

**Industry Municipal Code**[Up](#)   [Previous](#)   [Next](#)   [Main](#)   [Collapse](#)   [Search](#)   [Print](#)   [No Frames](#)[Title 17 ZONING](#)**Chapter 17.70 WIRELESS TELECOMMUNICATIONS FACILITIES**

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**17.70.010 Purpose.**

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The purpose of this chapter is to regulate the development and operation of wireless telecommunications facilities within the city to the maximum extent permitted by state and federal law with the intent to:

- A. Allow for the provision of telecommunications services at levels adequate to serve the city's businesses, residents and general public.
- B. Establish a fair and efficient process for the review and approval of applications for wireless telecommunications facilities that assures an integrated, comprehensive review of the potential impacts of such facilities, while enabling the providers of telecommunications services to effectively and efficiently provide services within the city.
- C. Provide uniform and comprehensive standards for the siting, development, installation, and operation of wireless telecommunications facilities in order to minimize negative aesthetic impacts and other potential public health and safety impacts related to such facilities, and to protect property values.
- D. Encourage, to the maximum extent feasible, the colocation of wireless telecommunications facilities, particularly in the public right-of-way due to the limited physical resources and capacity in such areas.
- E. Encourage the location of wireless telecommunications facilities in those areas of the city where the adverse aesthetic impacts on the community are minimal. (Ord. 781 § 3, 2013)

**17.70.020 Definitions.**

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For purposes of this chapter, the following terms have the meanings set forth in this section:

“Base station” means the radio transceivers, antennas, coaxial cable, a regular and backup power supply, other associated electronics, electronic receiving and relay equipment, enclosed equipment, electrical meters, and the necessary housing and foundations.

“Building mounted” means a wireless telecommunications facility that is mounted to a building or rooftop.

“Camouflaged wireless telecommunication facility” means a wireless telecommunications facility that is designed to mask or blend with the surrounding environment in such a manner to render it generally unnoticeable to the casual observer. These types of facilities may include antennas located on light poles and power poles, ground-mounted or building-mounted antennas that blend with the surroundings, and base station equipment screened by landscaping.

“Colocation” means the placement or installation of wireless telecommunication facilities, including antennas and related equipment, on an existing wireless telecommunication tower, a light pole, or a power pole.

“Colocation facility” means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

“CPUC” means the California Public Utilities Commission.

“FCC” means the Federal Communications Commission.

“Freestanding” means a wireless telecommunications facility with its support structure placed directly on the ground.

“Monopole” means a support structure constructed of a single, self-supporting metal tube securely anchored to a foundation.

“Observable wireless telecommunications facility” means a wireless telecommunication facility that is neither a fully camouflaged wireless telecommunications facility nor a fully stealth wireless telecommunications facility.

“Public right-of-way” means any public highway, street, alley, sidewalk, or parkway that is either owned, operated, or controlled by the city.

“Stealth wireless telecommunications facility” means a wireless telecommunications facility that is architecturally integrated into a building or other concealing structure, or located such that no portion of any antenna, antenna equipment,

base station, or any other apparatus associated with the function of the facility is visible.

“Substantial change” means any of the following as applied to an existing wireless telecommunications facility:

1. A proposal to alter the width, bulk, or arrangement of a wireless telecommunication facility or base station equipment that may result in a potentially significant or material impact to public access or use of any public or private right-of-way, or any potentially significant or material impact to public health, safety, or welfare;
2. A proposal that would prevent or obstruct full implementation of the city’s standard street or parkway sections;
3. A proposal that would alter required access, parking, or landscaping from that shown on the approved site plans;
4. A proposal that includes excavation outside the wireless telecommunications facility site, defined as the boundaries of the controlled, leased or owned property surrounding the tower and base station and any access or utility easements related to the site as shown on the approved plans;
5. A proposal or series of proposals that would increase the height of a freestanding tower from that of the originally approved project;
6. A proposal to replace the wireless tower or foundation;
7. A proposal to alter or expand the exterior of any wireless telecommunication facility or base station that was originally approved as stealth or camouflaged in such a manner so that it may no longer be considered stealth or camouflaged.

“Telecommunication” means the technology that enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

“Telecommunications services” means the transmission of information by wire, radio, optical cable, electromagnetic or other similar means for hire, sale, or resale to the general public. This definition excludes the over-the-air transmission of broadcast television or broadcast radio signals.

“Wireless telecommunications antenna” or “antenna” means the physical device through which electromagnetic, wireless telecommunications signals authorized by the FCC are transmitted or received.

“Wireless telecommunication facility” means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems. A wireless telecommunication facility does not include on-site radio or television broadcast facilities.

“Wireless tower” means any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities. This does not include structures that were installed to replace or collocate upon existing power poles, light standards, energy transmission towers, and buildings. (Ord. 781 § 3, 2013)

### **17.70.030 Applicable facilities.**

A. The requirements of this chapter apply to all wireless telecommunication facilities, except those exempted in subsection B of this section.

B. The following facilities are exempt from the provisions of this chapter:

1. Any ground- or building-mounted antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the antenna is located and that does not exceed the maximum allowable building height for the zone in which the antenna is located.
2. Any ground- or building-mounted dish antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the dish is located and that does not exceed one meter in diameter.
3. Any antenna, including its support structure, used by an authorized amateur radio operator licensed by the FCC that does not exceed the maximum allowable building height of the zone in which it is located. For the purpose of this chapter, amateur radio means the licensed non-commercial, non-professional, private use of designated radio bands for purposes of private recreation including the non-commercial exchange of messages and emergency communication. This includes HAM radio and citizens band antenna. (Ord. 781 § 3, 2013)

### **17.70.040 Permitted zones and general application process.**

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A. New wireless telecommunications facilities are permitted as follows:

1. Stealth wireless telecommunications facilities that meet the requirements of this chapter are permitted in all zones or in the public right-of-way in any such zone subject to the approval of a conditional use permit under Chapter [17.48](#) of this code.

2. Camouflaged wireless telecommunications facilities that meet the requirements of this chapter are permitted in all zones, but not in the public right-of-way unless the antennas are camouflaged or stealth and the base station stealth, subject to the approval of a conditional use permit under Chapter [17.48](#) of this code.

3. Observable wireless telecommunications facilities that otherwise meet the requirements of this chapter are permitted only in an industrial zone subject to the approval of a conditional use permit under Chapter [17.48](#) of this code. Observable wireless telecommunications facilities are not permitted in any commercial, institutional, or open space zone or in any public right-of-way. Observable wireless telecommunications facilities are also not permitted in required setback areas.

B. Existing wireless telecommunications facilities may be expanded or altered as follows:

1. Colocations on existing, approved wireless telecommunication facilities that do not constitute a substantial change and that meet the requirements of this chapter are permitted subject to the approval of a development plan-short form application under Chapter [17.36](#) of this code.

2. Colocations on existing approved wireless telecommunication facilities that constitute a substantial change and that meet the requirements of this chapter are permitted subject to the approval of a development plan-long form application under Chapter [17.36](#) of this code. (Ord. 781 § 3, 2013)

### **17.70.050 Application requirements.**

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A. Applicants for a wireless telecommunication facility must submit the following items. These submittal requirements are in addition to those required under Chapter [17.36](#) for a development plan application and under Chapter [17.48](#) for a conditional use permit application, as applicable.

1. Evidence that the applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies necessary to provide telecommunications services utilizing the proposed wireless telecommunication facility.

2. A map that identifies existing wireless telecommunication facilities within a one mile radius of the proposed location of the new wireless telecommunication facility, and an explanation of why collocation on these existing facilities, if any, is not feasible. This explanation must include such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option. The applicant must provide a list of all existing structures considered as alternatives to the proposed location. The applicant must also provide a written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing wireless telecommunications facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless telecommunications facility is not a viable option. The written explanation must also state the radio frequency coverage and capacity needs and objectives of the applicant, and must include maps of existing coverage and predicted new coverage with the proposed facility.

3. A statement that the proposed wireless telecommunication facility is available for collocations, or an explanation of why future collocation is not technically feasible.

4. A fully dimensioned site plan and elevation drawings prepared by a licensed engineer showing any existing wireless telecommunication facilities and the proposed facility and the legal boundaries of the leased or owned property surrounding the wireless tower and base station and any access or utility easements related to the site.

5. A certification prepared by a licensed engineer that provides technical data sufficient to justify the proposed height any new monopole or building mounted site.

6. A copy of the executed lease or license for the proposed location or a letter from the record owner of the property consenting to the application.

7. A radio frequency (RF) report prepared by a qualified RF engineer acceptable to the city that certifies that the proposed facility, as well as any colocated facilities, will comply with applicable federal RF emission standards. The RF report must include signal strength exhibits.

8. Conceptual landscape plans (for any ground mounted facilities).

9. Color samples.

10. Photo-simulations showing the proposed facility in context of the site from reasonable line-of-sight locations from public streets or viewpoints.

11. A detailed explanation of the manner of installation of the proposed facility.

12. A wireless telecommunication facility application fee in an amount established by city council resolution.

13. A cash or other sufficient deposit for a third party peer review if required under this chapter.

B. Applicants for a wireless telecommunication facility proposed to be located in a public right-of-way must submit the following additional items, as applicable:

1. A copy of the certificate of public convenience and necessity (CPCN) issued by the CPUC to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the public right-of-way. Any applicant that, prior to 1996, provided telecommunications service under administratively equivalent documentation issued by the CPUC may submit copies of that documentation in lieu of a CPCN.

2. A copy of the certified environmental document from the CPUC covering the applicant's proposed wireless telecommunication facilities within the city, including all mitigation measures as required by the CPUC pursuant to the required environmental analysis.

3. A detailed analysis demonstrating that: (a) adequate service cannot be provided through existing wireless telecommunications facilities in the area; (b) the proposed facility is necessary to fill in a gap in the coverage of telecommunication services in the community; and (c) alternative locations, such as adjacent private property, are not available to accommodate the proposed facility.

4. A complete application for an excavation permit under Chapter [12.08](#) of this code, if any proposed facilities require below ground installation.

5. An executed right-of-way agreement under Chapter [12.08](#) of this code or proof that the applicant has previously entered into such right-of-way agreement with the city and that such agreement remains valid.

6. A fully dimensioned and scaled site plan that illustrates the following information within one hundred fifty feet of the proposed wireless telecommunication facility:

a. The distances between all proposed and existing wireless telecommunication equipment and all other infrastructure within the public right-of-way such as other existing telecommunications equipment, utility poles, light poles, fire hydrants, bus stops, traffic signals and above and below ground utility equipment vaults.

b. The distance and location of adjoining property lines and easement boundaries abutting the public right-of-way, curbs, driveway approaches, easements, walls, existing utility substructures, and parkway trees from the wireless telecommunication facility.

c. The immediate adjacent land uses and building locations.

d. The dedicated width of the public right-of-way.

e. The location of all existing sidewalks and parkway landscape planters.

7. All conduit locations between the proposed wireless telecommunication antennas and the infrastructure necessary to operate the antennas.

8. Conceptual landscape and irrigation plans.

9. An approved long-term landscape maintenance agreement with the property owner.

10. Written authorization from the appropriate utility company for the collocation on a street light, utility pole, or other utility apparatus.

11. An analysis demonstrating that the proposed equipment location and landscaping will not impede vehicular visibility at any adjacent intersection or driveway.

12. Such other information as may be reasonably required by the planning director or public works director in order to demonstrate that the proposed facility will not be detrimental to the public health, safety or welfare. (Ord. 781 § 3, 2013)

### **17.70.060 Development and design standards.**

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- A. The following development and design standards apply to wireless telecommunications facilities in all zones:
1. New wireless telecommunications facilities may not be located in areas where colocation on existing facilities would provide equivalent coverage, new capacity, and service quality with less environmental or aesthetic impact.
  2. The overall development footprint of each wireless telecommunications facility must be as small as technically feasible.
  3. There may be no net loss of required parking or landscaping when siting a wireless telecommunication facility.
  4. Attempts to replicate trees or other natural objects may only be used as a last resort and only if adjacent to similar trees or natural objects.
  5. No faux or otherwise nonfunctioning street lights, decorative elements, signs, clock towers, or other such nonfunctioning screening elements made to resemble other objects are permitted.
  6. Paint colors must be selected to minimize visual impacts by blending with the surrounding environment and buildings.
  7. The exterior surfaces must be constructed of nonreflective materials.
  8. A freestanding observable wireless telecommunications facility may not exceed sixty-five feet in height.
  9. Supports or poles may be required to be boxed and treated to blend with the character of the surrounding area.
  10. Wireless telecommunication facilities may not be lighted or marked unless required by the FCC or the Federal Aviation Administration.
  11. Building-mounted wireless telecommunication facilities must be architecturally integrated into the building design and otherwise made as unobtrusive as possible.
  12. Façade-mounted wireless telecommunication facilities must be flush mounted against a building wall and the color and material of the antenna must match the exterior of the building.
  13. Roof-mounted wireless telecommunication facilities must be screened from public view using screening devices that are compatible with the existing architecture, color, texture, and materials of the building.
  14. Roof-mounted wireless telecommunication facilities must be located as far from the edge of the building as feasible.
  15. Cable trays and runs on a roof deck must be mounted below or otherwise screened by the parapet wall or other screening device.
  16. Cable trays and runs for a freestanding wireless telecommunication facility must be located inside the pole and underground.
  17. No signs, flags, banners, or any form of advertising may not be attached to a wireless telecommunication facility except for government-required certifications, warnings, or other required seals or signs.
  18. Freestanding wireless telecommunication facilities may not utilize guy wires or other diagonal or horizontal support structures.
  19. Chain link security fencing for an observable wireless telecommunication facility is only permitted in an industrial zone. In all other zones, block walls or other similar solid fencing materials must be used as a security wall around a wireless telecommunication facility.
  20. Accessory buildings, shelters, cabinets and other ground-based equipment must be grouped together to the maximum extent feasible.
- B. The following additional development and design standards for observable wireless telecommunications apply to facilities in an industrial zone: Observable wireless telecommunications facilities must be located in the rear of the subject property. If the project site has multiple street frontages, the facility must be located on the side of the building that most effectively screens the facility from the adjacent roadways.

C. The following additional development and design standards for wireless telecommunications facilities apply to facilities in the public right-of-way:

1. Wireless telecommunications facilities are prohibited in all center street medians.
2. No wireless telecommunication facility may be located or constructed in a manner that would unreasonably interfere with the use of city property or the public right-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic or parking on city property or within the public right-of-way, interference with public utilities, interference with visibility along the public right-of-way, and any such other activities that would present a hazard to public health, safety or welfare when alternative locations or methods of construction would result in less disruption.
3. Wireless telecommunication antennas within the public right-of-way must be camouflaged or stealth and base station equipment within the public right-of-way must be stealth.
4. All wireless telecommunication facilities must be built in compliance with the Americans with Disabilities Act (ADA), including, but not limited to, the provision of adequate surface access and pedestrian traffic movement in and around freestanding towers and base stations.
5. Utility and Light Poles.
  - a. The maximum height of any antenna or antenna radome mounted on a utility or light pole may not exceed forty-eight inches above the height of the existing utility or light pole and no portion of the antenna or equipment mounted on a pole may be less than sixteen feet above any road surface.
  - b. Pole-mounted equipment may not exceed six cubic feet in area and must be compatible in structure, scale, and proportion to the existing streetlight or utility pole equipment.
  - c. Antennas must be installed on existing utility or light poles. No new poles may be installed except as replacements for existing poles.
  - d. No poles may be installed on a public right-of-way where there are presently no overhead utility facilities unless the CPUC has authorized the applicant to install such facilities and the applicant demonstrates that no other viable options exist.
6. Base Station Equipment.
  - a. Base station equipment, including electric meter pedestals, must be placed underground.
  - b. Base station equipment must be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise inconvenience public use of the right-of-way, or create safety hazards to pedestrians or motorists.
  - c. Base station equipment and underground vaults require an excavation permit and a valid right-of-way agreement under Chapter [12.08](#) of this code.

D. The following additional development and design standards apply to colocations and modifications to existing wireless telecommunications facilities:

1. The collocated facility must comply with all approvals and conditions of the permit for the host wireless telecommunication facility.
2. Related equipment for collocated facilities must be located within the lease-hold or enclosure, or if not possible, then such equipment must be located as close as possible to the existing equipment enclosure.
3. Paint colors for the collocated facility must match the existing facility. (Ord. 781 § 3, 2013)

### **17.70.070 Independent technical review.**

The planning director is authorized to retain on behalf of the city an independent technical expert to peer review any application for a wireless telecommunications facility if reasonably necessary, as determined by the director. The applicant must pay for the cost of such review and must provide a reasonable advance deposit of the estimated cost of such review with the city prior to the commencement of any work by the technical consultant. The review is intended to be an analysis of technical aspects of the proposed wireless telecommunications facility and may address any of the following:

- A. Compliance with applicable radio frequency emission standards.
- B. Whether any requested exception is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality and is the least intrusive means of doing so.
- C. The accuracy and completeness of submissions.
- D. Technical demonstration of the unavailability of alternative sites or configurations or coverage analysis.
- E. The applicability of analysis techniques and methodologies.
- F. The validity of conclusions reached.
- G. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or building mounted sites.
- H. Any specific technical issues designated by the city. (Ord. 781 § 3, 2013)

### **17.70.080 Special findings.**

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A conditional use permit for a new wireless telecommunications facility or an administrative development plan review for a non-substantial change to an existing facility may be granted only if the following findings are made by the designated reviewing body or person, in addition to any findings applicable under Chapter [17.48](#) (Conditional Use Permit):

- A. The proposed wireless telecommunications facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible.
- B. An alternative configuration will not increase community compatibility or is not reasonably feasible.
- C. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible.
- D. The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so.
- E. The applicant has submitted a statement of its willingness to allow other wireless service providers to collocate on the proposed wireless telecommunications facility if technically and economically feasible and where collocation would not harm community compatibility.
- F. The proposed wireless telecommunications facility has been located and designed for collocation to the maximum extent possible.
- G. Noise generated by equipment will not be excessive, annoying or detrimental to the public health, safety, and welfare. (Ord. 781 § 3, 2013)

### **17.70.090 Maintenance and operation of facilities.**

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- A. Within sixty days of commencement of operations, the operator of a new wireless telecommunications facility must provide the planning department with a report, prepared by a qualified engineer acceptable to the city, indicating that the actual radio frequency (RF) emissions of the facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with all applicable FCC safety standards. This report must include RF emissions from all collocation facilities, if any, at the site. The operator must subsequently provide an updated report to the city within sixty days after completion of any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the planning director.
- B. Wireless telecommunication facilities may not generate radio frequency emissions or electromagnetic radiation in excess of applicable FCC standards or any other applicable regulations. All wireless telecommunication facilities must comply with all standards and regulations of the FCC, and any other state or federal government agency with the authority to regulate wireless telecommunications facilities.
- C. The site and the wireless telecommunications facility, including all landscaping, security fencing, and related equipment must be maintained in a neat and clean manner and in accordance with all approved plans.

D. All graffiti on wireless telecommunication facilities must be removed at the sole expense of the operator of the facility within forty-eight hours of notification.

E. A wireless telecommunications facility located in the public right-of-way may not unreasonably interfere with the use of any city property or the public right-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic, and interference with any other city or public utilities.

F. If any FCC, CPUC or other required license or approval to provide telecommunications services is ever revoked, the operator must inform the planning director of the revocation within ten days of receiving notice of such revocation.

G. A wireless telecommunications facility and all equipment associated with the use must be removed in its entirety by the operator, at the operator's sole expense, within ninety days of a FCC or CPUC license or registration revocation or if the facility is abandoned or no longer needed. The site must be restored to its pre-installation condition and, where necessary, revegetated to blend in with the surrounding area. In the case of building mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment must be removed and the building restored to its pre-installation condition. Restoration and revegetation must be completed within two months of removal of the facility. Facilities not removed within these time periods are subject to immediate removal and restoration of the premises. The city is not required to provide notice that removal is required under this section. (Ord. 781 § 3, 2013)

### **17.70.100 Transfer of ownership.**

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Upon transfer of an approved wireless telecommunications facility or any rights under the applicable permit or approval, the current operator of the facility must within thirty days of such transfer provide written notification to the planning director of the date of the transfer and the identity of the transferee. The director may require submission of any supporting materials or documentation necessary to determine that the facility is in compliance with the existing permit or approval and all of its conditions, including, but not limited to, statements, photographs, plans, drawings, and analysis by a qualified engineer demonstrating compliance with all applicable regulations and standards of the city, FCC, and CPUC. (Ord. 781 § 3, 2013)

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