

CHAPTER 30.48 – WIRELESS TELECOMMUNICATIONS FACILITIES PERMITS

Sections:

- 30.48.010 – Purpose
- 30.48.020 – Wireless Telecommunications Facility Permit – required
- 30.48.030 – Decision of the Review Authority
- 30.48.040 – Findings of Fact
- 30.48.050 – Non-interference with Television and Radio Operations
- 30.48.060 – Setbacks from Property Lines
- 30.48.070 – Wireless Telecommunications Facilities Development Standards
- 30.48.080 – Safety and Monitoring Standards
- 30.48.090 – Violations, Revocation
- 30.48.100 – Notification of Change of Ownership/Operator
- 30.48.110 – Authorization for Initiation, Application Filing and Filing Fees
- 30.48.120 – Public Hearing and Notice
- 30.48.130 – Appeals Procedure
- 30.48.140 – Resubmittal of Applications
- 30.48.150 – Duration of Wireless Telecommunications Facility Permit

30.48.010 – Purpose

The purpose and intent of this section is to protect the public health, safety, general welfare and to provide wireless telecommunication service to the community in a safe, effective and efficient manner and establish a comprehensive set of zoning requirements for wireless telecommunications facilities as that term is defined herein. These regulations are intended to provide for the managed development of wireless telecommunications facilities in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and applicants for the installation of wireless telecommunications facilities in accordance with federal and state rules and regulations. At the same time, these regulations are intended to protect residents from those potential adverse impacts of wireless telecommunications facilities that the city may legally consider, evaluate, and mitigate, and are also intended to preserve the visual character of established communities and the natural beauty of hillsides and ridgelines.

30.48.020 – Wireless telecommunications facility permit – required

- A. A wireless telecommunications facility permit is required prior to the installation of any wireless telecommunications facility on private property and not in the public right-of-way. Consideration of a wireless telecommunications facility permit application shall be conducted by the Director of Community Development or the Planning Commission, as indicated below and as shown in Table 30.48-A. Wireless telecommunications facility permit applications will be processed based upon the classification of antennas defined in this Code. Although classifications are assigned at project intake, a re-evaluation of antenna classifications may occur at any point in the process including at the time of review by the Director of Community Development, Planning Commission or City Council.
 - 1. Residential Zones (ROS, R1R, R1, R-3050, R-2250, R-1650, and R-1250): Class 1, Class 4, Class 5, Class 6 and Class 7 applications shall be presented to the Planning Commission. Class 3 antennas shall be presented to the Director of Community Development.

2. SR Zones: Class 1 and Class 3 antenna applications shall be presented to the Director of Community Development. Class 4, Class 5, Class 6 and Class 7 antenna applications shall be presented to the Planning Commission.
3. Non-Residential Zones (C1, C2, C3, CR, CE, CEM, CPD, DSP, IND, IMU, IMU-R, SFMU, P overlay, and PS overlay): Class 1, Class 3, and Class 4 antennas shall be presented to the Director of Community Development. Class 5, Class 6 and Class 7 antennas shall be presented to the Planning Commission.
4. Class 2 Antennas: Class 2 antennas (co-located antennas) shall be presented to the same body that initially reviewed the underlying base wireless telecommunications facility upon which the co-location is proposed. Co-located facilities shall be a permitted use if the underlying base facility was subject to a discretionary permit and was subject to either an environmental impact report, mitigated negative declaration or a negative declaration pursuant to California Government Code Section 65850.6 and as that section may be subsequently amended. Such co-located facilities shall require a Wireless Telecommunications Facilities Permit, with modified review pursuant to Section 30.48.040.A and 30.48.070.
5. All Classes of Antennas: All antenna applications requesting heights exceeding the height limitation of the requested zone shall be presented to the Planning Commission.
6. Antennas other than Classes 1 through 7 as described in Section 30.70 shall be subject to consideration by the Planning Commission through a standards variance.

Table 30.48 – A
Wireless Telecommunications Facility Permit Review Authorities (1)(2)(3)

| | Residential Zones (ROS, R1R, R1, R-3050, R-2250, R-1650, and R-1250) | SR Zones | Non-Residential Zones (C1, C2, C3, CR, CE, CEM, CPD, CA/O, CA/CS, CA/CG, CS, CN, CG/MS, DSP, IND, IMU, IMU-R, SFMU, P overlay, and PS overlay) |
|---------------------------------|---|--|---|
| Class 1 Antenna | PC | DCD | DCD |
| Class 2 Antenna (co-located) | Same as original permit for facility on which co-location will occur | Same as original permit for facility on which co-location will occur | Same as original permit for facility on which co-location will occur |
| Class 3 Antenna | DCD | DCD | DCD |
| Class 4 Antenna | PC | PC | DCD |
| Class 5 Antenna | PC | PC | DCD |
| Class 6 Antenna | PC | PC | DCD |
| Class 7 Antenna | PC | PC | DCD |

DCD — Director of Community Development
 PC — Planning Commission

- (1) All Classes of Antennas: Applications requesting heights exceeding the height limitation of the requested zone shall be presented to the Planning Commission.
 - (2) All Classes of Antennas. An application in an Historic Preservation Overlay Zone shall be reviewed by the Historic Preservation Commission in addition to the review authority named in Table 30.48 A.
 - (3) Co-located Antennas: Co-located telecommunications facilities shall be a permitted use provided the underlying base facility was subject to a discretionary permit and was subject to either an environmental impact report, mitigated negative declaration or a negative declaration pursuant to California Government Code Section 65850.6 and as that section may be subsequently amended.
7. Exemption. Temporary emergency use. The Director of Community Development or City Manager shall have the authority to approve the placement of a wireless telecommunications facility on a temporary basis necessary during an emergency. Said temporary permit shall contain conditions for removal of the temporary wireless telecommunications facility as soon as possible after the conclusion of the emergency.

30.48.030 – Decision of the Review Authority

- A. For those wireless telecommunications facilities applications subject to review by the Director of Community Development, a wireless telecommunications facility permit may be granted administratively, so long as all application requirements have been fulfilled and all of the findings required by this Chapter 30.48 have been made.
- B. The review authority shall consider all evidence presented for and against the wireless telecommunications facility application. In all instances where a wireless telecommunications facility permit is granted by the review authority, the standards required by Section 30.48.110 shall be imposed. Further conditions of approval of wireless telecommunications facility permits shall be imposed as are necessary to minimize environmental, aesthetic, and public safety impacts. The review authority shall make findings of fact and determinations in writing and shall place in the mail a copy thereof, addressed to the applicant and those persons expressing an interest in the application who submitted their correct mailing addresses. A decision of the review authority shall become final fifteen (15) days following the date of the decision unless an appeal to the Planning Commission or the City Council, as the case may be, is filed as herein provided.

30.48.040 – Findings of Fact

- A. Except for Class 2 co-located facilities on which the base facility meets the requirements of California Government Code Section 65850.6, and Class 3 temporary antenna facilities, prior to the issuance of a wireless telecommunications facility permit, the review authority indicated in Section 30.48.020 shall make all of the following findings:
 - 1. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community;
 - 2. Alternative configurations will not increase community compatibility or are not reasonably feasible.
 - 3. Alternative locations on the site will not increase community compatibility or are not reasonably feasible.
 - 4. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible.
 - 5. The facility is necessary to close a significant gap in coverage.
 - 6. The applicant has submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.
 - 7. Noise generated by equipment will not be unnecessary, excessive, annoying nor be detrimental to the public health, safety, and welfare.
 - 8. The facility complies with all of the requirements of state and federal laws, regulations and orders.

- B. If the application is denied by the review authority, said review authority shall issue a written denial to the applicant containing an explanation of reason(s) for such denial citing to substantial evidence contained in the written administrative record.

30.48.050 – Non-interference with Television and Radio Operations

Wireless telecommunications providers shall ensure that their wireless telecommunications facilities do not cause interference with reception of area television or radio operations and shall ensure continuous compliance with federal and state requirements regarding interference with reception of such operations.

30.48.060 – Setbacks from Property Lines

Setback requirements shall be as specified with each respective zoning district.

30.48.070 – Wireless Telecommunications Facilities Development Standards

Unless the applicant demonstrates that compliance with the following development and design standards is not reasonably feasible without depriving applicant of its rights under state and/or federal law, all wireless telecommunications facilities except for co-located facilities on which the base facility meets the requirements of California Government Code Section 65850.6 shall be planned, designed, located, erected, operated, and maintained in accordance with the following standards:

- A. General Wireless Telecommunications Facilities Standards. Wireless telecommunications facilities shall comply with all development standards within the applicable zoning district of the subject site.
 - 1. All wireless telecommunications facilities and accessory wireless equipment shall comply with the applicable provisions of the City's noise regulations as set forth in Chapter 8.36 of this Code.
 - 2. Visual Impact Minimization and Screening Standards. All wireless telecommunications facilities shall employ camouflage design techniques to minimize visual impacts and provide appropriate screening. Such techniques shall be employed to make the installation, operation and appearance of the facility as visually inconspicuous as possible, to prevent the facility from visually dominating the surrounding area, and to hide the installation from predominant views from surrounding properties. Depending on the proposed site and surroundings, certain camouflage design techniques may be deemed by the city as ineffective or inappropriate and alternative techniques may be required. The following is a menu of potential camouflage design techniques that should be considered based on different installation situations.
 - 3. Height requirements shall be as specified within each respective zoning district or as approved by the Planning Commission.
- B. For Building and Structure Mounted Installations:
 - 1. Screening materials shall be matched in color, size, proportion, style, and quality with the exterior design and architectural character of the building or structure and the surrounding visual environment.
 - 2. Facility components, including all antenna panels, may be mounted either inside the building or structure, or behind the proposed screening elements, or on the exterior face of the building or structure.

3. All antenna panels and accessory wireless equipment mounted on the exterior of the building or structure shall be painted or otherwise coated to match the predominant color of the mounting building or structure.
4. When required by the city, antenna panels shall be located and arranged on the building or structure so as to replicate the installation and appearance of the equipment already mounted to the building or structure.

C. For Monopole Installations:

1. Monopole installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.
2. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background and/or existing architectural elements so as to visually blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.
3. The Director of Community Development may require additional measures designed to camouflage a wireless telecommunications facility, including but not limited to converting the monopole to a Class 7 antenna, thereby placing the facility entirely within a vertical screening structure. Suitable architectural features include but are not limited to: clock towers, bell towers, icon signs, lighthouses, or windmills. All facility components, including the antennas, shall be mounted inside said structure.
4. The camouflage design techniques employed shall result in an installation that either will blend in with the predominant visual backdrop or will disguise the facility.

D. For Miscellaneous Installations:

1. A monorock and or monoshrub installation will be considered properly screened provided that it is located in a setting that is compatible with the proposed screening method. For a monoshrub, other vegetation comparable to that replicated in the proposed screen shall be prevalent in the immediate vicinity of the wireless telecommunications facility site and the addition of new comparable living vegetation may be necessary to enhance the monoshrub screen. For a monorock, the proposed screen shall match in scale and color other rock outcroppings in the general vicinity of the proposed site. A monorock screen may not be considered appropriate in areas that do not have natural rock outcroppings.
2. Class 2 Antenna installations shall use screening methods similar to those used on the existing wireless telecommunications facilities. Use of other appropriate screening methods may be considered.
3. Class 3 Antenna installations of less than 30 days duration may not require screening to reduce visual impacts depending on the setting of the proposed site. If screening methods are determined to be necessary, the appropriate screening methods will be determined through the wireless telecommunications facilities permit process.

- E. For Accessory Wireless Equipment. All accessory wireless equipment associated with the operation of any wireless telecommunications facilities shall be screened. The following is a menu of potential screening techniques that should be utilized based on the type of installation:
1. Accessory wireless equipment for building mounted facilities may be located underground, inside the building, or on the roof of the building that the facility is mounted on, provided that both the equipment and screening materials are painted the color of the building, roof, and/or surroundings. All screening materials for roof-mounted facilities shall be of a quality and design that is architecturally integrated with the design of the building or structure.
 2. Accessory wireless equipment for freestanding facilities, not mounted on a building, may be visually screened by locating the equipment within a nearby building or in an underground vault. For above ground installations not within a building, screening shall consist of walls, landscaping, or walls combined with landscaping to effectively screen the facility at the time of installation. All wall and landscaping materials shall be selected so that the resulting screening will be visually integrated with the architecture and landscaping of the surroundings.
 3. All accessory wireless equipment shall be placed and mounted in the least visually obtrusive feasible location.
- F. Additional Design Regulations for All Antennas.
1. All camouflaged wireless telecommunications facilities shall be designed to visually and operationally blend into the surrounding area in a manner that achieves compatibility with the community. The wireless telecommunications facility shall also be appropriate for the specific site (i.e., it should not “stand out” from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height (five feet or more) than other trees on the site).
 2. No wireless telecommunications facilities shall be allowed on or in any building or structure, that is listed or eligible for listing on any federal, state or local historical register or City-approved survey or in any federal, state or local historic district, unless it is determined by the Historic Preservation Commission that the wireless telecommunications facility will have no adverse effect on the historic character of the building, structure or historic district, or its eligibility for historic designation.
 3. In cases where the wireless telecommunications facility site is visible from a freeway or a major arterial roadway, as identified in the general plan, the wireless telecommunications facility shall be designed and located in such a manner as to avoid adverse impacts on traffic safety. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No portion of any wireless telecommunications facility shall extend into the public right of way without any and all permits required pursuant to Chapter 12.08 of this Code.
 4. Façade mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas may be required to be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Any newly-created architectural features must be located, proportioned and designed to be properly integrated into the building design. Façade mounted antennas shall not extend more than 24 inches out from the building face, and no cables or antenna mounting brackets or any other associated equipment or wires shall be visible above, below, or to the side of the antennas.

5. All wireless telecommunications facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feasible, and camouflage, and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.
6. Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Wireless telecommunications facilities, including accessory wireless equipment, shall be painted or textured using colors to match or blend with the primary background. All equipment cabinets visible to the public shall be treated with a graffiti-resistant coating.
7. No signs, striping, graphics or other attention getting devices are permitted on a transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet per sign. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two unless a greater number is required by law.
8. Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility.
9. In cases where the wireless telecommunications facility site is proposed to be located in a city park, the wireless telecommunications facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping.
10. The use of chain link fences for security of equipment is permitted only if the fence is fully screened by landscaping that is maintained by the permittee and is not otherwise prohibited in this Title 30. Slats do not satisfy the requirement for screening. Every wireless telecommunications facility and antenna support structure shall be protected against unauthorized climbing or other access by the public. Barbed wire fencing or razor wire fencing is prohibited.
11. Each wireless telecommunications facility shall be identified by a permanently installed plaque or marker, no larger than four (4) inches by six (6) inches, clearly identifying the addresses, email contact information, and 24-hour local or toll-free contact telephone numbers for both the permittee and the agent responsible for the maintenance of the wireless telecommunications facility. Such information shall be updated in the event of a change in the permittee, the agent responsible for maintenance of the wireless telecommunications facility, or both.
12. Antenna lighting shall be prohibited in all zones. Beacon lights shall not be permitted unless required by the Federal Aviation Administration and, if so, shall be included when calculating the height of the facility. Beacon lights shall be of a type that minimizes downward illumination.
13. Wireless telecommunications facilities sited on mountainous terrain as defined in Section 16.08.270 shall blend with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is reasonably legally or technically feasible.

G. Maintenance.

1. All graffiti on any components of the wireless telecommunications facility shall be removed promptly.

2. All landscaping required for the wireless telecommunications facility shall be maintained at all times and shall be promptly replaced if not successful.
3. If a flagpole is used for camouflaging a wireless telecommunications facility, flags shall be flown and shall be properly maintained at all times. The use of the United States flag shall comply with the provisions of the United States Flag Code, 4 U.S.C. § 6 et seq.
4. All wireless telecommunications facility sites shall be kept clean and free of litter.
5. All equipment cabinets shall display a legible sign clearly identifying the addresses, email contact information, and 24-hour local or toll-free contact telephone numbers for both the permittee and the agent responsible for the maintenance of the wireless telecommunications facility. Such information shall be updated in the event of a change in the permittee, the agent responsible for maintenance of the wireless telecommunications facility, or both.

30.48.080 – Safety and Monitoring Standards

- A. At all times, the permittee shall ensure that its wireless telecommunications facilities shall comply with the most current regulatory and operational standards including but not limited to radio frequency emissions standards adopted by the FCC and antenna height standards adopted by the Federal Aviation Administration. The permittee shall obtain and maintain the most current information from the FCC regarding allowable radio frequency emissions and all other applicable regulations and standards and, at the following indicated times, shall file a report with the Director of Community Development indicating whether the permittee is in compliance with such standards, advising the Director of Community Development of any regulatory changes that require modifications to the wireless telecommunications facilities, and advising the Director of Community Development of the measures taken by the permittee to comply with such regulatory changes as follows: (1) prior to the commencement of the installation of the wireless telecommunications facility, (2) every year, on the anniversary of the submittal of the initial compliance report, and (3) upon any proposed increase of at least ten percent (10%) in the effective radiated power or any proposed change in frequency use. Both the initial and update certifications shall be subject to review and approval by the City. At the Director of Community Development's sole discretion, a qualified independent radio frequency engineer, selected by and under contract to the City, may be retained to review said certifications for compliance with FCC regulations. All costs associated with the City's review of these certifications shall be the responsibility of the permittee, which shall promptly reimburse City for the cost of the review.
- B. Public access to a wireless telecommunications facility shall be restricted. Security measures shall include fencing, screening, and security signage, as deemed appropriate by the Director of Community Development.
- C. Safety lighting or colors, if prescribed by the Director of Community Development or other approving agency including but not limited to the Federal Aviation Administration may be required for antenna support structures. Safety lights shall be of a type that minimizes downward illumination.

30.48.090 – Violations, Revocation

For violations and revocation, see Chapter 30.64.

30.48.100 – Notification of Change of Ownership/Operator

Upon assignment or transfer of an authorization to operate a wireless telecommunications facility or any of the rights under said authorization, the owner or operator shall, within thirty (30) days, provide written notice to the Director of Community Planning of the date of transfer and the identity of the transferee.

30.48.110 – Authorization for Initiation, Application Filing and Filing Fees

For application filing and filing fees, see Chapter 30.40.

30.48.120 – Public Hearing and Notice

For public hearing and notice, see Chapter 30.61.

30.48.130 – Appeals Procedure

For appeals procedure, see Chapter 30.62.

30.48.140 – Resubmittal of Applications

No wireless telecommunications facility permit application which has been denied in whole or in part shall be filed again within six months from the date of such denial except upon proof of changed conditions or by permission of the Director of Community Development.

30.48.150 – Duration of Wireless Telecommunications Facility Permit

For duration of wireless telecommunications facilities permits, see Chapter 30.41.