

Development Code Update Project  
Article II Development Standards  
Chapter 17.36  
Wireless Communications & Satellite Antennas

## **ARTICLE II DEVELOPMENT STANDARDS**

### **CHAPTER 17.36 WIRELESS COMMUNICATIONS AND SATELLITE ANTENNAS**

#### **Sections:**

<u>17.36.010</u>	Purpose and Intent
<u>17.36.020</u>	Applicability
<u>17.36.030</u>	Exemptions
<u>17.36.040</u>	General Provisions
<u>17.36.050</u>	Applications Required
<u>17.36.060</u>	Facilities Permitted with a Small Application Permit
<u>17.36.070</u>	Facilities Requiring a Conditional Use Permit
<u>17.36.080</u>	Standards for Facilities in the Public Right-of-Way
<u>17.36.090</u>	Standards for Satellite Antennas
<u>17.36.100</u>	Conditions of Approval
<u>17.36.110</u>	Maintenance Requirements.
<u>17.36.120</u>	Processing and Submittal Requirements.
<u>17.36.130</u>	Notice Requirements.

#### **17.36.010 Purpose and Intent**

The purpose of this chapter is to control the installation of wireless communication facilities and satellite antennas. It is the City's intent to encourage new and more efficient technology thereby enhancing telecommunications within the City. It is recognized that unrestricted installations are contrary to the City's efforts to stabilize economic and social aspects of neighborhood environments and efforts to promote safety, aesthetic considerations and residential character within the City.

It is the intent of this chapter to permit wireless communication facilities where they can be installed without creating an adverse economic, safety and aesthetic impact on nearby properties and the overall community.

### **17.36.020 Applicability**

This chapter applies to all proposed antennas and related wireless communication facilities, as follows:

- A. All facilities for which applications have been received, but not deemed complete, prior to the effective date of this chapter shall be subject to the regulations and guidelines of this chapter.
- B. All facilities which have been previously approved, but are now or hereafter modified, expanded, reduced, or for which the permit or approval is now or hereafter subject to renewal, shall comply with the regulations and guidelines of this chapter.

### **17.36.030 Exemptions**

- A. All facilities for which applications have been submitted and deemed complete, even if not approved by the City, shall be exempt from the regulations and guidelines of this section, except for the validation, monitoring and abandonment requirements.
- B. All facilities for which have application were previously approved by the City on or prior to the effective date of this chapter shall be exempt from the regulations and guidelines of this chapter, except for the validation, monitoring and abandonment requirements.

### **17.36.040 General Provisions**

- A. City-owned property such as public parks, open space, and other public facilities should be given priority as potential sites for the placement of wireless communications facilities.
- B. Wireless communication facilities and accessory equipment shall be screened from view by an existing structure, or by constructing screening that blends in with the adjacent scenery or structures in color and form, or landscaping where constructed screening cannot occur. If landscaping is required, trees shall be a minimum twenty-four inch box size.
- C. The need for stealth-designed facilities (i.e., slim-line monopole, mono-palm, mono-pine, water tower, clock tower, windmill, weather vane, flag pole, sculpture or other interesting and artistic visual form) shall be determined by the Planning Commission based on the aesthetics and character of the area surrounding the

project site and the appropriateness and compatibility of the proposed design with other existing features and structures in the area.

- D. The height of the proposed wireless communication facility shall be justified by the need for such height to effectively provide services by the applicant through a radio frequency analysis subject to review and approval by the City. The analysis shall be prepared by a qualified engineer and shall include the required technical information and an executive summary written in layman's terms.

#### **17.36.050 Small Project Application and Conditional Use Permit.**

Each wireless communication facility requires either approval of a small project application or a conditional use permit. Both types of projects shall meet all the requirements described below. Small project applications shall be reviewed and approved by the Community Development Director. Conditional use permits shall require the approval of the Planning Commission.

#### **17.36.060 Facilities Permitted with a Small Project Application.**

The following wireless communication facilities are permitted with a small project application, subject to director approval. Such projects shall be exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines.

A small project application for a wireless communication facility shall be reviewed for compliance with the conditions of approval by the granting authority three years from the date of the effective approval. As part of this review, the granting authority shall have the discretion to impose additional conditions on the project, require an amendment to the small project application, or revoke the permit approval in its entirety. All other type of wireless telecommunication facilities shall be reviewed by the Planning Commission and subject to the issuance of a conditional use permit.

- A. Panel or whip-style antennas that are attached to the side or facade of an existing building or other structure (facade mounted) where: 1) the wireless communication facilities are clearly ancillary to the primary purpose of the structure upon which they are mounted; and 2) the wireless communication facilities do not extend above the height of the structure; and, 3) the wireless communication facilities are architecturally integrated with the structure and not visible (or barely visible) from the public right-of-way and/or adjacent residential uses.
- B. Roof-mounted, panel or whip-style antennas that extend no more than twenty feet above the height of the building or structure on which the wireless communication facilities are mounted, and do not exceed the height limit of the underlying land use district by more than ten feet, and are set back from the

perimeter of the structure such that they are not visible from the public right-of-way and/or adjacent residential uses.

- C. Self-contained, "shoe box" sized transmitter/receivers having exterior dimensions of no more than sixteen inches in length, twelve inches in width, eight inches in depth, and minor ancillary equipment such as brackets, photo cell adapter, electrical power cord and whip antenna not exceeding four feet in length, mounted on existing utility poles, light standards, traffic safety lights, street sign poles, commercial signs or similar structures. No such wireless communication facility shall be permitted on any decorative City-owned light poles such as those located on Barton Road.

### **17.36.070 Facilities Requiring Conditional Use Permit**

Wireless communication facilities not located within the public right-of-way and not meeting the criteria for a small project application shall require approval of a conditional use permit. Submittal of an application does not guarantee approval of the proposed facility. An environmental determination shall be made for all such projects pursuant to the California Environmental Quality Act. Such facilities shall comply with the following requirements:

- A. Application Content. Applications for the approval of wireless communication facility shall include the following information, in addition to all other information required by the City and, if applicable, information required for a conditional use permit application.
  - 1. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in this chapter.
  - 2. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surrounding, to assist the Planning Commission in assessing visual impacts of the proposed facility and in compliance with the provisions of this chapter.
  - 3. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities shall be maintained by the operator within the City. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could not have been reasonably anticipated or known to justify the need for a

wireless communication facilities site not shown on a master plan submitted to the City within the prior year.

- B. Location Requirements. In order to minimize their aesthetic and visual impact on the surrounding community to the extent feasible, the placement of all wireless communication facilities shall comply with the following standards:
1. General Requirement. Ground-mounted facilities shall be located only in proximity to existing above ground utility poles (which are not scheduled for eventual undergrounding), light poles structure, or trees of comparable. All requested placements must be consistent with the locations presented in the master plan, except as set forth in this chapter.
  2. Restricted Locations. No wireless communication facilities located in any of the following locations must be designed as a camouflaged facility:
    - a. Within any nonresidential zoning district on a site that contains a legally established residential use;
    - b. On any property that is designated historic by the City Council; and
    - c. Within a designated scenic corridor.
  3. Prohibited Locations. No wireless communication facility shall be established on any ridgeline or within any residential zoning district described in subparagraphs (a) and (b) herein. Notwithstanding the foregoing, wireless communication facilities may be located within these locations if the applicant (i) files a conditional use permit application with the city; and (ii) provides technically-sufficient conclusive proof that the proposed location is necessary for the provision of personal wireless services to substantial areas of the City. Conditional use permit applications shall be subject to City approval as set forth in this Code.
    - a. Ridgelines. No wireless communication facility shall be placed on or near a ridgeline so that it appears silhouetted against the sky when viewed from the surrounding roadways.
    - b. Residential Zoning Districts. No facility shall be located within a residential zoning district, including areas set aside for open space, parks or playgrounds.

- C. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing methods indicated in subsections (a) and (b) herein. If a wireless communication facility cannot be mounted as set forth in these subsections, such facility may be mounted in accordance with subsection (c):
1. A camouflaged facility mounted on an existing structure or to a façade, roof, or co-located tower;
  2. A camouflaged facility mounted on an existing steel or concrete pole, including a light standard; or
  3. A camouflaged facility mounted on a new steel, wood, or concrete pole.
- D. Design and Development Standards. Wireless communication facilities shall be designed and maintained as follows:
1. The facilities shall have subdued colors and non-reflective material which blend with the materials and colors of the surrounding area and structures. The height of the facility shall also be consistent with surrounding structures.
  2. Building-mounted facilities shall be designed and constructed to be fully screened in a manner to be compatible with the existing architecture of the building the facility is mounted to, in color texture and type of material.
  3. Ground-mounted facilities shall be designed and constructed to be fully screened, to the maximum extent possible, through the use of landscaping as recommend and approved by the Director.
  4. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted in the City.
  5. All accessory equipment associated with the operation of the wireless communication facility shall be located within a building, enclosure, or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.
- E. Validation of Proper Operation. For any wireless communication facility site that is not "categorically excluded," as that is defined in FCC Office Engineering and Technology Bulletin 65 (FCC OET Bulletin 65"), as may be amended, the applicant facility shall provide the Director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in

conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to the commencement of unattended operations at the site. The City reserves the right to require that a City representative be present for that verification testing, and that the applicant reimburse the City for its actual costs in observing and verifying the testing.

- F. The operation of the facility will not cause Radio Frequency Interference (RFI) to any of the City's communication operations, including the Public Works Department, the Public Safety Department, and the San Bernardino County Sheriff's Department radio systems, other radio and communications systems, computer and/or electronic equipment, and SCADA facilities. In addition, the operation of the facility will not cause RFI to Loma Linda University, Loma Linda University Medical Center, Jerry L. Pettis Veterans Medical Center, Loma Linda University Community Medical Center, or other medical or educational related facilities' communications operations, computer equipment, and/or sensitive medical research and/or testing equipment, or to other consumer electronic products (i.e. televisions, radios, amateur radios, cordless telephones or other communications devices, hearing aids, or stereos), or to railroad communications, control or telemetry systems.
- G. There is adequate space on the property for the wireless communication facility and accessory wireless communication equipment. Adequate space shall mean that the wireless communication facility will not be in conflict with existing buildings or other structures on the property, or reduce required parking, landscaping or other property improvements based on city development standards.
- H. The wireless communication facility and accessory wireless communication equipment as proposed are consistent with the intent of this part and comply with the general standards for all wireless communication facilities and special standards for ground-mounted structures below.
- I. Ground-mounted structures and wireless communication facilities and/or accessory wireless communication equipment shall not be located within or project into any required setbacks of the underlying land use district.
- J. Ground-mounted structures and wireless communication facilities or wireless communication accessory equipment shall not be located or project within ten feet of any right-of-way of a street, freeway, or railroad line.
- K. Ground-mounted structures for wireless communication facilities shall not be located on lots developed with residential *uses nor* within one hundred *feet* of any residential zone and/or residential use.

- L. The height of a ground-mounted structure shall be compatible with that of the surrounding neighborhood so that existing trees or other tall elements of the neighborhood can serve as a backdrop for the antenna and ground mounted structure. No ground-mounted structure shall exceed the height limit of the underlying land use district without the review and approval of the planning commission. In the absence of a height limitation in a land use district, the maximum height of a ground-mounted structure shall be sixty-five feet.
- M. A new ground-mounted structure shall not be located within eight hundred feet of an existing ground mounted structure for a wireless communication facility except in a temporary situation wherein a new structure is replacing an existing structure for purposes of locating more than one wireless communication facility on the structure (co-location).
- N. If co-location is not feasible due to height restrictions, the height allowance may be increased by an additional fifteen feet to provide for co-location provided that the planning commission determines that the increased height will have less visual impact than two such structures of lower height located in close-proximity to one another, and that the increased height of the structure will be consistent with the character of the surrounding development.
- O. All security fencing shall be of a material, color, and design that are consistent and compatible with the character of the surrounding development or environment.
- P. Ground-mounted structures, including accessory equipment, shall be screened or architecturally or stealth designed (i.e., mono-palm, mono-pine, water tower, clock tower, windmill, weather vane, and sculpture or other interesting and artistic visual form and, antenna incorporated into existing light standards, flag poles, or building signs) if the Planning Commission determines that there is a need to mitigate negative aesthetic impacts and achieve compatibility with the surrounding site and neighborhood.
- Q. Monitoring Requirements. Every approved wireless communication facility shall, every five years or sooner upon any replacement or alteration of any transmitter or antenna or material RF emission increase, submit to the city a technically sufficient report stating the compliance of the facility with FCC OET Bulletin 65. This report shall be prepared by a qualified engineer.
- R. Abandonment. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from a property, at the applicant, the operator or property owner's expense, no later than ninety days after the discontinuation of its use. Abandonment for a period in excess of ninety days

shall also constitute a voluntary termination of the entitlement or permit by the applicant. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have ninety days to remove the facility or provide the planning with evidence that the use has not been discontinued. All facilities not removed within the required ninety-day period shall be in violation of the Code and the applicant, operator, and property owner shall be subject to **Section XXX of this chapter**. In the event that the City is required to remove the facility, the City shall be reimbursed, by the applicant, the operator, or the property owner for all expenses incurred for the removal. The applicant, operator, and property owner shall be jointly and severally liable for payment of all costs and expenses related to the removal of the facilities.

Operators of a facility shall notify the City in writing of their intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of the abandonment, the site shall be restored to its original condition at the applicant, operator, or property owner's expense.

- S. Violations. The City may terminate an approved entitlement or permit for any wireless communication facility in violation of this chapter in accordance with **Section 17.XXX** of this Development Code.

### **17.36.080 Standards for Facilities in Public Right-of-Way**

Standards for Wireless Communication facilities located within the public right-of-way. All wireless communication facilities located within the public right-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

- A. Applicability: In addition to new wireless communication facilities, the criteria set forth in this subsection shall also apply to any modification to existing wireless communication facilities located within the public right-of-way to the fullest extent permitted by state and federal law.
- B. Permit Requirements: A request to construct or modify a wireless communications facility located with the public right-of-way shall require all of the following: (i) a zoning clearance from the department, (ii) an encroachment permit from the Public Works Department, and (iii) any other permit required by applicable provision of the City Code including a building permit or an electrical permit. All new facilities and substantial modifications to existing facilities shall be first reviewed by staff. All zoning clearance applications will be scheduled for public hearing with the Director in accordance with **Chapter 17.XX**. Facilities that do not meet the guidelines in **Section XX.XX.XXX** may

be approved only upon issuance of a conditional use permit pursuant to ***Chapter 17.XX.***

- C. Application Content. To permit the City to decide wireless communication facilities site based on substantial evidence in the administrative record as required by federal law, applications for the approval of wireless communication facility shall include the following information, in addition to all other information required by the City for a zoning clearance and information required for a conditional use permit application.
1. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in this chapter.
  2. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surrounding, to assist the commission in assessing visual impacts of the proposed facility and in compliance with the provisions of this chapter.
  3. A master plan which identified the location of the proposed facility in relation to all existing and potential facilities maintained by the operator within the City. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could not have been reasonably anticipated or known to justify the need for a wireless communication facilities site not shown on a master plan submitted to the City within the prior year.
- D. Guidelines. All wireless communication facilities located within the public right-of-way shall be designed as follows.
1. The facilities shall have subdued colors and non-reflective material which blends in with the surrounding area as recommended and approved by the Director.
  2. Ground-mounted facilities shall be screened, to the fullest extent possible, through the use of landscaping, walls or other decorative feature, as recommend and approved by the director.
  3. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted in the City.

4. Facilities located within a designated scenic corridor shall be of a camouflage design, with all equipment, excluding required electrical meter cabinets, to be located underground, pole-mounted. Required electrical meter cabinets shall be screened as recommended and approved by the director.
5. Pole-mounted equipment shall not exceed six cubic feet.
6. Antennas must be installed on existing utility or light poles. No new poles may be installed except as replacement for existing poles. An exception to this requirement shall be where an operator shows that it cannot otherwise close a significant gap in its radio frequency coverage from any other site or combination of sites. All installations shall be properly engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with an existing antenna.
  - a. Utility poles: The maximum height of any antenna shall not exceed twenty-four inches above the height of the existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen feet above any drivable road surface. All installation on utility poles shall fully comply with California Public Utilities Commission General Order 95.
  - b. Light poles: The maximum height of any antenna or antenna radome shall not exceed six feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than sixteen feet above any drivable surface.
7. Wireless communication facilities not located within a designated scenic corridor should place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed such that it shall not exceed a height of five feet and a total footprint of fifteen square feet.
8. Equipment shall be located so as not to cause (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) an inconvenience to the public's use of the public right-of-way, or (iii) safety hazards to pedestrians or motorists. In no case, shall ground-mounted equipment, walls, or landscaping be less than eighteen inches from the front of the curb.

9. Facilities shall not be located within five hundred feet of another wireless facility on the same side of the street.
- E. Findings. No proposed wireless communication facility with the public right-of-way may be approved unless the following findings are made:
1. The facility is necessary in order for the operator to close a significant in its radio frequency coverage and provide sufficient service coverage to the general public.
  2. The location of the facility represents the best possible location in order for the applicant to provide the service coverage needed by the operator.
  3. The proposed facility has been designed to blend in with the surrounding environment, with minimal visual impact to the public right-of-way.
  4. The proposed facility will not have an adverse impact to the normal use of the public right-of-way, including but not limited to, the movement and visibility of vehicles and pedestrians.
- F. Conditions of Approval: In addition to compliance with the guidelines outlined in this chapter, all facilities shall be subject to the following conditions:
1. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted in the city.
  2. For any wireless communication facility site that is not "categorically excluded" as that is defined in FCC Office Engineering and Technology Bulletin 65 (FCC OET Bulletin 65"), as may be amended, the applicant facility shall provide the director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to the commencement of unattended operations at the site. The City reserves the right to require that a City representative be present for that verification testing, and that the applicant reimburse the City for its actual costs in observing and verifying the testing.
  3. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from the public right-of-way no later than ninety days after the days after the discontinuation of its use. Operators of the facility shall notify the City, in writing within ten days,

of their intent to abandon a permitted site. Removal shall comply with all applicable health and safety regulations of the city, state, or federal government. Upon completion of abandonment, the site shall be restored to its original state. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have thirty days to remove the facility or provide the director with evidence that the use has not been discontinued. All facilities not removed within thirty days shall be removed by the City and the City shall pursue cost recovery to the fullest extent possible. The applicant and operator shall be jointly and severally liable for the payment of all costs and expenses related to the removal of the facilities from the public right-of-way.

4. Each wireless communication facility that has been issued an encroachment permit shall be subject to review for public health, safety and general welfare. In the event of noncompliance, the Director may require modifications of existing conditions in order to bring the site into compliance.
5. The applicant and operator of the facility shall defend, indemnify and hold the City and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, cost (including attorneys' fees), or damages claimed by third parties against the city which were incurred by said third parties as a result of the City's review and or approval of the designed, construction, operation or maintenance of the approved project described herein and/or arising out of or connected with any work done or use of the public-right-of-way by applicant or operator under any permit granted hereunder. In the event a legal challenge is made to the city's approval of the encroachment permit, the applicant and operator of the facility shall indemnify, hold harmless, pay all costs, including attorneys' fees, and provide a defense for the City and its elective and appointed board, commissions, officers, agent and employees in such action.
6. If, at any time after ten years of the issuance of an encroachment permit, or a shorter period as permitted by Government Code Section 65964(b), any wireless communication facility or any portion thereof within the public right-of-way becomes incompatible with public health, safety or welfare or the public's use of the public right-of-way, the applicant or operator of the facility will, at its own expense, remove and such facilities in cases where such removal is necessary or in cases where such removal is necessary or in cases where relocation is to of such facility is to a location approved by the City.

7. Wireless communication facilities shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures and other vital public health and safety facilities.
8. Any approved wireless communication facility within the public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director or the purpose of (i) protecting the public health, safety, and welfare; (ii) preventing interference with pedestrian and vehicular traffic; or (iii) preventing damage to the public right-of-way or any property adjacent to it. Prior to the director of public works imposing additional conditions, changes, or limitations, he or she shall notify the applicant or operator, in writing, either by mail to the address set forth in the application or other address on file with the City. Such changes, new limitation or condition shall be effective twenty-four hours after deposit of the notice in the United States Mail.
9. An applicant shall not transfer the permit to any person prior to completion of construction of a wireless communication facility.
10. The applicant or operator of the wireless communication facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior consent of the owner of that facility. No structure, improvement or facility owned by the City shall be moved to accommodate a wireless communication facility unless (i) the City determines, in sole and absolute discretion, that such movement will not adversely affect the City or any surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the City's facilities. Every applicant/operators of any wireless communication facility shall assume full liability for damage or injury caused to any facilities or persons by his, her, or its facility. Prior to commencement of any work pursuant to an encroachment permit issued for any wireless communication facility with the public right-of-way, the applicant shall provide the City with documentation establishing to the City's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.
11. Should any utility company offer electrical service that does not require the use of a meter cabinet, the applicant or operator of the facility agrees at its sole cost and expense to remove the meter cabinet and any foundation thereof and reasonably restore the area to its prior condition.

12. Construction: These standards are intended to exert the maximum available to the city in the regulation of wireless communications facilities under applicable state and federal law but not to exceed that authority.

### **17.36.090 Standards for Satellite Antennas**

Standards for Satellite Antennas. Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulation of the Federal Communications Commission. Satellite antennas with a diameter larger than one meter in residential areas and two meters in commercial or industrial areas shall also comply with the following requirements; provided these provisions are not in conflict with applicable state and federal regulations.

- A. Permit Requirement. Zoning clearance shall be required for satellite antennas with a diameter of one meter or less; administrative plan approval shall be required for antennas larger than one meter.
- B. Application/Plans. Plans for satellite antennas shall be submitted with each application for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color setbacks, foundation details landscaping and method of screening. The plans shall be subject to the approval of the Director.
- C. Location. No satellite antenna shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of a satellite antenna shall extend beyond property lines.
- D. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color, such as, earth-tones, gray, or black and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.
- E. Wiring. All electrical and antenna wiring shall be placed underground whenever possible.
- F. Residential Districts. In any residential zoning district, all satellite antennas shall be subject to the following standards:
  1. Only ground-mounted satellite antennas shall be permitted. Ground-mounted antennas shall as much as is technically possible be located in the rear yard of any property.

2. The height of the satellite antennas shall not exceed fifteen feet;
  3. Only one satellite antenna may be permitted on any single-family residential site. At multiple-family residential sites, only one antenna shall be permitted per dwelling unit.
  4. Any satellite antenna that is taller than adjacent property line fences shall be located away from the side or rear property line at a distance equal to or greater than the height of the antenna;
  5. The diameter of the satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a technically sufficient study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and,
  6. The satellite antennae shall be used for private, noncommercial purposes only.
- G. Nonresidential districts. In any nonresidential zoning district, satellite antennas may be roof or ground-mounted. These antennas shall be subject to the following:
1. If roof-mounted, the satellite antennas shall be screened from ground view by a parapet or other type of City-approved screening. The minimum height and design of the parapet, wall or screening shall be subject to the approval of the Director;
  2. If ground-mounted, the satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
  3. The location and height of the satellite antennas shall comply with all requirements of the underlying zoning district; and
  4. If the subject site abuts a residential zoning district, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless otherwise screened from view.
- H. Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained in the following manner:
1. The maximum height shall not exceed forty feet, measured from the finished grade;

2. Any boom or other activity active element/accessory structure shall not exceed twenty-five feet in length;
  3. The antennas may be roof or ground mounted;
  4. May not be located in any front or side yard setbacks;
  5. These standards in this subsection are subject to modification or waiver by the Director on a case-by-case basis where required for the City to comply with FCC PRB-1 and California Government Code 65850.3 regulations, and where such modification or waiver is based on technically sufficient information provided in writing by the applicant at the direction of the City.
- I. Effects of Development on Antenna Reception. The City shall not be liable if development within the City after installation of the antenna impairs to any degree antennas reception, transmission, utility or function.

#### **17.36.100 Conditions of Approval.**

Conditions of approval shall be imposed on any permit and architectural approval granted to ensure compliance with the intent of this section, the required standards and findings of the section, and the protection of the public health, safety, and general welfare, including aesthetic considerations. The permit shall not become effective until all applicable conditions of approval have been met. The wireless communication facility shall comply with the conditions of approval throughout the life of the project.

Conditions shall include, but shall not be limited to the following:

- A. The applicant shall agree to indemnify, hold harmless, and defend the city its officers, agents, and employees from any and all liability or claims that may be brought against the City from its approval or a permit.
- B. A copy of the applicant's lease with the property owner shall be submitted to the Community Development Department prior to issuance of a building permit for the wireless communication facility. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Community Development Director. Upon termination or expiration of the lease, the wireless communication facility shall be removed within ninety days.
- C. Certification of continued use of each approved facility shall be submitted on a yearly basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the wireless communication facility complies with the most

current Federal Communications Commission (FCC) safety standards. Facilities that are no longer in operation shall be removed within ninety days after the date of discontinuation.

- D. If no annual certification is provided, the Director of Community Development may commence proceedings to revoke the conditional use permit for the wireless communication facility. Prior to revocation of a permit, the community development director shall provide the owners of record written notice of their failure to provide the annual certification and inform them of the revocation hearing before the planning commission.
- E. Prior to the issuance of a building permit for the wireless communication facility, the applicant may be required to provide a deposit with the City for removal of the facility and any accessory wireless equipment if such facility is found to be abandoned or the conditional use permit is revoked by the planning commission.
- F. Notice of change of ownership of the wireless communication facility shall be provided to the city within thirty days of title transfer.
- G. Periodic Safety Monitoring. The wireless telecommunications service provider shall submit to the director, ten days after installation of the facilities and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions, and current applicable standards established by the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to EMF and RFR. The report shall be written in plain English.
- H. Within ten days of commencement of the operation and as otherwise requested by the Public Works Department and Public Safety Department, the operation of the facility shall be tested and evaluated to the satisfaction of the public works and public safety departments that the facility will not cause RFI to any of the City's communication operations including Public Works, Public Safety Departments and San Bernardino County Sheriff's Department radio systems, other radio and communications systems, computer and/or electronic equipment, and SCADA facilities. In addition, the operation of the facility will not cause RFI to Loma Linda University or Loma Linda University Medical Center communications operations, computer equipment, and/or sensitive medical research and/or testing equipment, or to other consumer electronic products (i.e., televisions, radios, amateur radios, cordless telephones or other communications devices, hearing aids, or stereos), or to railroad communications, control or telemetry systems.

- I. All changes and/or modifications to an approved wireless communication facility shall require prior approval by the City.
- J. All graffiti and other forms of vandalism shall be promptly removed and/or repaired within forty-eight hours of notification.
- K. Warning Signs. Signage shall be maintained at the facility identifying all wireless telecommunications facility equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards, including the RF radiation hazard warning symbol identified in ANSI C95.2-1982, to notify persons that the facility could cause exposure to RF emissions.
- L. Fencing. Fencing, barriers or other appropriate structures or devices to restrict access to the facilities shall be maintained.
- M. Lighting. The use of lighting shall not be allowed on wireless communication facilities unless required as a public safety measure. Where lighting is used, it shall be shielded to prevent glare on adjacent uses.
- N. Emergency Contact. The service provider shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.
- O. Setbacks. Setbacks shall be determined in each case with minimum setbacks to be consistent with those required by applicable zone. Additional setback requirements shall be determined by the planning commission to mitigate potential aesthetic and land use impacts, or by the City Engineer for safety in the event of collapse.
- P. Residential Zones. Wireless communication facilities shall be prohibited in all residential zones except when such facilities are associated with permitted nonresidential uses such as parks, church towers, schools, and light standards, and comply with the standards set forth in this ordinance. Ground-mounted, freestanding, wireless communication facilities are prohibited in residential districts on private or public property.

### **17.95.100 Alternative analysis**

- A. The applicant shall provide an analysis of alternative types of wireless communication facilities (cabinets or other associated equipment) for all antennas and wireless communication facilities requiring construction of associated structures that cannot be screened from view from the public right-of-way or adjacent properties by existing structures or landscaping.

- B. The alternative analysis shall evaluate multiple alternatives in terms of the height, design and location of the wireless communication facility, and shall demonstrate that the proposed height, design and location are necessary and that visual impacts have been minimized to the greatest extent possible.
- C. The City may, after notification to the applicant, contract with a radio frequency engineering firm to verify technical assertions made in an applicant's alternative analysis. The cost of the verification shall be the responsibility of the applicant.

#### **17.36.110 Maintenance requirements**

- A. Building codes. All wireless communication facilities shall be installed and maintained in compliance with the City building codes.
- B. Periodic inspection. All wireless communication facilities shall be subject to periodic inspections by the City to ensure compliance with all the conditions of approval.
- C. Modifications. No modifications or additions shall be made to approved wireless communication facilities or accessory wireless communication equipment without prior review and approval of the review authority of the City.
- D. Abandonment. Any wireless communication facility or accessory wireless communication equipment abandoned for a period of ninety days shall be removed and the site returned to its original state or as otherwise directed by the city to ensure that site improvements installed as part of the project are not disrupted.
- E. Revocation of permit. Failure to comply with all conditions of approval shall be grounds for revocation of the permit.

#### **17.36.130 Notice requirements**

The following notification requirements shall apply to all applications for wireless communication facilities permitted in this section.

- A. For a small project application, the Community Development Director shall provide notification to the Planning Commission and adjacent property owners of the proposed project site.
- B. For a conditional use permit, the Community Development Director shall provide notification to the Planning Commission, City Council and owners of property within three hundred feet of the proposed project site.

- C. Notices shall be sent not less than ten days prior to any action taken on the application. Projects subject to the California Environmental Quality Act (CEQA) shall comply with the notice requirements for public pursuant to the CEQA guidelines.