

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No.: WCF-01-Rev (Wireless Communication Facilities Ordinance,  
Revised)  
Effective Date: May 12, 2004  
Originally Issued: May 12, 2004  
Revised: June 19, 2018

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**Issues**

The Wireless Communications Facilities (WCF) Ordinance (County Code Sections 13.10.660-668) does not contain a specific height limit for cellular telecommunications towers (cell towers) or other types of WCF antenna structures (e.g., roof-mounted antennas). However, Section 13.10.663(B)(6) of the WCF Ordinance states that a variance is required for approval of a WCF over the height limit for structures in the zone district. Because the height limits for structures in each zone district are subject to several exceptions as provided in SCCC 13.10.510(D)(2), there has been confusion as to what height WCFs may be constructed without the need for a variance. A second issue regards potential proposals to co-locate antennas on existing towers that already exceed the height limit.

**Purpose**

To clarify the height to which a new WCF may be built without a variance, and clarify regulations regarding proposed co-located antennas on existing towers that exceed the height limit.

**Applicable Ordinance Sections**

13.10.510(D)2  
13.10.663(B)(6)

**INTERPRETATION:**

1. WCF Height Limits: Section 13.10.510(D)(2) of the County Code (height limit exceptions) allows certain types of non-habitable structures (e.g., chimneys, church steeples, flagpoles, non-commercial radio and television antennas, etc.) to exceed the zoning district height limits for structures by 25-feet. Section 13.10.510(D)(2) also states that “free-standing antennas” may exceed the zoning district height limit for habitable structures by up to 50-feet with a Level 4 Use Approval.

Since the WCF Ordinance was not intended to exclude wireless facilities from the County height exceptions, SCCC Section 13.10.510(D)(2) as applied to the height regulations in

the WCF Ordinance (Sec. 13.10.663(B)(6)) shall be interpreted<sup>d</sup> to allow cell towers and other types of WCFs to exceed the height limits for structures in the zone district without the need for a variance. Under this interpretation, free-standing cell towers can exceed the zoning district height limit by up to 50 feet with a Level IV Use Approval but without requiring a variance, and roof- or building-mounted antennas can exceed the zoning district height limit by up to 25 feet without requiring a variance. However, while these would be the maximum allowed WCF heights without a variance, the WCF Ordinance strongly encourages applicants to build new WCFs as short as possible to minimize visual impact.

Therefore, the WCF maximum tower/antenna heights allowed in each zoning district are as follows (i.e., variances would be required for tower/antenna heights exceeding these limits):

<u>Zone District</u>	<u>Roof/Building-Mounted WCFs</u>	<u>Free-standing WCF Towers (Level 4 Exception)</u>
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 (“Prohibited” Area)	65-feet	90-feet
PA, VA, C-1, C-2, CC, C-4, M-1, PF (Allowed areas)	60-feet	85-feet
M-3 (Allowed area)	65-feet	90-feet

\* with a residential General Plan land use designation

NOTE: For all WCF antenna structures greater than the allowed height for structures in the zone district, the findings should address the exception allowing the height limit to be exceeded in addition to the visual impact criteria specified in the WCF Ordinance (Sec. 13.10.660 through 13.10.668, inclusive). The approving body may limit the total height for wireless facilities to less than the maximum noted above to comply with the criteria for wireless facilities and ensure that the proposed facility will not significantly impact designated visual resources and other significant county resources pursuant to the required findings as provided in SCCC 13.10.665.

2. Antennas Co-located onto Existing Towers that Exceed the Height Limit: Since adding an additional set of antennas onto an existing WCF tower (“co-location”) will generally result in less visual impact than constructing a new separate WCF tower, co-locations on existing WCF or other towers/structures that exceed the WCF height limit shall be allowed, but only if the height of the existing WCF tower is not increased, and subject to the visual impact criteria specified in the WCF Ordinance (Sec. 13.10.660 through 13.10.668, inclusive).

  
Kathy Molloy, Planning Director

<sup>i</sup>SSCC 13.10.663(B)(6) read in part “Any applications for towers of a height more than the allowed height for structures in the zoning district must include a written justification proving the need for a tower of that height and the absence of viable alternatives that would have less visual impact and shall, in addition to any other required findings and/or requirements, require a variance approval pursuant to Code Section 13.10.230.”

Interpretation: The wording “...the allowed height for structures in the zoning district...” shall be interpreted as meaning: *the allowed height for structures in the zoning district, including applicable height exceptions as referenced in subsection 13.10.510(d)(2) applicable to similar structures.*

SSCC 13.10.510(D)(2), Height Exceptions, read in part: “Chimneys, church spires and steeples, water tanks, cooling towers, elevators, flagpoles, monuments, non-commercial radio and television antennas, fire towers, and similar structures not used for human habitation and not covering more than ten percent of the ground area covered by the structure, may be erected to a height of not more than 25-feet above the height limit allowed in any district. Utility and commercial poles and structures may not be subject to the height limits prescribed in the district regulations .... Non-commercial radio and television towers or free-standing antennas may exceed the height limits above by 25-feet with the approval of a Level IV Use Approval.”

Interpretation: WCF towers and antennas are similar to non-commercial radio and television antennas in their appearance and when properly disguised may appear similar to chimneys, church spires, flag poles, etc. Thus, the phrase “...similar structures not used for human habitation and not covering more than ten percent of the ground area covered by the structure” shall be interpreted as applying to both roof/building mounted WCFs and freestanding WCF towers. Therefore, the allowed height (without a variance) of all types of WCFs is up to 25-feet above the allowed height for habitable structures in each zoning district.

The wording stating that “...free-standing antennas may exceed the height limits above by 25-feet with the approval of a Level IV Use Approval” shall be interpreted as meaning that, because all new WCFs already require a Level V Use Approval, and modifications to existing wireless

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facilities require either a Level V approval or a Level 3 Minor Variation (see WCF-06), free standing WCF antennas (i.e., cell towers), including monopoles and artificial tree-poles, are allowed to be up to 50-feet higher than the height limit for habitable structures in the zoning district without a variance.

The sentence stating that “*Utility and commercial poles and structures may not be subject to the height limits prescribed in the district regulations*” shall be interpreted as not relieving WCFs from the height limits (and the height limit exceptions) prescribed in the district regulations (to do so would render Section 13.10.663(b)(6) meaningless). As a result, the variance requirement in 13.10.663(b)(6) would apply to any application for a roof/building mounted antenna more than 25-feet higher than the zoning district height limit, or for a free-standing WCF tower more than 50-feet higher than the zoning district height limit.

Effect: Subject to a Level 3 or 5 approval, but without the need for variance approval, rooftop and other building-mounted antennas could extend up to 25-feet above the zoning district’s allowed height for buildings, and free-standing, ground mounted WCF towers could extend up to 50-feet above the zoning district’s allowed height for buildings. However, while these would be the maximum allowed WCF heights (without a variance), the WCF Ordinance strongly encourages applicants to build new WCFs as short as possible so as to minimize visual impact. Moreover, the WCF Ordinance also requires that findings be made that a proposed WCF will not significantly affect the County’s visual resources, or if it must, that there is compelling evidence that there are no less visually obtrusive feasible alternatives.