



# MEMORANDUM

285  
163  
164

DATE: April 11, 2006

TO: Zoning Administration Division  
DSD Zoning Review Section

FROM: Walter Tellez  
Zoning Administrator

SUBJECT: LUC 3.5.4.20.C.4, Cell Towers in the SCZ, Gateway Route, HPZ, ERZ, and HDZ  
Land Use Code: Zoning Administrator Determination

LUC 3.5.4.20.C.4 restricting new towers within 400 feet of a designated Scenic Route or Gateway Route, within a designated Historic Preservation Zone, Environmental Resource Zone, or on a protected peak or ridge as identified in a Hillside Development Zone applies to private property, public property and any right-of-ways. This determination applies to private commercial uses on public property, which is subject to and not exempt from the LUC, and which we regularly apply to other governmental entities. The lease agreement with the wireless provider makes it clear that it is a lease, and not a franchise or license. This is not subject to the City Manager waiver approach.

s:zoning administration/za determination/LUC 3.5.4.20.doc