts outside the Coastal Zone, and one of the “restricted” zone districts inside the Coastal Zone, but WCFs would be allowed only if they do not result in the loss/conversion of any “prime farmland” or “farmland of statewide significance”.

Elimination of Need For Alternatives Analyses in Restricted Areas: Under the proposed amendments in County Code Sec. 13.10.661(C)(3), an Alternatives Analysis would no longer be required to allow new WCFs in the “restricted” zoning districts (i.e., generally lower density/rural residential zones). Under the current regulations a new cell tower can be approved in a “restricted” area only if the applicant can show in an Alternatives Analysis that there are not any less visually intrusive alternative locations in an allowed zoning district, or alternative WCF designs (such as microcells or co-locations), that could provide the needed

coverage (co-locations and microcells are currently allowed in “restricted” areas without an Alternatives Analysis).

FCC “Shot Clock”: The proposed amendments to County Code Sec. 13.10.661(J) would require adherence to the FCC “shot clock” time limits for discretionary permit processing times of 150 days for new WCF sites and 90 days for co-locations.

WCF Height Limits: Under Section 13.10.663(B)(6) of the proposed ordinance, WCF height limits by zoning district would be clarified, with maximum height limits for free-standing WCF installations ranging from 78-feet in most zoning districts, to 85- to 90-feet on most commercial, industrial and agricultural-zoned parcels (see Table 1), with a provision to allow approval of height variances for WCFs in excess of those limits if findings can be made and it can be found that the circumstances of the property accommodate a taller installation and it is necessary for the needed coverage, and that a single taller WCF would be visually preferable to building an additional separate WCF nearby to achieve the coverage objective.

Zone District	Roof/Building-mounted WCFs	Free-standing WCF Towers
TP, PR (Allowed areas), RA, RR, SU* (“Restricted” Areas), R-1, RM (“Prohibited” Areas)	53 feet “ “	78 feet “ “
RB (“Prohibited” Area)	42 feet (ocean side) 50 feet (cliff side)	67 feet (ocean side) 75 feet (cliff side)
A, AP (Allowed areas), CA (Allowed area)	65 feet “	90 feet “
PA, VA, C-1, C-2, CC, C-4, M-1, M-2, PF (Allowed areas)	60 feet	85 feet
M-3 (Allowed area)	65 feet	90 feet
Note: * with a residential General Plan land use designation		

Radio-Frequency (RF) Emission Studies: Although federal law prohibits denial of a WCF application on the basis of the health effects of RF radiation, the proposed regulations contained in Sec. 13.10.662(B)(6) would require additional information in the application stage regarding RF radiation calculation reports that is not currently required, which would help to ensure that no WCF would exceed the FCC limits on RF radiation emissions.

Streamlined Submittal Requirements: Section 13.10.661(H) of the proposed ordinance incorporates streamlined application submittal requirements that include the following: 1) Notification for DAS and microcell applications would be limited to the proposed service area rather than 1,000 feet from the outer boundary of the subject parcel, due to the limited areal visual impact of those types of facilities; and 2) The neighboring parcel notification distance for macrocell wireless communications facility applications would remain at 1,000

feet from the outer boundary of the subject parcel due to the potential for adverse visual impacts.

In addition, various other current WCF application submittal requirements that do not need to be codified are proposed for deletion in Section 13.10.661 of the County Code.

Provisions Related to Non-Wireless Broadband Infrastructure: Under Sec. 13.10.669 of the County Code, small cabinets or boxes used to house non-wireless broadband telecommunications infrastructure generally would be allowed to be installed in public rights-of-way, or within private parcel front setback areas, without land use permits from the Planning Department (only Encroachment Permits from the Department of Public Works could be needed). For limited situations where these non-wireless facilities would need to be located on private or public parcels, a provision is proposed to be added to the WCF regulations to allow up to three non-wireless broadband equipment boxes (20 cu. ft. maximum size each) within the front yard setback of private parcels, without the need for land use permit approval.

Substantial Change in the Physical Dimensions: The definition has been included to define substantial changes in a co-location WCF facility or facility modification that results in: 1) More than a 10% increase in height (not to exceed the allowed height for WCF towers in the zone district in accordance with SCCC 13.10.663(B)(6)); 2) More than 4 equipment cabinets or 1 new shelter on the site; 3) New antenna(s) that extend(s) more than 10' horizontally from the tower; 4) Excavation/grading needed outside current tower lease area; 5) Any increase in the footprint of the existing WCF if located on Commercial Agricultural (CA) zoned land or if in a designated Sensitive Habitat Area or Archaeological Sensitive Area.

III. ENVIRONMENTAL REVIEW CHECKLIST

A. GEOLOGY AND SOILS

Would the project:

1. *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- A. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

- B. *Strong seismic ground shaking?*

- C. *Seismic-related ground failure, including liquefaction?*

- D. *Landslides?*

Discussion (A through D): All of Santa Cruz County is subject to some hazard from earthquakes. Cell towers and other WCFs that would be approved under the proposed amended WCF ordinance would be designed in accordance with the Uniform Building Code, which would reduce the hazards of seismic shaking, liquefaction and landslides to a less than significant level.

2. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Discussion: Individual WCFs approved under the proposed amended WCF Ordinance would be subject to site-specific requirements for soils reports and geologic reviews as appropriate and necessary, and would be conditioned to address any stability concerns.

