

**REQUIREMENTS FOR
WIRELESS FACILITY PERMIT APPLICATIONS**

**(A copy of the full Wireless Telecommunication
Facilities Ordinance is available upon request)**

TABLE OF CONTENTS

	<u>Page</u>
I. GENERAL REQUIREMENTS	1
A. LOCATION REQUIREMENTS	1
1. Residential zoning districts	1
2. General location requirements	1
B. DESIGN AND DESIGN-RELATED REQUIREMENTS	2
1. Design requirements	2
2. Placards	5
3. Safety and security	5
4. Building standards, maintenance, and operational requirements	6
II. PERMIT –SPECIFIC REQUIREMENTS.....	7
A. BASIC APPLICATION REQUIREMENTS	7
1. General information.....	7
2. Description of facility or substantial change	7
3. Authorization to install	8
4. High-visibility facilities	8
5. Geographic service area	8
6. Engineered drawings.....	8
7. Electromagnetic emission information.....	9

	<u>Page</u>
8. Noise	9
9. Statement regarding least intrusive design	9
10. Peer review.....	9
11. Estimated cost of remediation.....	10
B. ADDITIONAL REQUIREMENTS FOR A LAND USE PERMIT	10
1. Visual simulations and images.....	10
2. Alternatives considered.....	10
3. Collocation-eligible facility.....	10
C. ADDITIONAL REQUIREMENTS FOR A COLLOCATION PERMIT.....	11
1. Land use permit.....	11
2. Environmental document	11
D. ADDITIONAL REQUIREMENTS FOR AN ACCESS PERMIT.....	11
1. Traffic control.....	11
2. Accessibility.....	11
3. Analysis of alternatives	11
4. Visual simulations and images.....	11
5. Additional engineered plans	12
E. REQUIREMENTS FOR A MINOR ALTERATION PERMIT	12

I. GENERAL REQUIREMENTS

A. LOCATION REQUIREMENTS

1. Residential zoning districts

No new high-visibility facility or new tower may be established in, or within 300 feet of, any of the following:

- a. Single-family residential (R-), two-family residential (D-1), multiple-family residential (M-), water recreational (F- I), mobile home/manufactured home park (T-I), or Kensington combining (-K) zoning district.
- b. Residential lot within a planned unit (P-I) zoning district.

2. General location requirements

Except as otherwise specified in Sections 88-24.402 and 88-24.404 of the County Code, the location requirements of this section apply to all facilities in all zoning districts:

- a. Collocation encouraged. The collocation of facilities with existing or proposed collocation-eligible facilities is encouraged.
- b. Proximity of towers. No new tower may be located within 1,000 feet of an existing tower, unless the zoning administrator finds both of the following:
 - (1) The cumulative visual and aesthetic impacts of the tower will be less than significant with or without the incorporation of mitigation measures identified during the California Environmental Quality Act environmental review process for the tower.
 - (2) The existing tower is not a collocation-eligible facility, or collocation is not otherwise possible.
- c. Avoiding impacts to ridges, scenic ridges, and peaks.
 - (1) No facility may be located on a ridge or peak unless the facility is required to close a significant gap in coverage. The zoning administrator will determine whether the facility is required to close a significant gap in coverage based on information provided by the applicant in accordance with County Code Section 88-24.604(a)(5). If it is feasible to close the significant gap in coverage by collocating a new facility on an existing facility on or near the ridge or peak, the new facility must be collocated. If it is not feasible to close the significant gap in coverage by collocating a new facility on an existing facility on or near the ridge or peak, in its application for a permit under this chapter the applicant must explain why collocation is infeasible.

(2) Notwithstanding anything to the contrary in County Code Section 88-24.40(c)(1), no facility may be located within 50 horizontal feet of any ridge or peak within the Mount Diablo area, or within 50 horizontal feet of any scenic ridge located in a non-urban area, unless the zoning administrator finds that the facility will not result in significant visual or aesthetic impacts with or without the incorporation of mitigation measures identified during the California Environmental Quality Act environmental review process for the facility. No facility may extend above the height of a ridge or peak within the Mount Diablo area, or above the height of a scenic ridge in a non-urban area, unless the zoning administrator determines that an extension of the facility above the ridge, peak, or scenic ridge will not result in significant visual or aesthetic impacts.

d. Setback requirements. A facility that is used for AM, FM, International, or television broadcast service, or that receives television signals for processing and distribution over a cable network (a cable "headend" facility), must meet the setback distance that is the greater of: the setback requirement that applies within the zoning district in which it is located; or a distance equivalent to 110% of the height of the facility. All other ground-mounted antenna support structures or towers must meet the setback requirements that apply in the zoning district where the facility is located.

e. High-visibility facilities. A high-visibility facility must be located within the facility site at a location that the zoning administrator finds will have the least visual and aesthetic impacts to the surrounding lots. If a building exists on a lot, no high-visibility facility may be located on the lot between the face of the building and any public street, bikeway, trail, or park.

B. DESIGN AND DESIGN-RELATED REQUIREMENTS

1. Design requirements

a. Except as otherwise specified in subsections (b) through (f) of this section, a facility must meet all of the following requirements in order to limit the facility's visual and aesthetic impacts:

(1) A facility must be designed to minimize its visual and aesthetic impacts on, and to blend in with, the surrounding area.

(2) A facility must have a non-reflective finish and be painted and textured to match or blend with the predominant background.

(3) A facility other than a stealth facility, or portion thereof, that is visible against the skyline must be painted light gray, or a similar color approved by the zoning administrator, or camouflaged, and have a reflectivity of less than 55%, unless the California Public Utilities Commission, Federal Communications Commission, Federal

Aviation Administration, or any state or federal law, regulation, or rule requires the facility or antenna to be painted, designed, or marked otherwise.

b. Design requirements applicable to facilities in **residential zones**. A facility on private property located in a single-family residential (R-), two-family residential (D-1), multiple-family residential (M-), water recreational (F-1), mobile home/manufactured home park (T-1), or Kensington combining (-K) district, or that is located on a residential lot within a planned unit (P-1) zoning district, **must be a low-visibility facility**.

c. Design requirements applicable to **façade-mounted antennas**.

(1) Visibility. Except for any portion of a façade-mounted antenna that extends above the roofline and is visible against the skyline, a façade-mounted antenna that is not a stealth antenna must be painted a color that matches or blends with the color of the façade on which it is mounted. Any portion of a façade-mounted antenna, other than a stealth antenna, that extends above the roofline and is visible against the skyline must be painted as described in subsection (a)(3) of this section. Any equipment enclosure that serves a façade-mounted antenna must be painted a color that matches the color of the surface on which it is mounted.

(2) Installation. A façade-mounted antenna must be installed at least eight feet above ground level. A façade-mounted antenna must be mounted directly on the exterior lateral face of a building or facility.

(3) Maximum extension. No façade-mounted antenna may extend more than 24 inches from the face of the building or structure on which the antenna is mounted. No façade-mounted antenna may extend beyond the corner or edge of the wall on which it is mounted, except that a façade-mounted antenna may extend above the roofline of the facility.

d. Design requirements applicable to **roof-mounted antennas**. Any portion of a roof-mounted antenna other than a stealth antenna that is visible against the skyline must be painted in the manner described in subsection (a)(3) of this section. Any other portion of a roof-mounted antenna other than a stealth antenna must be painted a color that matches or blends with the color of the primary background against which the roof-mounted antenna is viewed from ground level. Any equipment enclosure that serves a roof-mounted antenna must be painted a color that matches the color of the surface on which it is mounted.

e. Design requirements applicable to **towers**. In addition to meeting the requirements in subsection (a) of this section, a tower and any equipment enclosure and all ancillary equipment that serve a tower must be screened and surrounded by a fence or wall at least six feet in height. Each door or gate must be lockable. Each fence or wall must have a non-

reflective finish and be painted and textured to match or blend with the predominant background color in order to minimize visual and aesthetic impacts.

f. Requirements applicable to facilities within a ***County right-of-way***. In addition to meeting all applicable requirements in subsections (a) through (e) of this section, a facility within a County right-of-way must meet the following requirements:

(1) A facility must be designed and located so that it does not impair vehicle circulation or parking within the right-of-way. A facility must not impede or impair vehicle, bicycle, or pedestrian access to or within the right-of-way. If the zoning administrator, in consultation with the Public Works Department, determines that a turnout is necessary to avoid impairing vehicle circulation or parking within the right-of-way, the applicant must construct and maintain the turnout.

(2) A facility must be designed and located as follows:

(A) No more than four antenna enclosures may be located on a single utility pole or streetlight pole in a County right-of-way within or adjacent to a residential zone. No facility may be located on a County traffic signal pole.

(B) An equipment enclosure that serves a facility or antenna must be installed below ground, or must be installed at grade and camouflaged. Each below-ground equipment enclosure must be accessible by a flush-to-grade portal.

(C) No antenna may extend above the height of the pole or facility on which it is mounted by more than 10 feet.

(D) No antenna may extend over the vehicular path of travel within the right-of-way.

(E) Any portion of a facility or antenna not extending above the height of the pole or facility on which it is located must be painted to match the color of that pole or facility.

(F) A facility or antenna must incorporate any other reasonable, feasible alteration that the zoning administrator determines is necessary to reduce the visual or aesthetic impacts of the facility or antenna.

(G) Ancillary equipment not enclosed in an equipment enclosure must be installed at a location the zoning administrator determines will minimize visual and aesthetic impacts to the greatest extent feasible.

(3) A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not violate any accessibility requirements of the Americans with Disabilities Act.

(4) A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not obstruct the roadway views of vehicles,

bicycles, and pedestrians traveling within the County right-of-way, and does not obstruct the visibility of signs located within the right-of-way.

(5) No facility may include any advertising material.

(6) No facility may include any type of lighted signal, lights, or other illumination, except to the extent required under state or federal law.

(7) A facility that will be located on a streetlight pole must be located so that it does not block the required illumination provided by the streetlight.

2. Placards

A facility and every façade-mounted antenna, roof-mounted antenna, and ground-mounted antenna, must include a placard that states the name, phone number, and address of the service provider and permittee, and all safety precautions or other statements required by the California Public Utilities Commission and Federal Communications Commission. The placard must be mounted on or near the facility or antenna at a location that is visible from ground-level. For any facility that is surrounded by a fence or wall, the placard must be mounted on the exterior of the fence or wall.

3. Safety and security

A facility must meet the following facility safety and security requirements:

a. All ancillary equipment must be enclosed in an equipment enclosure. The equipment enclosure must be locked at all times, except as otherwise approved by the zoning administrator.

b. No lights or beacons may be installed on any antenna or antenna support structure, unless lights or beacons are required by a state or federal agency having jurisdiction over the antenna or antenna support structure, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the County Airport Land Use Commission.

c. A ground-mounted facility and every tower must include physical measures designed to prevent climbing by unauthorized persons.

4. Building standards, maintenance, and operational requirements

- a. A facility must be constructed and maintained in compliance with all applicable local, state, and federal laws and regulations, including County building, electrical, and fire codes.
- b. A facility must be maintained in working order and kept graffiti and litter-free.
- c. A facility, all fences and walls surrounding the facility, and all other fixtures and improvements on a facility site must be repainted as often as necessary to prevent fading, chipping, or weathering of paint.
- d. Any landscaping at a facility site must be maintained in a healthy state. Dead or dying landscaping must be replaced.
- e. If any stealth facility is designed as a flagpole, one or more flags must be flown and properly maintained on the flagpole during daylight hours.
- f. A permittee must notify the zoning administrator within 30 days after any facility license or registration required by any local, state, or federal agency is revoked, modified, replaced, reissued, or suspended.
- g. No facility may be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.
- h. Five years after the date a land use permit, collocation permit, or wireless facility access permit is issued under this chapter, and every five years thereafter, a permittee must submit to the zoning administrator a certification that:
 - (1) States the location of the facility, identifies the land use permit, collocation permit, or wireless facility access permit under which the certification is submitted, and states the date on which the permit was issued; and
 - (2) States that the facility is in compliance with all applicable County permits, County ordinances, and state and federal laws and regulations.

II. PERMIT –SPECIFIC REQUIREMENTS

A. BASIC APPLICATION REQUIREMENTS

All applications for a Land Use Permit, a Collocation Permit, and an Access Permit must include a completed application form with all the submittal requirements listed on page 2 of the application form. In addition, the following information must be included with the application:

1. General information.

- a. Name and address of all service providers that will occupy the facility.
- b. A plot plan drawn to scale indicating dimensions and area of the subject property.
- c. Locations of existing and proposed improvements on the subject property.
- d. Names of adjoining property owners.
- e. Names of adjoining streets.
- f. Locations of existing improvements on adjacent properties.
- g. A statement of how the request is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element.
- h. Where extreme grades exist the direction of slope and other facts necessary to accurately depict the request exception in relation to the subject and adjacent properties.

2. Description of facility or substantial change.

- a. Description of the type of facility or substantial change for which a permit is sought.
- b. Description of the proposed physical capacity of the facility at the time of application, including the maximum number of antennas to be located or collocated at the facility.
- c. Description of the number, type, and dimensions of all antennas, equipment enclosures, ancillary equipment, and antenna support structures.
- d. Description of the technology being utilized at the facility will meet Telecommunications Industry Association standards.
- e. A copy of all applicable standards.

3. Authorization to install.

A statement that the new facility will be, or the existing facility to be substantially changed is, located on a lot, building, or other structure or facility that is owned or leased by the applicant. If the structure or facility is leased by the applicant, the applicant must include a statement that the owner authorizes and consents to the submittal of the permit application.

4. High-visibility facilities.

An application for a high-visibility facility, or a substantial change that would cause a facility to become a high-visibility facility, must include both of the following:

- a. A USGS topographic map or survey with existing topographic contours showing the proposed facility site and showing the area within a one-mile radius of the site.
- b. A larger-scale map of the facility site showing the facility, all fences and walls surrounding the facility, the equipment enclosure, any access roads, and the surrounding area within a 150-foot radius of the facility.

5. Geographic service area.

If the applicant claims that a personal wireless service facility is necessary to close a significant gap in service area coverage, the application for the facility must:

- a. Identification of the geographic area the facility will serve.
- b. Identification of the location and service coverage area of all other facilities operated by the applicant within the County.
- c. Description of the extent to which the proposed facility will increase existing service area capacity, or extend the service provider's service area to cover any existing gap in service coverage.
- d. A map based on propagation prediction tools or software and radio frequency propagation measurements at the proposed facility site, or similar engineering data, showing the estimated service coverage area of the facility in relation to the area affected by the gap in service coverage.

6. Engineered drawings.

All engineered drawings and to-scale plans for facility construction and installation, or for completion of the substantial change.

- a. For each tower and other antenna support structure that will be located on a facility site, the engineered drawings must identify all antennas to be included on each tower or

structure, any space for future antennas, equipment enclosures, fencing, landscaping, and lighting that will be located at the facility site.

b. For any ground-mounted, facade-mounted, and roof-mounted antennas, the engineered drawings must show the location at which each antenna will be installed, and the location of any equipment enclosure to serve the antenna.

7. Electromagnetic emission information.

A statement, prepared by an electrical engineer licensed by the State of California Board of Engineers, Land Surveyors and Geologists, that provides all of the following information:

a. The frequency assigned to the facility by the Federal Communications Commission, and the measures that will be taken to ensure the facility operates within that frequency.

b. How the facility will conform to the radio-frequency exposure standards adopted by the Federal Communications Commission, and how it will not exceed Federal Communications Commission-adopted standards regarding human exposure in areas subject to general public radio-frequency exposure, as defined by the National Council on Radiation Exposure Prevention.

c. The anticipated radio and electromagnetic emissions from the facility, and, to the extent ascertainable, the anticipated increase in emissions that will be caused by any future collocation.

8. Noise.

A description of the noise impacts (not including construction noise), if any, that will be caused by the antenna or facility.

9. Statement regarding least intrusive design.

Certification that the proposed antenna, facility, or substantial change is designed to minimize the size and height of the antenna or facility.

10. Peer review.

An agreement to reimburse the County for its costs to retain an electrical engineer licensed by the State of California Board of Engineers, Land Surveyors and Geologists to complete a peer review of the information submitted by the applicant under this section, to verify that the information is accurate. At any time before a permit is issued, the zoning administrator may require a peer review to be performed.

11. Estimated cost of remediation.

- a. For a new facility, an estimate of the cost to remove the facility from the facility site, and restore the facility site to the condition that it was in before the construction and installation of the facility.
- b. For a substantial change to an existing facility, an estimate of any increase in cost attributable to the substantial change to remove the facility and restore the facility site.

B. ADDITIONAL REQUIREMENTS FOR A LAND USE PERMIT

An application for a Land Use Permit must include a completed Land Use Permit Application Form with (a) all the submittal requirements on page 2 of the form, (b) the Basic Application Requirements listed above, and (c) the following information below:

1. Visual simulations and images.

Visual simulations or images that show both the facility site before installation or construction of the facility and the anticipated view of the facility site after the facility is installed or constructed. A visual simulation or image must be provided for each of two adjoining sides (i.e., sides that meet at a corner) of the facility.

2. Alternatives considered.

A description of the facility site-selection process, identify each alternative facility site that was considered, and explain why each alternative facility site was rejected in favor of the proposed facility site. If no alternative sites were considered, the application must explain why no site other than the proposed facility site was considered.

3. Collocation-eligible facility.

If the application is for a collocation-eligible facility, the application must include a statement that the applicant will allow other service providers to collocate on the facility, as long as there is sufficient permitted facility capacity, and as long as collocation is technically and economically feasible.

C. ADDITIONAL REQUIREMENTS FOR A COLLOCATION PERMIT

An application for a Collocation Permit must include a completed General Application Form with (a) all the submittal requirements on page 2 of the form, (b) the Basic Application Requirements listed above, and (c) the following information below:

1. Land use permit.

A copy of the land use permit for the collocation-eligible facility.

2. Environmental document.

A copy of any certified environmental impact report, mitigated negative declaration, or negative declaration that was prepared for the collocation-eligible facility.

D. ADDITIONAL REQUIREMENTS FOR AN ACCESS PERMIT

An application for an Access Permit must include a completed General Application Form with (a) all the submittal requirements on page 2 of the form, (b) the Basic Application Requirements listed above, and (c) the following information below:

1. Traffic control.

A plan to safely guide pedestrian, bicycle, and vehicular traffic in, around, and by construction and installation work.

2. Accessibility.

A plan for maintaining the facility without impeding or interfering with pedestrian, bicycle, and vehicular traffic and circulation within the County right-of-way.

3. Analysis of alternatives.

An analysis of reasonable alternative locations for each antenna or facility, and potential cluster installations of antennas or facilities, in the right-of-way, including the aesthetic impacts of each alternative in comparison to the preferred location.

4. Visual simulations and images.

Images of the existing facility site and visual simulations of the anticipated view of the facility site after the facility or antenna is installed or constructed, or the substantial change is completed. A visual simulation or image must be provided for each of two adjoining sides (i.e., sides that meet at a corner) of the facility, and from areas within a visual sightline of the facility, antenna, or substantial change.

5. Additional engineered plans.

A scale plan that illustrates all the following within 150 feet of the proposed antenna, facility, or substantial change: utility poles, light poles, fire hydrants, bus stops, traffic signals, storm drains, above-ground and below-ground utility equipment enclosures, curbs, driveway approaches, easements, walls, existing utility facilities, trees more than six feet in height, sidewalks, and structures, and each adjacent land use.

E. REQUIREMENTS FOR A MINOR ALTERATION PERMIT

An application for a Minor Alteration Permit must include a completed General Application Form with (a) all the submittal requirements on page 2 of the form and (b) the following information below:

1. The name and address of the owner and operator of the equipment on the facility that is being altered.
2. The geographic location of the facility.
3. A copy of the County permit or other County approval that was issued for the facility that will be subject to the minor alteration.
4. A description of the minor alteration to the facility. The application must describe the number, type, and dimensions of all antennas, equipment enclosures, ancillary equipment, and antenna support structures that will be collocated on, removed from, or added to the facility.