

# BROADBAND PERMIT STREAMLINING

Ordinance

SEPTEMBER 2024



**SANDAG**

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# Executive Summary

## for the Model Ordinance

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The Broadband Permit Streamlining Model Ordinance is a comprehensive legislative framework designed to streamline local rules for permitting and deployment of broadband network infrastructure. This model ordinance is designed to expedite permitting processes, reduce hurdles, and encourage the swift expansion of wireless infrastructure, especially within Southern California's unserved and underserved areas. It addresses the unique challenges and needs of SCAG and SANDAG's diverse communities while aligning with state and federal regulations.

The model ordinance is methodically structured into three distinct chapters, each focusing on a specific aspect of wireless infrastructure development. This structure ensures a comprehensive and organized approach to permit processing and regulation. The model ordinance is designed to offer local jurisdictions a menu of options to identify and adopt portions, whole sections, or the entirety of each chapter.

**Chapter 1: Traditional Wireless Facilities Permitting.** Chapter 1 focuses on the permitting process for new construction and modifications of traditional wireless facilities located on private land, rooftops, and municipally-owned land outside the public right-of-way. This chapter balances the need for faster and more predictable permitting processes with unique local land-use regulations and community expectations.

**Chapter 2: Small Wireless Facilities in Public Rights-of-Way.** Focusing on the burgeoning area of small wireless facilities, Chapter 2 addresses the unique challenges and opportunities presented by installations within public rights-of-way. This chapter provides a framework for permitting that balances the need for rapid deployment of these facilities, which are crucial for next-generation wireless services, with the preservation of public space and adherence to local regulations.

**Chapter 3: Underground and Aerial Fiber Development.** The final chapter deals with the permitting processes for both underground and aerial fiber optic cable installations. Chapter 3 emphasizes minimizing disruption to the community and environment while facilitating the expansion of critical broadband infrastructure within realistic project budgets and expectations.

Together, these chapters form a cohesive and comprehensive legislative tool, designed to streamline the wireless infrastructure permitting process while considering the diverse needs and concerns of Southern California's communities.

The model ordinance harmonizes seven of the key recommendations addressed in the recommendations and strategies from the "Broadband Permit Streamlining Report" to optimize broadband deployment. In particular, the ordinance addresses

- Exclusion of Extra Fees
- Elimination of Restrictive Zoning
- Utilization of Public and Utility Facilities

- Dedicated Staff for Permit Review
- Enhanced Utilities Mapping
- Online Permit Applications with Batch Processing
- Administrative Review Processes.

Below is a brief summary of all ten key recommendations, but those relevant to legislative action are highlighted with an asterisk \* with additional context in light of the model ordinance to follow.

1. **Universal Permit Fees:** Although not addressed in this model ordinance, establishing consistent permit fees relative to the size and type of broadband construction, ensuring fairness and predictability for service providers, is a recommended administrative action.
2. **\*Exclusion of Extra Fees:** The model ordinance seeks to resolve a pervasive issue of unanticipated fees assessed during inspections or project closeout. "Chapter 3, Subsection 3(D)(3)" is designed to create predictability in the assessment of project fees for broadband permits to encourage investment and reduce financial barriers by limiting the assessed fees to the "actual cost" of inspection for the project.
3. **\*Elimination of Restrictive Zoning:** The model ordinance offers provisions that aim to remove zoning barriers that hinder broadband deployment, thereby facilitating easier and quicker installation of necessary infrastructure. In particular, "Chapter 1, Section 7: Wireless Telecommunications Facility Siting Policy" of the model ordinance sets forth a structure that accommodates new wireless facilities in all zoning districts, but limits proposed developments to location-appropriate design and form factor.
4. **\*Utilization of Public and Utility Facilities:** The model ordinance encourages the use of existing public and utility structures for broadband deployment to minimize community disruption and maximize resource efficiency. Discussion on utilization of public and utility facilities is addressed in "Chapter 1, Section 7: Wireless Telecommunications Facility Siting Policy," where municipality-owned or controlled parcels are prioritized as the preferred locations for new wireless facilities.
5. **\*Dedicated Staff for Permit Review:** The model ordinance seeks to ensure jurisdictions have knowledgeable personnel to review broadband permit applications swiftly and accurately, reducing delays. Discussion on staffing is addressed in "Chapter 1, Section 4: Permit Application, subsection (4)," which authorizes local planning departments to retain an independent technical expert to peer review any application for a Wireless Telecommunications Facility Permit if reasonably necessary.
6. **Broadband Permit Processors in Regional Authority:** Create roles within a regional broadband authority to assist smaller jurisdictions with processing permits, promoting regional collaboration, and sharing expertise.
7. **\*Enhanced Utility Mapping:** Encourage jurisdictions to maintain comprehensive utility maps that include both current and future broadband installations, facilitating planning and coordination.
8. **\*Online Permit Applications with Batch Processing:** Although online permitting is a recommended administrative action, local jurisdictions should consider how to allow internet service providers (ISPs) to submit and manage permits efficiently. The model ordinance contains provisions that allow batch processing capabilities, enabling efficiency with high-volume and often repetitive applications, for small wireless facilities in "Chapter 2, Section 4: Application and Permitting, subsection (F)."

- **\*Administrative Review Processes:** The model ordinance offers a streamlined administrative review processes for broadband permitting to reduce time-consuming regulatory hurdles. The administrative review process relies on an application checklist approach that enables control and predictability for both applicants and local permitting staff. Administrative review processes for new and modifications to existing wireless facility applications are addressed in “Chapter 1, Section 4: Permit Application.”
- **\*Model Broadband Ordinance/Policy Development:** The model ordinance offers local jurisdictions a menu of options to choose from in crafting and updating their own broadband permitting ordinance or policy that can be adopted uniformly across all jurisdictions, ensuring consistency and clarity in regulatory approaches.

# Chapter 1: Wireless Facilities – New and Modifications

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The purpose of this Model Ordinance is to help speed deployment of broadband and wireless facilities throughout the regions encompassing the Southern California Association of Governments (“SCAG”) and the San Diego Association of Governments (“SANDAG”) including its Counties, Cities, Townships and other Unincorporated areas within the regions.

The ordinance is a result of prior efforts to obtain input by numerous jurisdictions and private entities within the regions with oversight from Regional Digital Infrastructure Task Force (“REDIT”). This Working Group included the following guiding principles that have been promulgated through the [Federal Communications Commission’s Model Broadband Code for Municipalities](#) and the [State of California Local Permitting Playbook](#):

- Incorporation of the use of Smart Practices to enhance the permitting process; facilitate access to assets and create equitable access to information by all Internet Service Providers within the regions.
- Contribute to the swift and safe deployment and expansion of broadband and wireless facilities with priorities into the currently unserved and underserved areas as outlined within the Infrastructure Investment and Jobs Act (HR 3684).
- Recognize the need to better allocate public and private resources to digital inclusion and innovative business models to support broadband adoption and close digital divides.

## Section 1: Purpose

- A. This Wireless Facility Model Ordinance aims to provide comprehensive guidelines and standards for the placement, construction, and modification of wireless telecommunication facilities within the [Municipality]. With the evolution of technology and the rapid increase in the reliance on wireless communications, there arises a need for an organized and sustainable approach towards the infrastructure that supports these systems.
1. **Balanced Development and Aesthetics:** The Ordinance respects both the necessity of wireless facilities for modern communication and the aesthetic beauty and character of our community. Proper placement ensures that while telecommunication networks expand, the visual appeal and heritage of our neighborhoods, landmarks, and landscapes are not compromised.
  2. **Safety and Health:** As with any structure, the proper construction of wireless facilities ensures the safety of the community and prevents potential hazards. The Ordinance safeguards community members by ensuring that all facilities comply with international safety standards, including those relating to structural integrity and radiation emissions.
  3. **Technological Progress and Service Equity:** Recognizing the importance of providing all members of our community with equitable access to wireless communication, the Ordinance supports technological advancements. By guiding the construction and modification of facilities, we aim to prevent service dead zones and ensure a consistent level of service quality across the [Municipality].

4. Environmental Consideration: The placement and construction of wireless facilities have environmental implications. The Ordinance emphasizes minimal disruption to local flora and fauna and promotes co-location (multiple carriers sharing a single facility) to reduce the number of structures needed.
5. Economic Growth: A robust and efficient telecommunication infrastructure acts as a backbone to economic activities, facilitating business communications, transactions, and other digital operations. By creating a structured process for the development of these facilities, the Ordinance indirectly fosters economic progress.
6. Futureproofing: The telecommunication industry is in constant evolution. The guidelines set by the Ordinance ensure that as technology progresses, there is room for modifications, upgrades, and expansions without compromising on the core principles mentioned above.

## Section 2: Definitions<sup>1</sup>

- A. "Administrative Review" means ministerial review of an Application by the Authority relating to the review and issuance of a Permit, including review by the [building, planning or zoning administrator, or other [Municipality] staff or designee] to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter. This process does not involve the exercise of discretion. Either the issuance of a Permit is in conformity with the applicable provisions of this Chapter or it is not. This process is not subject to a public hearing.
- B. "Antenna" means communications equipment that transmits and/or receives over-the-air electromagnetic signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- C. "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes in so far as those amendments are not in conflict with this Chapter and to the extent such codes have been adopted by the Authority or otherwise are applicable in the [Municipality].
- D. "Applicant" means a Person who submits an Application under this Model Code.
- E. "Application" means a written request submitted by an Applicant to an Authority for a Permit (i) to locate or Collocate, or to modify, a Communications Facility underground or on any existing Support Structure, Pole, or Tower, or (ii) to construct, modify or Replace a new Support Structure, Pole or Tower or any other structure on which a Communications Facility will be Collocated.
- F. "Authority" means the [Municipality] or any agency, county, municipality, district, subdivision or any instrumentality thereof, including, but not limited to public utility districts, or municipal electric utilities. The term shall not include courts of the State having jurisdiction over an Authority or any entities that do not have zoning or permitting authority [Municipality].
- G. "Authority Pole" means a Pole owned, managed or operated by or on behalf of an Authority.
- H. "Collocate" means to install, mount, maintain, modify, operate and/or replace a Communications Facility on an existing Support Structure, Pole, or Tower or any other structure capable of supporting such Communications Facility. "Collocation" has a corresponding meaning. The term does not include the installation of a new Utility Pole, Tower or Support Structure in the Public Right-of-Way.



- I. "Communications Facility" means, collectively, the equipment at a fixed location or locations that enables communication between user equipment and a communications network, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.
- J. "Communications Service Provider" means a cable operator, as defined in 47 U.S.C. § 522(5), a provider of information service, as defined in 47 U.S.C. § 153(24), a provider of telecommunications service, as defined in 47 U.S.C. § 153(53), a provider of fixed wireless, or a provider of personal wireless services as defined in 47 U.S.C. § 332(c)(7)(C)(i).
- K. "Decorative Pole" means an Authority Pole that is specially designed and placed for aesthetic purposes.
- L. "Deployable" means a portable, self-contained Wireless Facility that can be moved to a specified location or area and provide Wireless Services on a temporary or emergency basis such as a "cell on wheels" or "COW," "cell on light truck" or "COLT," tethered balloon, tethered drone or another unmanned device.
- M. "Discretionary Review" means review of an Application by the Authority relating to the review and issuance of a Permit, which is other than an Administrative Review. Discretionary Review involves discretion on the part of the Authority (subject to any applicable limits on such discretion) in determining whether to issue a Permit and may be subject to one or more public hearings or meetings.
- N. "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3), as may be amended from time to time.
- O. "FCC" means the Federal Communications Commission of the United States.
- P. "Fee" means a one-time, nonrecurring charge, whether a fixed amount or cost- based amount based on time and expense.
- Q. "Historic Property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the United States Secretary of the Interior (in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C) or established pursuant to state historic preservation law.
- R. "Laws" means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.

- S. "Ordinary Maintenance, Repair and Replacement" means (i) with respect to a communications Facility and/or the associated Support Structure, Pole or Tower, inspections, testing, repair and modifications that maintain functional capacity, aesthetic and structural integrity, and (ii) with respect to a Communications Facility only, the replacement or upgrade of Antennas and/or other components of the Communications Facility (specifically, such as a swap out or addition of 5G Antennas and radio equipment as required by the Applicant), with Antennas and/or other components substantially similar, in color, aggregate size and other aesthetics to that previously permitted by the Authority (and/or consistent with the same height and volume limits for Wireless facilities under this Chapter), so long as the Support Structure, Pole, or Tower will structurally support, or prior to installation will be modified to support, the structural load. Modifications are limited to by the structural load analysis supplied by the Applicant to the Authority, and by the volume limits in Subsection 1.2(bb). Modifications beyond the foregoing must be requested in writing by the Applicant and are subject to discretionary approval by the Authority.
- T. "Permit" means a written authorization (in electronic or hard copy format) required by an Authority to initiate, continue, or complete installation of a Communications Facility, or an associated Support Structure, Pole, or Tower.
- U. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an Authority.
- V. "Pole" means a pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way or Utility Easement. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached unless an Authority grants a waiver for such pole. The term does not include electric transmission (but does include electric distribution) poles or structures. A Pole does not include a Tower or Support Structure.
- W. "Provider" means a Communications Service Provider or a Wireless Provider.
- X. "Public Right of Way" or "Public ROW" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate highway or other area not within the legal jurisdiction, or within the legal ownership or control of the municipality.
- Y. "Rate" means a recurring charge.
- Z. "Replace" or "Replacement" means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, similar in design, size and scale to the existing structure and in conformance with current [Municipality] charter/code regulations], in order to address limitations of, or change requirements applicable to, the existing structure to structurally support Collocation of a Communications Facility. In connection with the replacement of a Pole or Tower to support Collocation of a Wireless Facility, similarity in size and scale shall be evaluated consistent with 47 C.F.R. 1.40001 Subpart b(7).

- AA. "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Wireless Provider's Antenna (including, without limitation, any strand-mounted Antenna) could fit within an enclosure of no more than ( ) cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than ( ) cubic feet in volume. The following types of associated, ancillary equipment is not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for connection of power and other services. [See APPENDIX C for example of Small Wireless Facilities, including "traditional" small cells, fixed wireless and other types.]
- BB. "State" means the State of California.
- CC. "Support Structure" means a building, a billboard, a water tank or any other structure to which a Communications Facility is or may be attached. Support Structure does not include a Pole or a Tower.
- DD. "Tower" means any structure built for the sole or primary purpose of supporting a wireless Facility, such as a self-supporting Tower, a monopole, a lattice Tower or a guyed Tower. Tower also includes a structure designed to conceal from the general public the Wireless Facility. A Tower does not include a Pole or a Support Structure.
- EE. "Utility Easement" means the area on, below, or above privately owned property that has been designated for use as or is used for a specific utility purpose (such as for electric, cable or other utility purpose), and is evidenced by a recorded instrument in the public land records pursuant to a recorded plat, easement or right of way or is otherwise a legally enforceable easement, and does not include any portion of a Public Right of Way.
- FF. "Wireless Facility" means a Communications Facility installed and/or operated by a Wireless Provider. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one example of a Wireless Facility.
- GG. "Wireless Infrastructure Provider" means any Person, including a Person authorized to provide telecommunications service in the State, that builds or installs and/or operates Wireless Facilities or Poles, Towers or Support Structures on which Wireless Facilities are or are intended to be used for Collocation, but that is not a Wireless Services Provider.
- HH. "Wireless Provider" means a Wireless Infrastructure Provider or a Wireless Services Provider.
- II. "Wireless Services" means any wireless services including, without limitation, personal wireless services as that term are defined in 47 U.S.C. § 332(c)(7)(C)(i), fixed wireless and other wireless services.
- JJ. "Wireless Services Provider" means a Person who provides Wireless Services
- KK. "Toll" means to temporarily stop the running of a certain period of time or shot-clock otherwise established by the ordinance.

## Section 3: General Provisions

- A. This chapter applies to all wireless communications facilities outside the public right-of-way on private land and easements, including, without limitation, all new facilities, existing facilities, modifications to existing facilities, wireless transmission devices, support structures and related accessory equipment, unless exempted by Section 3.B.<sup>2</sup>
- B. Exemptions.<sup>3</sup>
1. Any non-commercial communication service.
  2. Facilities in public rights-of-way which are regulated by Chapter 2 of this Municipal Code.
  3. Public safety communications facilities owned and operated by the [Municipality], County, State, or Federal Government.
  4. Facilities owned and operated by the [Municipality] for its use.
  5. Over-the-air reception devices ("OTARDs") as defined in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq., as may be amended or superseded, which include without limitation, direct-to-home satellite antennas smaller than three feet in diameter.
  6. All antennas and wireless communications facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.
- C. Adherence to FCC regulations and compliance.
1. All wireless telecommunication facilities, including but not limited to towers, antennas, equipment, and other related infrastructure, shall be constructed, operated, and maintained in compliance with the rules and regulations established by the FCC.<sup>4</sup>
  2. Any certification, documentation, or proof of compliance required by the FCC pertaining to radio frequency emissions, structural standards, or any other relevant aspect of the wireless facility's operations shall be submitted to the [Relevant Local Authority/Department] upon request.<sup>5</sup>
  3. In cases where the FCC regulations are updated, modified, or replaced, wireless facility operators within the [Municipality] shall ensure compliance with the most current regulations within a timeframe prescribed by the FCC or, in its absence, by the [Relevant Local Authority/Department].
- D. Periodic Review.
1. The [Relevant Local Authority/Department] shall have the authority to periodically review and inspect wireless telecommunication facilities to ensure ongoing compliance with FCC regulations and regulations issued by the State of California.<sup>6</sup>
  2. Wireless facility operators shall cooperate fully with any inspections, providing any necessary information or access required to verify compliance.
- E. Interactive Facility Mapping and Priority Overlays in Zoning Maps.<sup>7</sup>
1. Purpose. The purpose of this provision is to enhance the efficiency, accessibility, and comprehensiveness of our municipality's zoning maps by incorporating interactive mapping technology for telecom priority overlays. This initiative is designed to support the expansion and enhancement of telecommunications infrastructure, ensuring that our community's digital connectivity needs are met in a manner that is both sustainable and forward-looking.
  2. Implementation. The Planning Department shall, within one year of the enactment of this ordinance, develop and implement an interactive mapping system that includes telecom

priority overlays on the Municipality's official zoning maps. This system shall be accessible to the public and shall provide up-to-date information on zoning designations, including telecom priority areas.

3. The interactive mapping system shall include, but not be limited to, the following features:
  - i. Detailed information on telecom priority overlays, including boundaries, existing infrastructure, and planned projects.
  - ii. Tools for users to query, visualize, and understand the implications of telecom priority overlays on property development and use.
  - iii. Accessibility features to ensure that all members of the community, including those with disabilities, can utilize the interactive mapping system effectively.
  - iv. The Local Planning Department shall ensure that the interactive mapping system is maintained with current data and is regularly updated to reflect any changes in zoning designations, telecom priority overlays, or related regulations.

### Section 4: Permit Application

A. Permits Required. The following uses outside the Public right-of-way, on privately-owned property including within any Utility Easement, shall be a permitted use, subject to the type of permit and review identified in Table 4-A-1 below, and issuance of a Permit as set forth in this Chapter, subject to Applicant’s legal right to install and operate the Communications Facility on the property or structure:<sup>8</sup>

1. New Wireless Communications Facility
2. Modification and Collocation of an existing Wireless Communications Facility that qualifies as an Eligible Facilities Request
3. Modification and Collocation of an existing Wireless Communications Facility that does not qualify as an Eligible Facilities Request
4. Rooftop and building mounted Wireless Communications Facility.

Table 4-A-1<sup>9</sup>

Type of Facility	Type of Permit
New Wireless Communications Facility	Administrative WCF Permit
Modification and Collocation of an existing Wireless Communications Facility that qualifies as an Eligible Facilities Request	Zoning Clearance
Modification and Collocation of an existing Wireless Communications Facility that does not qualify as an Eligible Facilities Request	Administrative WCF Permit
Rooftop and building mounted Wireless Communications Facility	Administrative WCF Permit

- B. Application Procedures for Administrative WCF Permit for New Telecommunications Facilities, Modification and Collocation of an existing Wireless Communications Facility that do not qualify as an Eligible Facilities Request, and Rooftop, and Building Mounted Wireless Communications Facilities.<sup>10</sup>
1. The [Municipality] shall review the Application in light of its conformity with applicable provisions of this Chapter, and shall issue a Permit on nondiscriminatory terms and conditions, subject to the following requirements:
    - i. Within twenty (20) days of receiving an Application, the [Municipality] must determine and notify the Applicant whether the Application is complete; or if an Application is incomplete, the [Municipality] must specifically identify the missing information and may Toll the approval interval outlined in this Chapter.<sup>11</sup>
    - ii. The Applicant may resubmit the completed Application within twenty (20) days without additional charge, and the subsequent review will be limited to the specifically identified missing information subsequently completed, except to the extent material changes to the proposed facility have been made by the Applicant (other than those requested or required by the Authority) in which case a new Application and Application Fee for same must be submitted; and<sup>12</sup>
    - iii. The [Municipality] must make its final decision to approve or deny the Application within sixty (60) days for a collocation, and ninety (90) days for any new structure, after the Application is complete (or deemed completed); and<sup>13</sup>
    - iv. The [Municipality] must advise the Applicant in writing of its final decision, and in the final decision document the basis for a denial, including specific code provisions on which the denial was based. A decision to deny an application shall be in writing and supported by substantial evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by [Municipality]. The review period or "shot clock" shall run until the written decision, supported by substantial evidence, is released and sent to the Applicant contemporaneously. The Applicant may cure the deficiencies identified by the [Municipality] and resubmit the Application within thirty (30) days of the denial without paying an additional Application Fee, unless denial was issued due to noncompliance with Design Guidelines or other requirements under this Article III (in which case a new Application Fee must be paid). The [Municipality] shall approve or deny the revised Application within thirty (30) days of receipt of the revised Application. The subsequent review by the [Municipality] shall be limited to the deficiencies cited in the original denial.<sup>14</sup>
  2. If the [Municipality] fails to act on an Application within the above referenced review, the Applicant may provide the [Municipality] written notice that the time period for acting has lapsed, and the [Municipality] then has twenty (20) days after receipt of such notice within which to render its written decision, failing which the Application is then deemed approved by passage of time and operation of law.<sup>15</sup>
  3. Peer review. The Director is authorized to retain on behalf of the [Municipality] an independent technical expert to peer review any application for a Wireless Telecommunications Facility Permit if reasonably necessary, as determined by the Director. The review is intended to be a

review of technical aspects of the proposed Wireless Telecommunications Facility and shall address all of the following:<sup>16</sup>

- i. Compliance with applicable radio frequency emission standards;
  - ii. The accuracy and completeness of submissions;
  - iii. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis if required by the application process.
  - iv. The compatibility of any required architectural screening;
  - v. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building-mounted sites; and
  - vi. Any specific technical issues designated by the [Municipality].
- C. Concurrent Review and issuance of Building Permits with Zoning Approval.
1. Concurrent Review. Applicants seeking to undertake construction, alteration, or demolition may submit a unified application for both building permit and zoning approval. The application shall include all documents, plans, and information required for both building permit issuance and zoning approval, as prescribed by this Chapter and the Building Code.
  2. Review Process. Departments responsible for building and zoning shall coordinate their review efforts to ensure consistency and efficiency consistent with and adhering to all applicable Shot-Clock timelines.
  3. Decision and Issuance. The decision on both building permit and zoning approval shall be made concurrently and communicated to the applicant in a unified manner. Approval of the building permit and zoning shall be contingent upon each other; neither can be granted independently in this concurrent process. Upon approval, the municipality shall issue a combined building permit and zoning approval document to the applicant.

## **Section 5: Modification and Collocation of an existing Wireless Communications Facility that qualifies as an Eligible Facilities Request**

- A. Purpose. It is the intent and purpose of this section to establish procedures whereby the [Municipality] may grant an eligible facilities permit for proposed repairs, replacements, or modifications to existing wireless communications facilities that qualify as "eligible facilities requests" within the meaning of 47 U.S.C. Section 1455(a).<sup>17</sup>
- B. Permit Required. Unless specifically exempt by federal or state law, all applications for the installation of wireless communications facilities that constitute "eligible facilities requests" within the meaning of 47 U.S.C. Section 1455(a) require the approval of a Zoning Clearance prior to construction of such eligible facility as outlined in Section 5(D) below.<sup>18</sup>

- C. Shot-Clock. An eligible facilities permit application shall be approved or denied within 60 days of the application submittal date; provided, however, that (1) said period may be tolled by mutual agreement, or (2) if the [Municipality] finds the application incomplete and advises the applicant in writing that the application is incomplete within 30 days of receipt of the application, then the sixty-day timeframe shall be tolled until such time as the applicant makes a supplemental response to the [Municipality]'s notice of incompleteness. Should the [Municipality] find the supplemental response lacking, the [Municipality] shall have ten days to notify the applicant that the supplemental submission is incomplete, and, if such notification is provided, the 60-day time frame shall be tolled again until such time as the applicant makes a further supplemental response.<sup>19</sup>
- D. The director must approve an application for eligible facilities permit when the director finds all of the following:<sup>20</sup>
1. The proposed modification qualifies as eligible facilities request and does not constitute a "substantial change." For purposes of this Chapter, "substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this Chapter organizes the FCC's criteria and thresholds for a substantial change according to the facility type and location.<sup>21</sup>
    - i. For towers outside the public right-of-way, a substantial change occurs when: a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet (whichever is greater); or b. The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
    - ii. For towers in the public rights-of-way and for all base stations, a substantial change occurs when: a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater); or b. The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet; or c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or d. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no pre-existing ground cabinets associated with the structure; or e. The proposed collocation or modification involves the installation of any ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or f. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.



- iii. In addition, for all towers and base stations wherever located, a substantial change occurs when: a. The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the community development director; or b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
  - iv. Interpretation of Thresholds. a. The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. b. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).
2. The applicant has provided all required submittal materials for the proposed modification.
- E. Denial. In addition to any other alternative recourse permitted under federal law, director may deny an application for eligible facilities permit upon finding that the proposed facility:<sup>22</sup>
1. Defeats the effect of existing concealment elements of the support structure;
  2. Violates any legally enforceable standard or permit condition related to compliance with generally applicable building, structural, electrical and/or safety codes;
  3. Violates any legally enforceable standard or permit condition reasonably related to public health and/or safety; or
  4. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.
- F. Denial Without Prejudice. Any denial of an application for an eligible facilities request shall be without prejudice to the applicant, the real property owner or the project. Subject to the application and submittal requirements in this chapter, the applicant may submit a permit application (together with all required fees, costs and deposits) for an administrative wireless facilities permit as appropriate.<sup>23</sup>

## Section 6: Submittal Requirements

- A. Submittal Requirements. For all wireless communications facilities, the applicant shall provide the information listed below. Application for a wireless communications facility shall be made upon a form to be provided by and shall be submitted to the community development department electronically via the Department's online permitting portal. The form shall specify the size and format of the project plans and application materials to be provided. The community development director may waive certain submittal requirements or require additional information based on specific project factors. Unless an exemption or waiver applies, all applications shall include all of the following and will not be accepted if any submittal material is missing or not fully completed.<sup>24</sup>
1. Application. A fully completed and executed [Municipality] application form for the type of approval sought (and all information, materials, and fees specified in such [Municipality]

- application form), available on the [Municipality]'s website or from the community development department, as may be amended from time to time.
2. Application fees. Application fees, in a payment format accepted by the [Municipality] finance department.
  3. Structural analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless communications facility complies with all applicable building codes. The [Municipality] may accept this requirement as self-certified by the applicant.
  4. Photo simulation. A photo simulation of the facility from three (3) reasonable line-of-site locations from public roads or viewpoints.
  5. EME report. A radio frequency (EME) report describing the emissions of the proposed Wireless Telecommunications Facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC). The [Municipality] may accept this requirement as self-certified by the applicant.
  6. Noise Study. If the proposed facility (or any portion thereof or equipment thereon) is within 250 feet of a residentially zoned property and proposes a temporary backup power generator or permanent backup power generators, the applicant shall provide a theoretical noise study report demonstrating compliance with the [Municipality]'s noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. The [Municipality] may accept this requirement as self-certified by the applicant.
  7. Site and construction plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include, at a minimum, the following items.
    - i. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
    - ii. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
    - iii. A depiction of all existing and proposed utility runs and points of contact.
    - iv. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view and including legal boundaries of the leased, licensed or owned area surrounding the proposed facility and any associated access or utility easements.

## Section 7: Wireless Telecommunications Facility Siting Policy

- A. To the extent feasible and when doing so would not conflict with applicable federal or state law, Wireless Communications Facilities subject this Chapter shall be located in the most preferred location as described in this section according to the following order of priority (ordered from the most preferred to the least preferred):
  1. [Municipality] owned or controlled parcels; then
  2. Industrial, research and development & institutional designated parcels; then
  3. Commercial and Mixed-Use Parcels; then
  4. Recreational and Open Space parcels

5. Residential, historical, and other designated areas, districts and/or parcels; then
  6. All other areas
- B. If an applicant proposes to locate a new facility or substantial change to an existing facility in a less preferred area designated A(5)-(6) above, the applicant shall provide an alternative site analysis that, at a minimum, includes an analysis of all the alternative sites in the more preferred locations designated A(1)-(4) above, that the applicant considered and states the underlying technical and factual basis for concluding why each alternative in a more preferred location(s) is/are (i) not technically feasible and (ii) not potentially available.
- C. If an applicant proposes to locate a new facility, roof/building-mounted facility, or a substantial change to an existing facility in any area, zone, district, or within any State or local historical overlay district, the application shall obtain all required clearances and approvals from any State and local historical preservation officers. This requirement may toll the Shot-Clock outlined in Section 4(B)(1) of this Chapter.
- D. Wireless Communications Facilities shall be designed as a concealed facility as determined by the zoning district it is located within, and incorporate concealment measures and/or techniques appropriate for the proposed location and design.
- E. Siting Requirements by Zone. See Table 6-D-1 below:

Table 6-E-1

<b>Zone</b>	<b>Max Height</b>	<b>Setbacks</b>	<b>Preferred Design</b>
Industrial	120'	Front: 5' Rear: 5' Side: 5'	*Open to local jurisdiction to determine appropriate design criteria. Recommend concealment not required.
Commercial & Mixed-Use	85'	Front: 5' Rear: 5' Side: 5'	*Open to local jurisdiction to determine appropriate design criteria.
Open Space	70'	Front: 5' Rear: 5' Side: 5'	*Open to local jurisdiction to determine appropriate design criteria. Recommend concealment may be considered.
Residential	55'	Front: 5' Rear: 5' Side: 5'	*Open to local jurisdiction to determine appropriate design criteria. Recommend concealment may be considered.

- F. Colocation Priority at Electric Vehicle Charging Locations: The purpose of this provision is to promote the colocation of wireless telecommunications facilities with Electric Vehicle (EV) Charging stations. This initiative seeks to streamline the deployment of essential wireless infrastructure while supporting the expansion of EV charging networks, thereby enhancing digital connectivity and promoting sustainable transportation within the community.
1. Colocation: The Planning Department hereby establishes a policy to prioritize and encourage the colocation of wireless telecommunications facilities with EV Charging facilities within all zoning districts where such facilities are permitted. Applicants seeking to install new wireless telecommunications facilities are strongly encouraged to identify and propose colocation sites at existing or planned EV Charging facilities. Such colocation proposals will be given priority in the review and permitting process.
  2. Application. Applicants proposing the colocation of wireless telecommunications facilities with EV Charging facilities shall submit a comprehensive site plan detailing the proposed colocation, including information on the EV Charging facility, the wireless facility design, and any anticipated impacts or modifications to the existing site.
  3. Review. The Planning Department shall expedite the review of colocation applications to ensure a timely and efficient permitting process consistent with the standards and process enjoyed by a Zoning Clearance review. Expedited review does not diminish the requirement for thorough compliance checks with all applicable zoning, safety, and environmental regulations.
  4. Incentives and Benefits. To encourage the colocation of wireless telecommunications facilities with EV Charging facilities, the Planning Department will:
    - i. Reduced application and permitting fees for colocation projects.
    - ii. Streamlined application review processes as a Zoning Clearance review.
    - iii. Promote identifying potential colocation sites within municipal properties or facilities based on existing or planned EV Charging locations.
  5. Nothing in t

## Section 8: Comprehensive Design Guidelines<sup>25</sup>

- A. Purpose and Intent. The purpose of this provision is to establish clear, objective, and visually-oriented design guidelines for the construction, modification, operation, and maintenance of wireless telecommunications facilities within [Municipality]. These guidelines are intended to ensure that such facilities are designed in a manner that minimizes visual impact, preserves community character, and enhances the overall quality of the built environment, while also accommodating the need for robust telecommunications infrastructure.
- B. Comprehensive Design Guidelines.
  - 1. Guideline Development: The Planning Department is hereby tasked with the development of comprehensive design guidelines for wireless telecommunications facilities. These guidelines shall address all relevant aspects of facility design, including but not limited to, structure placement, height, color, material, landscaping, lighting, and concealment techniques.
  - 2. Photographic Examples: The design guidelines shall include photographic examples of acceptable and unacceptable facility designs. These examples must illustrate how various design standards and concealment techniques can be successfully implemented to integrate facilities into different types of environments (e.g., urban, suburban, rural, industrial).
  - 3. Stakeholder Engagement: In developing the design guidelines, the [Municipality's Planning Department] shall solicit input from a broad range of stakeholders, including telecommunications providers, community groups, design professionals, and the general public. This engagement process should ensure that the guidelines reflect a balance of interests and concerns.
  - 4. Compliance with Laws: The design guidelines must comply with all applicable federal, state, and local laws and regulations, including those pertaining to radiofrequency exposure limits.
- C. Publication and Accessibility.
  - 1. Availability: Upon completion, the design guidelines shall be made publicly available on the [Jurisdiction's] official website. Printed copies should also be made available upon request at the [Municipality's Planning Department] office.
  - 2. Updates: The design guidelines may be reviewed and, if necessary, updated every from time to time to reflect technological advancements, changes in community standards, and new regulatory requirements.
- D. Guideline Adherence.
  - 1. Application Requirement: Applicants for the construction, modification, operation, or maintenance of wireless telecommunications facilities must demonstrate adherence to the established design guidelines as part of their planning permit application. This demonstration should include visual simulations or renderings that compare the proposed facility design with the photographic examples provided in the guidelines.
  - 2. Review Criteria: The Planning Department shall evaluate planning permit applications for wireless telecommunications facilities based on compliance with the design guidelines, among other applicable criteria. Adherence to these guidelines shall be a key factor in the approval process.

## Section 9: Permit Conditions<sup>26</sup>

- A. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing, concealment features, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
- B. Compliance with Applicable Laws. The permittee and service provider shall at all times comply with all applicable provisions of the [Municipality] Municipal Code including, but not limited to (Zoning), any permit or approval issued under the [Municipality] Municipal Code and including, but not limited to all applicable federal, state and local laws, rules and regulations. Failure by the [Municipality] to enforce compliance with applicable laws, rules or regulations shall not relieve any permittee of its obligations under the [Municipality] Municipal Code.
- C. Inspections: Emergencies. The [Municipality] or its designee may enter the facility area to inspect the facility upon reasonable notice to the permittee in times of emergency. The permittee shall cooperate with all inspections. The [Municipality] reserves the right to enter (or direct its designee to enter) the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- D. Graffiti Removal. All graffiti on facilities must be removed at the sole expense of the permittee within forty-eight hours after notification from the [Municipality].
- E. FCC (including, but not limited to, RF Exposure) Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate such facilities.
- F. Duration of Permits. The purpose of this section is to establish a consistent and predictable process for the expiration and renewal of Wireless Communications Facility permits to ensure that the facilities are maintained, operated, and conforming to the current municipal standards, technological advancements, and public safety requirements.
  - 1. Unless otherwise provided by this Code or by conditions attached to the permit approval, a WCF permit shall be valid for a term of ten (10) years from the date of issuance.
  - 2. Existing permits issued prior to the enactment of this section shall remain valid until their specified expiration date. Renewal shall be in accordance with the provisions of this section.
- G. Exemption from Permit Renewal Based on Concealment Factors. This provision is intended to balance the need for the deployment and maintenance of wireless telecommunications infrastructure with community aesthetic values. It simplifies the permit process for facilities that adhere to their concealment commitments, thus encouraging compliance and reducing administrative burdens for both the permittees and the jurisdiction.<sup>27</sup>
  - 1. Exemption of Planning Permit Renewal: A planning permit issued for the construction, modification, operation, or maintenance of a wireless telecommunications facility may not require renewal, provided that the facility remains in compliance with all originally approved concealment elements and conditions of approval.
  - 2. Compliance with Concealment Elements: The permittee must maintain the wireless telecommunications facility in accordance with the concealment elements and design conditions specified in the original planning permit. Any proposed modifications to the facility that would alter the approved concealment elements or visible appearance must receive prior approval from [Municipality] through a separate planning permit application process.

3. Documentation of Compliance: The permittee shall submit a compliance report to [Municipality] every five (5) years from the date of permit issuance. The report must include photographic evidence and a written statement confirming adherence to the approved concealment elements and conditions.
  4. Inspection: [Municipality] may inspect wireless telecommunications facilities at any time to ensure compliance with the approved concealment elements and conditions of the planning permit. Inspections may be conducted at [Municipality's] discretion or in response to complaints or concerns raised by the public.
  5. Noncompliance: In the event [Municipality] determines that a wireless telecommunications facility is not in compliance with its approved concealment elements, the permittee will be given a notice to correct the noncompliance within a specified timeframe. Failure to correct the noncompliance may result in enforcement actions, including but not limited to, fines, permit revocation, or requirements to submit a new planning permit application.
- H. Expiration. Unless otherwise provided by this Code or by conditions attached to the permit approval, a WCF permit shall automatically expire ten (10) years from the date of issuance unless a renewal application is submitted and approved prior to the expiration date. An expired permit may be renewed or reactivated pursuant to the standards and procedures in effect at the time of the renewal application.
- I. Renewal Application. Permit holders seeking to renew their WCF permit must submit a renewal application no less than six (6) months prior to the expiration of the current permit. The renewal application shall include:
1. A statement detailing any modifications, changes, or upgrades to the WCF since the original permit or last renewal.
  2. Current contact information for the permit holder and facility operator
  3. Documentation demonstrating continued compliance with all original permit conditions and any updated municipal standards or requirements.
  4. Any other information deemed necessary by the municipality to evaluate the renewal application.
- J. Renewal Evaluation. The municipality shall review the renewal application to ensure that the WCF continues to comply with all current municipal standards, regulations, and permit conditions. The municipality may impose new conditions on the renewed permit if necessary to ensure compliance with current standards or to address public safety, health, or welfare concerns. If the renewal application is denied, the permit holder shall remove the WCF or bring it into compliance with current municipal standards within a timeframe set by the municipality.

## **Section 10: Integration of CEQA Requirements in Wireless Permit Application Review**

- A. Purpose and Intent. The purpose of this provision is to integrate the requirements of the California Environmental Quality Act (CEQA) into the process of reviewing and approving wireless permit applications. This provision aims to ensure that all wireless infrastructure projects comply with CEQA guidelines, assessing and mitigating any potential environmental impacts.<sup>28</sup>
- B. Application Requirements.

1. Applicants for a wireless permit must submit a CEQA Environmental Checklist, along with their wireless permit application.
  2. The checklist must identify potential environmental impacts of the proposed wireless facility and propose mitigation measures where necessary.
  3. Additional documentation, such as an Initial Study, Environmental Impact Report (EIR), or Negative Declaration, may be required based on the initial assessment.
- C. CEQA Review Process.
1. The local planning department shall conduct a preliminary review of the wireless permit application in conjunction with the CEQA Environmental Checklist.
  2. If the project is determined to have potentially significant environmental impacts, an Initial Study and potentially an EIR will be required.
  3. The review process shall also include consultation with other relevant agencies and departments, as required under CEQA.
- D. Decision Making. The final decision on the wireless permit application shall consider the findings of the CEQA review. No wireless permit shall be approved if significant environmental impacts are identified and cannot be adequately mitigated.
- E. Appeals and Modifications.
1. Applicants may appeal decisions or seek modifications in accordance with local government procedures and CEQA guidelines.
  2. Any modifications to approved projects that may alter their environmental impact will require a reevaluation under CEQA.
- F. Compliance and Enforcement. Strict compliance with CEQA is required for all wireless permit approvals. Failure to comply with CEQA requirements may result in revocation of the permit and other legal penalties as applicable.

## Section 11: Temporary Use for Redevelopment, Major Events, and Catastrophic Events

- A. Purpose and Intent. This provision is intended to facilitate the temporary installation, modification, or operation of wireless communications facilities in response to redevelopment efforts, major events, or catastrophic events. Recognizing the essential nature of uninterrupted wireless communication services, this ordinance aims to provide a flexible regulatory framework that addresses temporary needs while maintaining public safety, aesthetic values, and community welfare.
- B. Application Requirements. Applicants seeking to install a TWCF must submit a Temporary Use Permit application to the Planning Department, including the following information:
1. Location of the proposed TWCF.
  2. Description of the temporary facility, including type of equipment and structures.
  3. Duration of the temporary use, including installation and removal dates.  
Justification for the temporary use, describing the redevelopment project, major event, or catastrophic event necessitating the TWCF.
  4. Plans for restoration of the site upon removal of the TWCF.



- C. Review. The Planning Department shall review the TWCF application to ensure compliance with this ordinance and any other applicable regulations within five (5) days of receiving a complete application.
- D. Approval. The department may approve the application if it finds that the proposed TWCF:
  - 1. Is necessary to meet the wireless communication needs arising from the specified redevelopment project, major event, or catastrophic event.
  - 2. Will not adversely affect public health, safety, or welfare.
  - 3. Includes adequate measures for the restoration of the site upon removal of the facility.
- E. Duration and Extension. A TWCF Permit shall be valid for a period not exceeding one (1) year unless an extension is granted.
  - 1. The permittee may request an extension of the permit by submitting a written request to the Planning Department at least thirty (30) days prior to the expiration of the original permit. The request for extension must include a justification for the continued need for the TWCF.
- F. Removal and Site Restoration. Upon expiration or termination of the TWCF Permit, the permittee shall remove the TWCF and restore the site to its original condition or better, in accordance with the restoration plan submitted with the application, within sixty (60) days.
- G. Emergency Use Exemption: The Planning Department may at its discretion immediately approve emergency applications for:<sup>29</sup>
  - 1. The placement or modification of facilities by the City or by any other agency of the state solely for public safety purposes.
  - 2. Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing functional facilities.

## Section 12: Abandonment

- A. Abandonment.
  - 1. To promote the public health, safety and welfare, the community development director may declare a facility (or component of a facility) abandoned or discontinued when: (a) The permittee or service provider abandoned or discontinued the use of a facility (or component of a facility) for a continuous period of ninety calendar days; or (b) The permittee or service provider fails to respond within thirty calendar days to a written notice from the community development director that states the basis for the community development director's belief that the facility (or component of the facility) has been abandoned or discontinued for a continuous period of ninety calendar days; or (c) The permit expires and the permittee has failed to file a timely application for renewal.
  - 2. After the Code Enforcement Officer declares a facility (or component of a facility) abandoned or discontinued, the permittee shall have sixty calendar days from the date of the declaration (or longer time as the community development director may approve in writing as reasonably necessary) to: (a) reactivate the use of the abandoned or discontinued facility (or component thereof) subject to the provisions of this chapter and all conditions of approval; or (b) remove the facility (or component of that facility) and all improvements installed in connection with the

- facility (or component of that facility), unless directed otherwise by the community development director, and restore the site to a condition in compliance with all applicable codes and consistent with the then-existing surrounding area.
3. If the permittee fails to act as required in Section 9(A)(b) above within the prescribed time period, the [Municipality] may (but shall not be obligated to) remove the abandoned facility (or abandoned component of the facility), restore the site to a condition in compliance with all applicable codes and consistent with the then-existing surrounding area, and repair any and all damages that occurred in connection with such removal and restoration work. The [Municipality] may, but shall not be obligated to, store the removed facility (or component of the facility) or any part thereof, and may use, sell or otherwise dispose of it in any manner the [Municipality] deems appropriate.

### **Section 13: Exceptions**

- A. Notwithstanding anything to the contrary in this Chapter, the following facilities are not subject to the provisions of this Chapter: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; and (3) television and AM/FM radio broadcast Towers and associated facilities.

### **Section 14: Penalties**

- A. Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of \$ for each violation which continues more than \_\_\_\_ ( ) days after written notice of such violation is provided to the Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Applicant constitutes a separate offense.

### **Section 15: Severability**

- A. If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable

### **Section 16: Effective Date**

- A. This Chapter shall take effect ( ) days after its passage, approval and publication.

# Chapter 2: Small Wireless Facilities in the Public Right-of-Way

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## Section 1: Introduction<sup>30</sup>

- A. Purpose and Goals. The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation, and maintenance of wireless telecommunications facilities in the [Municipality]'s public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary:
1. For the preservation of the public right-of-way in the [Municipality] for the maximum benefit and use of the public;
  2. To promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the [Municipality] consistent with the goals, objectives and policies of the general plan; and
  3. To provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with state and federal laws, rules and regulations.

## Section 2: Definitions<sup>31</sup>

- A. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:
- B. "Accessory equipment" means any equipment associated with the installation of a wireless telecommunications facility, including, but not limited to, cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, uninterruptible power supplies, and surface location markers.
- C. "Antenna" means that part of a wireless telecommunications facility which is designed to radiate or receive radio frequency signals.
- D. "Base station" means a structure or equipment at a fixed location that enables Federal Communications Commission's ("FCC") licensed or authorized wireless communications between user equipment and a communications network.
- E. "Cellular" means an analog or digital wireless telecommunications technology that is based on a system of inter-connected neighboring cell sites.
- F. "[Municipality]-owned property" means any property owned, rented or leased by the [Municipality], or in which the [Municipality] has the right to use or occupancy by virtue of an easement or other similar interest, excluding the public right-of-way. For purposes of this definition, "property" includes real property or improvements thereon, and personal property, fixtures or equipment.
- G. "Code" means this Municipal Code.

- H. "Co-location" means the mounting or installation of transmission equipment on an eligible support structure which is for the purpose of transmitting and/or receiving radio frequency signal for communication purposes.
- I. "COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed.
- J. "Director" means the director of development services, or designee.
- K. "Eligible facilities" means the modification of an existing wireless tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment as defined in 47 U.S.C. Section 1455 or its successor statute.
- L. "Eligible support structure" means any tower or base station provided that it is existing at the time the application is filed with the [Municipality].
- M. "Facility(ies)" means wireless telecommunications facilities.
- N. "Ground-mounted" means placed directly on the ground.
- O. "Located within the public right-of-way" includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over, or under the public right-of-way.
- P. "Modification" means a change to an existing wireless telecommunications facility that involves any of the following: co-location, expansion, alteration, enlargement, intensification, reduction, augmentation, removal of transmission equipment, or replacement of transmission equipment, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement (excluding replacement of transmission equipment) or maintenance if those actions do not involve a change to the existing facility involving any of the following: co-location, expansion, alteration, enlargement, intensification, reduction, or augmentation.
- Q. "Monopole" means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).
- R. "Mounted" means attached or supported.
- S. "Permittee" shall include the applicant and all successors in interest to the wireless telecommunications facilities permit.
- T. "Pole" means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

- U. "Public right-of-way" means the area on, below, or above a public roadway, highway, street, or alley that is owned by the [Municipality], publicly held by the [Municipality] or dedicated to the [Municipality] for public use and over which the [Municipality] has jurisdiction and control and may lawfully grant access pursuant to applicable law. "Public right-of-way" shall also include: (1) public utility easements adjacent to public roadways, highways, streets, or alleys that are under the jurisdiction and control of the [Municipality] wherein the [Municipality] now or hereafter acquires the right to locate or permit the location of wireless telecommunications facilities, provided that the terms and conditions of any such easement expressly allow, or any restrictions thereon do not expressly prohibit, the use of the particular easement for purposes other than which it was conveyed, dedicated or condemned; and (2) all landscape corridors adjacent to public roadways, highways, streets, or alleys that are owned by the [Municipality], publicly held by the [Municipality] or dedicated to the [Municipality] for public use and over which the [Municipality] has jurisdiction and control and may lawfully grant access pursuant to applicable law.
- V. "Public right-of-way" shall not include: (1) county, state or federal rights-of-way; (2) property owned by any person other than the [Municipality]; (3) service entrances or driveways leading from the road or street onto adjoining property; or (4) except as described above, any real or personal property of the [Municipality], such as, but not limited to, bike trails, [Municipality] parks, buildings, fixtures, poles, conduits, sewer lines, facilities, or other structures or improvements, regardless of whether they are situated in the public right-of-way.
- W. "Street light pole" means a pole located on the edge of the public right-of-way containing a raised source of light whose main purpose is to light the public right-of-way.
- X. "Substantial evidence" means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
- Y. "Telecommunications tower" means a freestanding structure designed and primarily used to support wireless telecommunications facility antennas.
- Z. "Tower" means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- AA. "Traffic signal pole" means a pole containing signaling devices positioned at road intersections, pedestrian crossings, and other locations to control the flow of traffic.
- BB. "Utility pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services.
- CC. "Wireless telecommunications facility," "facility" or "facilities" mean any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, fences, and other accessory development. The term "wireless telecommunications facility" does not apply to the following:
  - 1. Government owned and operated telecommunications facilities.
  - 2. Emergency medical care provider-owned and operated telecommunications facilities.

3. A mobile wireless telecommunications facility operated by the media on a temporary basis at various locations in the [Municipality] to provide public information coverage of news events.
4. Any wireless telecommunications facilities exempted from this code by state or federal law.

DD. "Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a wireless telecommunications co-location facility, and shall include, but is not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. Section 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

### Section 3: General Provisions of Agreement for Access to Public Right-of-Way<sup>32</sup>

- A. Municipal Agreement. Prior to receiving a Permit to install a Communications Facility in the Public ROW, each Applicant shall be required to enter into a Municipal Agreement (e.g., Right of Way Agreement, Pole Attachment Agreement, License Agreement) between the Authority and the Applicant, on terms and conditions substantially the same for all Applicants and existing occupants of the Public ROW. The terms and conditions of such Municipal Agreement will include the following:
1. Fees and Rates. The Applicant will pay the following Fees and Rates:
    - i. Annual ROW or Occupancy Rate, for non-exclusive occupancy of the Public ROW by the Applicant, [based on/equal to - insert the [\$ ] amount of such Rate per installation or, alternatively, how such rate is calculated] shall be paid within thirty (30) days of issuance of all applicable Permit(s) required under this Chapter and annually thereafter.
    - ii. Annual Attachment Rate, equal to [\$ ] for attachment to an Authority Pole in the amount shall be paid within thirty (30) days of issuance of the applicable Permit(s) required under this Chapter and annually thereafter.
  2. Term length. The Agreement shall be valid for 10 years. Renewals application to extend the Agreement shall be submitted on a form approved by the Municipality no less than six (6) months prior to Agreement expiration.
  3. Safety requirements including those under ADA, OSHA and similar Laws.
  4. Indemnification and insurance requirements.
  5. Termination rights of both parties.
  6. Removal, relocation and abandonment.
  7. Emergency notifications.
  8. Assignment and sublicensing
- B. Applications must be processed on a nondiscriminatory basis.

### Section 4: Application and Permitting

- A. Application. A wireless telecommunications facilities permit, subject to the director's approval, may be issued for new facilities or co-locations or modifications to existing facilities in the Public Right-of-Way that comply with all applicable provisions in this chapter without need for an exception.<sup>33</sup>

- B. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required permits or other approvals from other [Municipality] departments, or state or federal agencies, including, but not limited to, building and encroachment permits. Any permit granted under this chapter is subject to the conditions and/or requirements of other required permits or other approvals from other [Municipality] departments, state or federal agencies.<sup>34</sup>
- C. Eligible Applicants. Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunications co-location facility in the public right-of-way.<sup>35</sup>
- D. Speculative Equipment Prohibited. The [Municipality] finds that the practice of pre-approving wireless equipment or other improvements that the applicant does not presently intend to install but may wish to install at some undetermined future time does not serve the public's best interest. The [Municipality] shall not approve any equipment or other improvements in connection with a wireless telecommunications facility permit when the applicant does not actually and presently intend to install such equipment or construct such improvements.<sup>36</sup>
- E. Permit Required. No Person shall place any facility described in this Chapter in the Public Right-of-Way without first filing an Application for same and obtaining a Permit therefor, except as otherwise expressly provided in this Chapter.<sup>37</sup>
- F. Batch Permitting. An Applicant may submit simultaneously not more than (XX) Applications for a network of multiple small wireless facilities in the public right-of-way within adjacent, related geographic areas of the [Municipality]. Alternatively, Applicant may file a single, consolidated Application for each proposed facility.<sup>38</sup>
- G. Administrative Review Application Requirements. The Application shall be made by the applicable Provider or its duly authorized representative and shall contain the following:<sup>39</sup>
1. The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
  2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
  3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
  4. Detailed construction drawings regarding the proposed facility.
  5. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a [duly licensed engineer] evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.

## Section 5 Administrative Review<sup>40</sup>

- A. The [Municipality] shall review the Application in light of its conformity with applicable provisions of this Chapter, and shall issue a Permit on nondiscriminatory terms and conditions, subject to the following requirements:
1. Within twenty (20) days of receiving an Application, the [Municipality] must determine and notify the Applicant whether the Application is complete; or if an Application is incomplete, the [Municipality] must specifically identify the missing information, and may toll the approval interval in Subsection 2.3(a)(i)(B) below. The Applicant may resubmit the completed Application within twenty (20) days without additional charge, and the subsequent review will be limited to the specifically identified missing information subsequently completed, except to the extent material changes to the proposed facility have been made by the Applicant (other than those requested or required by the Authority) in which case a new Application and Application Fee for same must be submitted; and
  2. The [Municipality] must make its final decision to approve or deny the Application within sixty (60) days for a Collocation, and ninety (90) days for any new structure, after the Application is complete (or deemed complete);
  3. The [Municipality] must advise the Applicant in writing of its final decision, and in the final decision document the basis for a denial, including specific code provisions and/or regulations on which the denial was based. A decision to deny an application shall be in writing and supported by substantial evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by [Municipality]. The review period or "shot clock" shall run until the written decision, supported by substantial evidence, is released and sent to the Applicant contemporaneously. The Applicant may cure the deficiencies identified by the [Municipality] and resubmit the Application within 30 days of the denial without paying an additional Application Fee unless denial was issued due to non-compliance with Design Guidelines or other requirements under this Article II (in which case a new Application Fee must be paid). The [Municipality] shall approve or deny the revised Application within thirty (30) days of receipt of the revised Application. The subsequent review by the [Municipality] shall be limited to the deficiencies cited in the original denial and any material changes to the Application made to cure any identified deficiencies.
- B. If the [Municipality] fails to act on an Application within the review period referenced in this Chapter, the Applicant may provide the [Municipality] written notice that the time period for acting has lapsed, and the [Municipality] then has twenty (20) days after receipt of such notice within which to render its written decision, failing which the Application is then deemed approved by passage of time and operation of law and a Permit shall be deemed issued for such Application. Applicant shall provide notice to the [Municipality] at least seven (7) days prior to beginning construction or Collocation pursuant to the de facto Permit issued under this Subsection, and such notice shall not be construed as an additional opportunity for objection by the [Municipality] or other entity to the deployment.



## Section 6: Design and Location Standards<sup>41</sup>

- A. Design Standards. All aboveground Communications Facilities in the Public ROW requiring Administrative Review shall conform to the following non-discriminatory design guidelines generally applicable to all facilities in the Public Right-of-Way.
  - 1. Compliance with ADA and other applicable Federal, State and local Laws and standards.
  - 2. Pedestrian and vehicular traffic and safety requirements established by the local jurisdiction.
  - 3. Existing Public ROW occupancy or management ordinances, not otherwise inconsistent with this Chapter.
  - 4. Adhering to design guidelines for attachment to existing poles or replacement of poles, based on acceptable engineering and aesthetic standards approved and adopted by the Director that may be amended from time-to-time.
- B. Location Preferences. The Director may assign specific corridors within the Public Right-of-Way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology that the Authority engineer expects will someday be located within the Public Right-of-Way. All excavation, obstruction, or other Permits issued by the [Municipality] engineer involving the installation or replacement of facilities shall designate the proper corridor for the facilities.

## Section 7: Permit Conditions

- A. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing, concealment features, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
- B. Compliance with Applicable Laws. The permittee and service provider shall at all times comply with all applicable provisions of the [Municipality] Municipal Code including, but not limited to all applicable federal, state and local laws, rules and regulations. Failure by the [Municipality] to enforce compliance with applicable laws, rules or regulations shall not relieve any permittee of its obligations under the [Municipality] Municipal Code.
- C. Inspections: Emergencies. The [Municipality] or its designee may enter the facility area to inspect the facility upon reasonable notice to the permittee in times of emergency. The permittee shall cooperate with all inspections. The [Municipality] reserves the right to enter (or direct its designee to enter) the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- D. Graffiti Removal. All graffiti on facilities must be removed at the sole expense of the permittee within forty-eight hours after notification from the [Municipality].
- E. FCC (including, but not limited to, RF Exposure) Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate such facilities.

## Section 8: Abandonment

- A. Abandonment. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive calendar days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the [Municipality] in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within 10 calendar days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of 30 calendar days or more.
- C. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for.
  - 1. <https://ecode360.com/42761496Litigation>;
  - 2. Revocation or modification of the permit;
  - 3. Acting on any bond or other assurance required by this chapter or conditions of approval of the permit;
  - 4. Removal of the facilities by the [Municipality] in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
  - 5. Any other remedies permitted under this code or state or federal law.

## Section 9: Exceptions

- A. Notwithstanding anything to the contrary in this Chapter, the following facilities are not subject to the provisions of this Chapter: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; and (3) television and AM/FM radio broadcast Towers and associated facilities.

## Section 10: Penalties

- A. Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of [\$] for each violation which continues more than \_\_\_ ( ) days after written notice of such violation is provided to the Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Applicant constitutes a separate offense.

## Section 11: Severability

- A. If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable

## Section 12: Effective Date

- A. This Chapter shall take effect ( ) days after its passage, approval and publication.

# Chapter 3: Fiber Development – Underground and Aerial

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## Section 1: Purpose<sup>42</sup>

- A. This Chapter will govern the installation of coaxial, fiber-optic or other cabling, that is installed underground (direct buried or in conduit) or aboveground between two or more Poles or a Pole and a Tower and/or Support Structure, and related equipment and appurtenances.

This Chapter will establish the guidelines, timelines, and level of review for the underground and aerial broadband fiber deployments described in the preceding paragraph.

## Section 2: Definitions<sup>43</sup>

- A. Definitions of common terms that will be used in this Chapter include:
1. Aerial Installation: Installation of coaxial, fiber-optic or other cabling, aboveground between two or more Poles or a Pole and a Tower and/or Support Structure, and related equipment and appurtenances.
  2. Broadband: Transmission of wide band high-speed internet.
  3. Conduit: Casing that houses fiber, typically HDPE, but can be steel for railroad crossings or bridge hangings.
  4. Edge of Pavement: Where the paved roadway ends and becomes either curb or unpaved area.
  5. Fiber Optic Path: The alignment of the fiber being proposed.
  6. Fiber Optic Cable: Cable that houses fiber.
  7. Fiber to the Premise: Describes fiber being provided to a business, home, or any other premise where broadband is being deployed to an end customer/user.
  8. Horizontal Directional Drilling: Also known as 'boring', a construction methodology that uses a drill to install conduit underground.
  9. Middle Mile Broadband: The physical fiber optic infrastructure needed to enable internet connectivity for last mile broadband connectivity.
  10. Last Mile Broadband: The connection from the service provider to the end user.
  11. Micro-trenching: Underground installation method for coaxial, fiber-optic or other cabling, in a shallow trench (typically between 16-20 inches), and a narrow opening (typically 2-3 inches).
  12. Plowing: Underground installation method for coaxial, fiber-optic or other cabling, that simultaneously creates a trench while placing the conduit, typically in relatively flat areas with open space.
  13. Restoration: General descriptor for variety of post-construction activities that intend to restore the constructed area to it's original condition or similar.
  14. Splice Vault: An underground vault that acts as a demarcation point where the fiber cables often transition from outside plant to inside plant before reaching the central office, or from outside plant to outside plant on long-haul middle mile network builds.
  15. Splicing: A method of fusing two fiber optic cables together.

16. Trenching: Underground installation method that creates an open trench for purposes of placing the co for coaxial, fiber-optic or other cabling.
17. Underground Installation: Installation of coaxial, fiber-optic or other cabling, underground.

### Section 3: Permitting Process – Utility Permit

- A. Permitted Use: The following uses within the Public ROW shall be a permitted use, subject to a Utility Permit Review Process only and issuance of a Utility Permit as set forth in this Chapter.
  1. The Public Right of Way installation of coaxial, fiber-optic or other cabling, that is installed underground (direct buried or in conduit) or aboveground between two or more Poles, and related equipment and appurtenances.<sup>44</sup>
  2. For non-Public Right of Way installations of coaxial, fiber-optic or other cabling, aboveground between two or more Poles or a Pole and a Tower and/or Support Structure, and related equipment and appurtenances, please refer to Chapter 2.<sup>45</sup>
- B. Utility Permit Application<sup>46</sup>:
  1. Permit Required: A permit is required prior to any installation as described in Section A of this Chapter.
  2. Application: The Application shall be made by the applicable Provider or its authorized representative, containing the following:
    - i. The Applicant's and On-Site Contact names, addresses, telephone numbers, and e-mail addresses, including emergency contact information for the Applicant and On-Site Contact.
    - ii. A general description of the proposed work and the purposes and intent of the proposed facility, including whether the project will be Underground and/or Aerial. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
    - iii. Identification of portions of the Public Right of Way anticipated to be affected by the project, including, but not limited to, the street, sidewalk, and shoulder.
    - iv. Detailed construction drawings regarding the proposed facility that adhere to the design guidelines outlined in Section 4 of this Chapter.
    - v. To the extent the proposed facility involves an Aerial installation, a structural report performed by a [duly licensed engineer] evidencing that the Pole, Tower or Support Structure will structurally support the attached conduit and related equipment to meet structural requirements in accordance with Applicable California Code.
    - vi. Applicant agrees to comply with all applicable Local, State, and Federal Regulations.
    - vii. Applicant agrees that all street, lane and sidewalk closures and detours will be in compliance with the ADA and MUTCD requirements.
- C. Utility Permit Review<sup>47</sup>

1. The [Municipality] shall review a complete Application, associated plans and drawings in a timely manner, but under no circumstance longer than the timelines outlined under Subsection 3.C.a.(i-iii) described below.
  - i. For Applications that propose Underground installation only, within 20 days of receiving the Application, the [Municipality] must determine and notify the Applicant of whether the Application is complete, specifically identifying the reasons if it is deemed incomplete. For a Complete Application, either upon initial submittal or re-submittal of an incomplete Application, the [Municipality] must make its final decision to approve or deny the Application within 30 days.
  - ii. For Applications that propose any Aerial installation to existing above ground infrastructure, or a combination of Aerial installation to existing above ground infrastructure and Underground installation, within 20 days of receiving the Application, the [Municipality] must determine and notify the Applicant of whether the Application is complete, specifically identifying the reasons if it is deemed incomplete. For a Complete Application, either upon initial submittal or re-submittal of an incomplete Application, the [Municipality] must make its final decision to approve or deny the Application within 60 days.
  - iii. For Applications that propose any Aerial installation to new above ground infrastructure, or a combination of Aerial installation to new above ground infrastructure and Underground installation, within 20 days of receiving the Application, the [Municipality] must determine and notify the Applicant of whether the Application is complete, specifically identifying the reasons if it is deemed incomplete. For a Complete Application, either upon initial submittal or re-submittal of an incomplete Application, the [Municipality] must make its final decision to approve or deny the Application within 90 days.
2. The [Municipality] must advise the Applicant in writing of its final decision, and in the final decision document the basis for a denial, including specific code provisions and/or regulations on which the denial was based. A decision to deny an application shall be in writing and supported by substantial evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by [Municipality]. The review period or "shot clock" shall run until the written decision, supported by substantial evidence, is released and sent to the Applicant contemporaneously.
3. If the [Municipality] fails to act on an Application within the review period referenced in Subsection 3.C.a.(i-iii), the Applicant may provide the [Municipality] written notice that the time period for acting has lapsed, and the [Municipality] then has twenty 20 days after receipt of such notice within which to render its written decision, failing which the Application is then deemed approved by passage of time and operation of law. Applicant shall provide notice to the [Municipality] at least seven 7 days prior to beginning construction or collocation pursuant to a Permit issued pursuant to a deemed approved Application, and such notice shall not be construed as an additional opportunity for objection by the [Municipality] or other entity to the deployment.

D. Utility Permit Issuance

1. Notice of Work: At least 7 working days prior to the actual work, the Applicant shall notify the [Municipality] of the intent to begin work, paying all applicable permit issuance fees, and providing documentation that establishes adherence to Local, State, and Federal environmental regulations and permitting requirements.
2. Requirements:<sup>48</sup>
  - i. Construction signing shall comply with the Manual on Uniform Traffic Control Devices.
  - ii. A permanent warning tape shall be placed one (1) foot above all underground utility lines.
  - iii. Residents along the utility route shall have uninterrupted access to the public roads. An all-weather access shall be maintained for residents adjacent to the project.
  - iv. A joint assessment of the road surfacing shall be made by the Applicant and the [Municipality] both before and after construction. After construction, granular surfacing shall be added to an existing granular roadway, drive or parking area by the Applicant to restore the surfacing to its original condition. After surfacing has been applied, the road surface shall be reviewed by the [Municipality] once the road has been saturated, to determine if additional surfacing on the roadway by the Applicant is necessary.
  - v. All damaged areas within the Public ROW shall be repaired and restored to equal or better condition by the Applicant or the cost of any repair work caused to be performed by the [Municipality] will be assessed against the Applicant. Portland cement concrete patches shall be 1" thicker than the removed Portland cement concrete surfacing. Asphaltic cement concrete patches shall be 1" thicker than the removed asphaltic cement concrete surfacing.
  - vi. Areas disturbed during construction which present an erosion problem shall be solved by the Applicant in a manner approved by the [Municipality].
  - vii. All trenches, excavations, and utilities that are knifed shall be properly tamped.
  - viii. Cable, pipe-line, and electrical line crossing paved roads shall be constructed as follows:
    1. Utilities designated by the [Municipality] which cross under the roadway shall be placed in casings so that the pipe may be removed for repair without disturbing the B-5 subgrade. The casing shall be adequate strength, and of sufficient length to extend two (2) feet beyond each edge of the surfaced roadway.
    2. On paved roads, cable casings may be placed through the sub-grade by jacking, or by boring a hole just large enough to take the line.
    3. All open excavations near pavement shall be of sufficient distance from pavement to prevent soil collapses resulting in undermining of pavement.
  - ix. On roads not paved, an open trench may, upon approval of the [Municipality], be dug and the cable, pipeline, or electric line placed therein, and the trench backfilled over the line. All backfilling of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Backfilling of trenches within the Public ROW shall be compacted and tested in accordance with the latest design and construction specifications approved and

- disseminated by the [Municipality]. All work shall be one in a workmanlike manner, and the ground left in a neat condition, satisfactory to the [Municipality] in charge.
- x. To restore all excavations not in road surfaces but in the Public Right of Way with sod or seed as directed by the [Municipality] to a condition that is equal to or better than existing prior to the construction of the project.
  - xi. All overhead utilities shall be placed at a minimum distance of two (2) feet inside the Public ROW line unless specifically approved otherwise by the [Municipality].
  - xii. Location and protection of all underground utilities is the Applicant/contractor responsibility. The Applicant/contractor will be required to coordinate work with the utility companies. Utility locations are coordinated by calling 811. Existing utilities and services lines that coincide with proposed underground main locations are to be located in advance by the Applicant/contractor such that proposed underground utilities can be adjusted to eliminate conflicts.
3. Inspection: The [Municipality] shall provide an inspector during the installation of all lines to review compliance with the Utility Permit. The inspector shall have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare. The Applicant shall pay the actual costs for inspection of the project. All inspection fees shall be specific to the work approved in the permit.
  4. Permit Closeout: After final inspection is complete by the [Municipality] Inspector, Applicant shall provide within 30 days As-Built drawings in a form determined by the [Municipality], typically in CAD, PDF, GDB, KMZ, or Shapefile, that establishes what was built in the field. Any outstanding fees must be paid at this time and the permit closed out.

## Section 4: Design Guidelines

### A. General:

1. Applicant shall consider location and installation methods that:
  - i. Make use of existing underground conduits with space;
  - ii. Minimizes utility conflict with existing utilities;
  - iii. Minimizes impact to local traffic and business;
  - iv. Minimizes impact to existing cultural and biological resources;
  - v. Minimizes future maintenance issues.
2. None of the general guidelines outlined above in Subsection 4.A(a) shall be a reason for denying an application, but should be considered during the review process.

### B. Underground Installation Methods and Standards:<sup>49</sup>

1. General Placement: Unless agreed to in writing by the Authority in advance, underground facilities may, in general be placed between the property line and the curb line of all streets and avenues, including the asphalt and shoulder of all streets and avenues. Underground facilities

shall have consistent alignment parallel with the edge of pavement and, unless agreed to in writing by the Authority, shall have a minimum [two-foot – OR consider local conditions] horizontal and vertical clearance from other underground utilities and their appurtenances. Recommendation of construction methodology will depend on existing topography, traffic, right-of-way availability for equipment, soil conditions, existing crossings, existing utilities, existing obstructions, environmental mitigations, SWPPP best management practices, maintenance, safety, and other local conditions.

2. Trenching:
    - i. Suitable Locations: Paved and unpaved areas.
    - ii. Depth: Depth will range from 24" to 48", depending on soil and existing obstruction conditions.
  3. Microtrenching:
    - i. Suitable Locations: Paved areas, high concentration of existing utilities/obstructions.
    - ii. Depth: Depth will range from 16" to 20", depending on soil and existing obstruction conditions.
  4. Plowing:
    - i. Suitable Locations: Unpaved areas, dirt soil, large Right of Way space for equipment. Not suitable for rock soil.
    - ii. Depth: Depth will range from 42" to 48", depending on soil and existing obstruction conditions.
  5. Horizontal Directional Drilling:
    - i. Suitable Locations: Paved and unpaved areas, roadway crossings, railroad crossings, water crossings.
    - ii. Depth: Depth will range 36" to 48", depending on soil and existing obstruction conditions.
  6. Additional Depth Standards<sup>50</sup>:
    - i. Twenty-four (24) inches below a projected slope from the flowline of a ditch at a three (3) horizontal and one (1) vertical slope;
    - ii. Forty-eight (48) inches under a roadway measured from the surface of said roadway to the top of the installation;
    - iii. Forty-eight (48) inches under a stormwater or creek channel design flowline; and
    - iv. Twenty-four (24) inches under all water and natural gas lines.
- C. Drawing Standards for Underground Installations<sup>51</sup>
1. Edge of Pavement line, including distance measurement from proposed Fiber Optic Path.
  2. Edge of Curb line, including distance measurement from proposed Fiber Optic Path.
  3. Right of Way boundary lines, including distance measurement from proposed Fiber Optic Path.
  4. Center Line, including distance measurement from proposed Fiber Optic Path.



5. Guardrail depicted (if present), including distance measurement from proposed Fiber Optic Path.
  6. Provide directional orientation depicting a North Arrow.
  7. List all existing utilities within installation area.
  8. Show observable existing features, including utility poles, structures, handholes, trees, culverts, channels, levees, fire hydrants, etc.
  9. Depict all bore pits and staging areas along the Fiber Optic Path.
  10. Show all start/stop construction methodologies.
  11. Show all start/stop proposed depths or elevations for any construction methodology used.
  12. Depict environmentally sensitive areas.
  13. Typical sheets for all proposed equipment to be installed.
  14. Typical sheets for all proposed equipment to be used during installation.
  15. Typical sheets for all proposed construction methodologies to be used during installation.
  16. Typical sheets for all proposed restoration plans for all construction methodologies to be used during installation.
  17. Traffic control plan.
- D. Additional Drawing Standards for Aerial Installations
1. All items in Subsection 4.C
  2. Pole ID's
  3. Pole owners
  4. Existing utilities on pole
  5. Elevations of existing utilities on pole
  6. Structural analysis of existing poles with equipment being proposed
  7. Pole owner authorization to attach

## Section 5: Facility Removal or Relocation

- A. Guidelines for decommissioning and removal of facilities that are no longer in use.
- B. Guidelines for relocation of facilities due to governmental taking or other required cause.
- C. Requirement for a bond or other financial assurance for removal.

## Section 6: Penalties

- A. Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of \$ for each violation which continues more than \_\_\_\_ ( ) days after written notice of such violation is provided to the Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Applicant constitutes a separate offense.

## Section 7: Severability

- A. If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable.

## Section 8: Effective Date

- A. This Chapter shall take effect ( ) days after its passage, approval and publication.

# Appendix

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[County of San Diego Comprehensive Broadband Plan](#) – January 2023

[California Permit Streamlining Act – California Government Code §65950-65952](#)

[State of California Senate Bill No. 378 – Chapter 677 – Section 65964.5 Broadband Deployment Acceleration Best Practices Act of 2021](#)

[State of California Local Permitting Playbook](#) – August 2022

[State of California Senate Bill 156 – Chapter 112](#) – July 20, 2021

[State of California Executive Order N-73-20](#) – August 14, 2020

[Federal Communications Commission \(FCC\) FCC 20-75 – June 9, 2020 regarding wireless modifications under Section 6409\(a\) of the Spectrum Act of 2012](#)

[FCC Model Broadband Code For Municipalities](#) – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group - 2018

[State Model Code for Accelerating Broadband Deployment](#) – Broadband Deployment Advisory Committee – December 6, 2018

[Bureau of Engineering Typical Micro-Trench Section](#) – January 11, 2021

[City of LA Wireless Telecommunications Facilities – Administrative Review Instructions](#) – February 8, 2023

[San Diego Microtrenching Standards](#) – October 10, 2022

[City of San Diego Public Works Perspective on Managing Microtrenching in the Right-of-Way](#) - October 10, 2022

[City of Long Beach Chapter 15.34 – Wireless Telecommunications Facilities In The Public Rights-Of-Way](#) – 2018

[City of Long Beach Chapter 21.56 – Wireless Telecommunications Facilities](#) – 2018

[City of Roseville Chapter 13.30 – Wireless Telecommunications Facilities in the Public-Right-Of-Way](#) - 2018

[City of Irvine Chapter 2-37.6 – Eligible Facilities Permit](#) – 2016

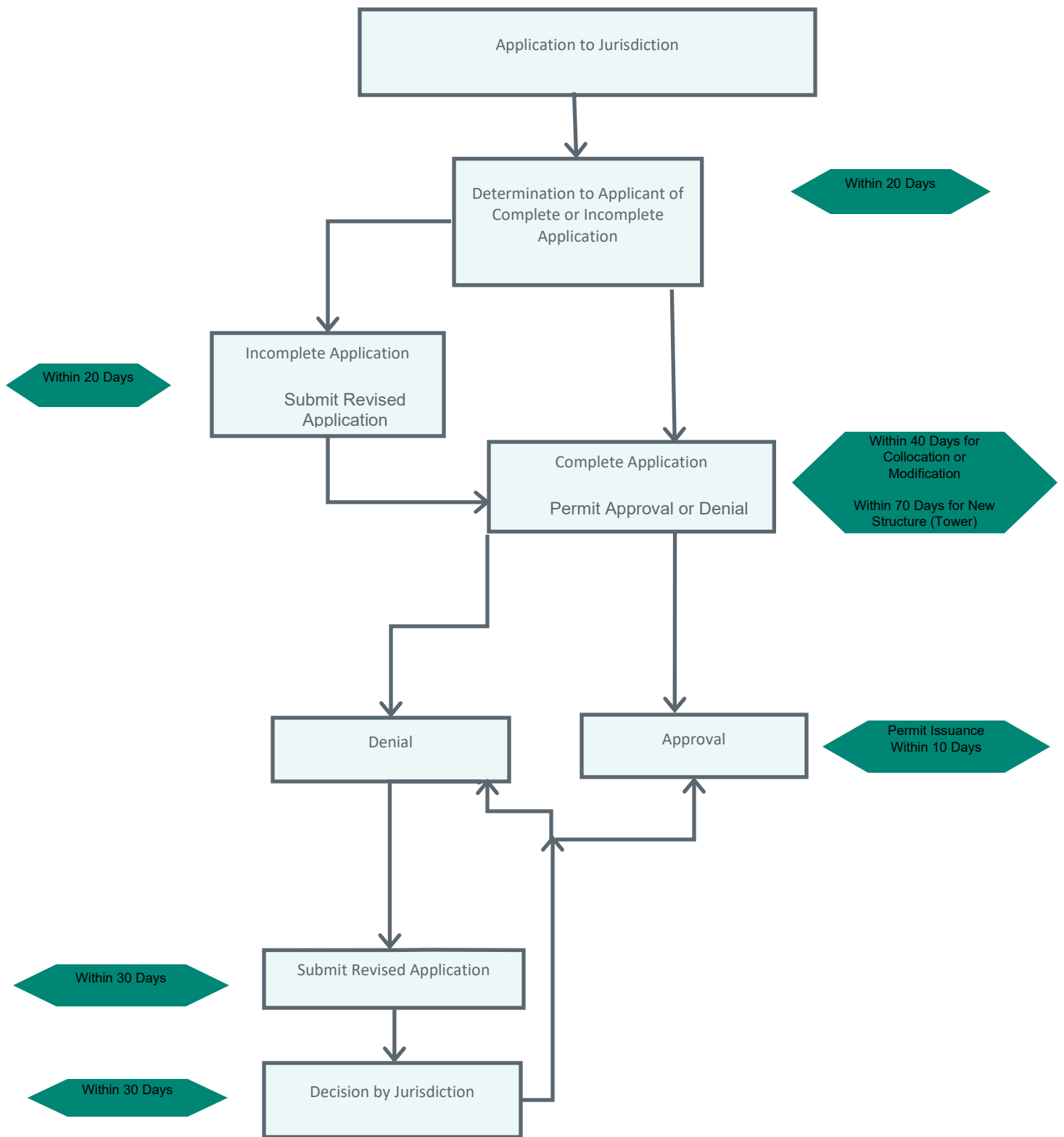
[City of Campbell Chapter 11.14 – Small Cell Wireless Facilities in the Public Right-of-Way](#) - 2019

[City of Campbell Chapter 21.34 – Wireless Communications Facilities](#) – 2017

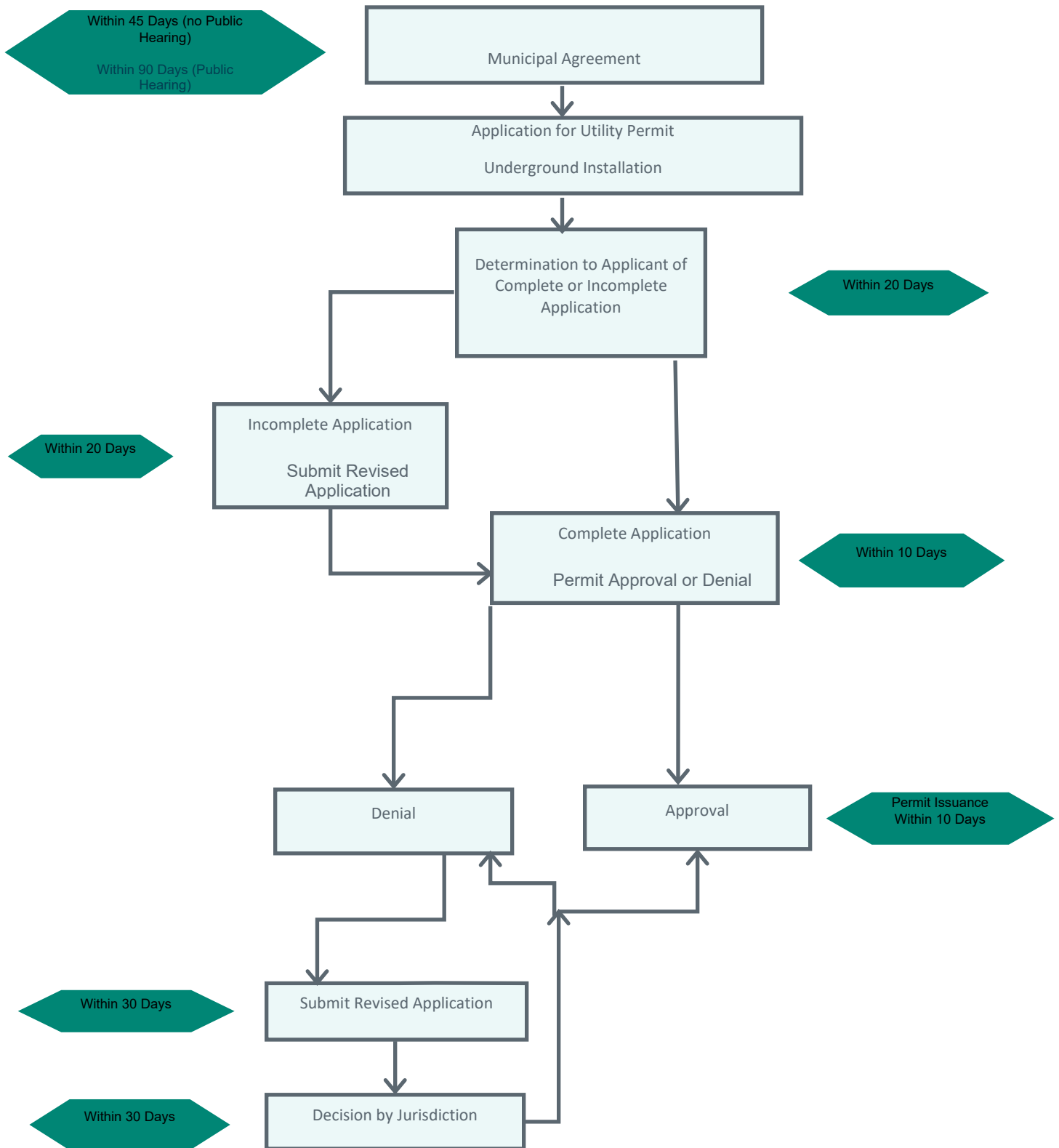
[City of San Diego City of San Diego Land Development Manual, Wireless Communication Facility \(WCF\) Guidelines](#) – 2019

[City of Malibu Municipal Code Chapter 12.02 - Wireless Facilities in Public Rights-of-Way](#) – 2020

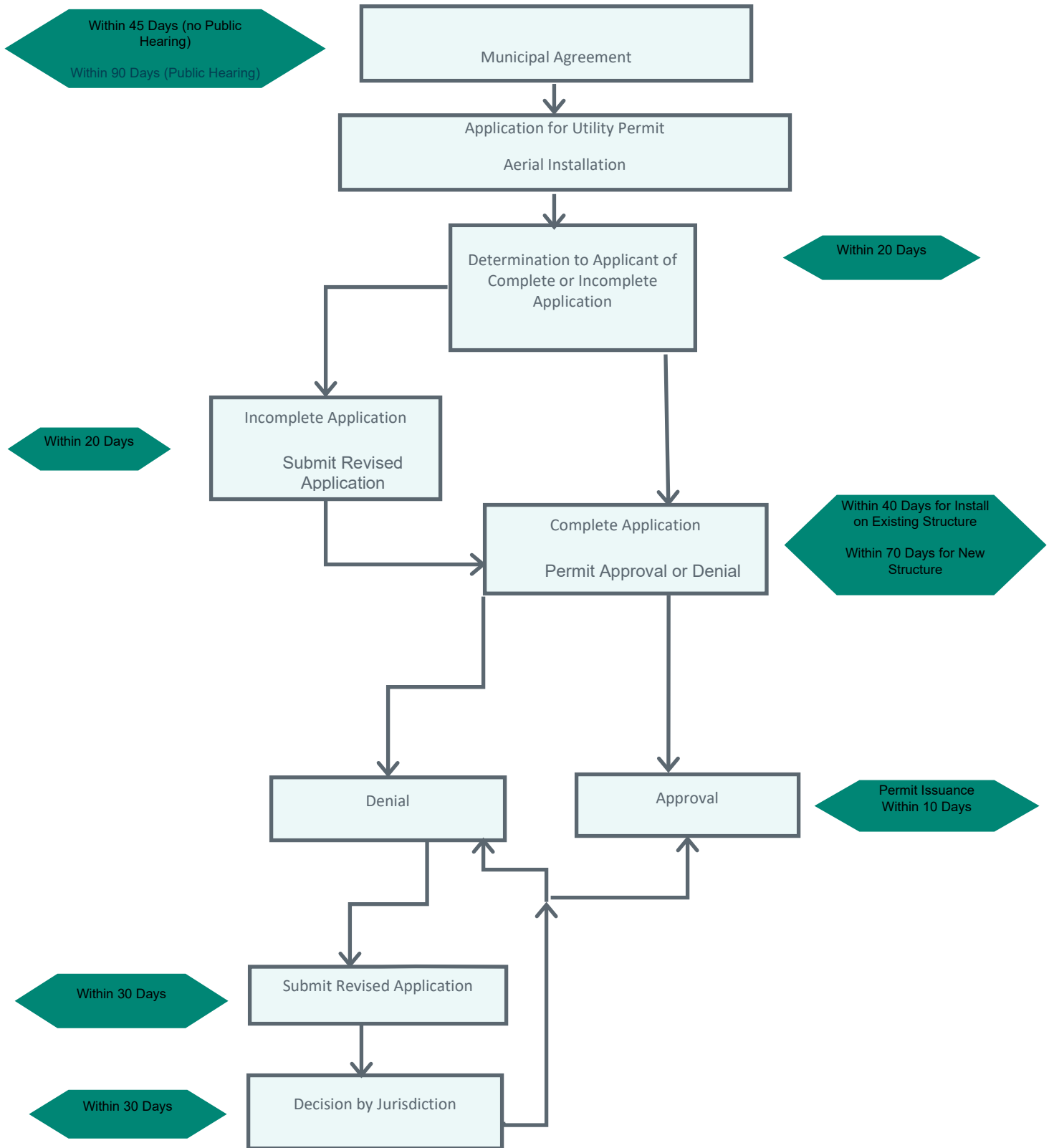
# Wireless Communication Facilities Permit Process Private Property



### Wireless Communication Facilities Permit Process Utility Underground



### Wireless Communication Facilities Permit Process Utility Aerial



# Microtrenching Standards Example

- NOTES:**
- CLEARANCE SEPARATIONS BETWEEN DRY AND WET UTILITIES SHALL BE MAINTAINED PER CALIFORNIA PUBLIC UTILITY CODE GENERAL ORDER 128.**
  - PERMITTING REQUIREMENTS:** ALL MICROTRENCH PERMITS REQUIRE A DEVELOPMENT SERVICES DEPARTMENT DIGITAL SUBMISSION WITH A GEOSPATIAL ALIGNMENT PER DEVELOPMENT SERVICES DEPARTMENT FORMAT REQUIREMENTS.
  - CONDUIT ANCHORING:** CONTRACTOR MUST PROVIDE THEIR METHOD OF WEIGHING / ANCHORING DOWN CONDUITS IN THEIR PERMIT. TO PREVENT CONDUITS FROM FLOATING, AND TO MAINTAIN REQUIRED DEPTH FOR TOP OF CONDUIT.
  - MICROTRENCHING USAGE:** MICROTRENCHING PER SDG-165A AND / OR SDG-165B SHALL BE ON ASPHALT STREETS ONLY. MICROTRENCHING SHALL NOT BE PERMITTED IN OR THROUGH EXISTING CONCRETE PAVED STREETS, PARKWAYS, CURB, GUTTER, CROSS GUTTER, BUS PAD, SIDEWALK, FLOATING CURB EXTENSION, BUS BULB, TRUCK PILLOW, RAISED CROSSWALK, ISLAND, MINI-ROUNDABOUT, OR SIMILAR ELEMENTS. MICROTRENCHING MAY BE PERMITTED, AT THE CITY'S DISCRETION, IN OR THROUGH EXISTING IMPROVEMENTS AND SPECIAL PAVEMENTS (SUCH AS DECORATIVE ASPHALT PAVING, AND PERPENDICULAR TO SPEED BUMPS). EXISTING IMPROVEMENTS AND SPECIAL PAVEMENTS SHALL BE RESTORED IN KIND AS APPROVED BY THE CITY.
  - DAMAGE TO EXISTING IMPROVEMENTS:** CONNECTION TO SERVICE LATERALS, JUNCTION BOXES, ETC. SHALL BE DONE SUCH THAT EXISTING IMPROVEMENTS ARE NOT DISTURBED, SETTLED, OR DAMAGED. ANY DAMAGE TO EXISTING IMPROVEMENTS BY PARALLEL OR PERPENDICULAR MICROTRENCHING ACTIVITIES SHALL BE RESTORED IN KIND AS APPROVED BY THE CITY. DAMAGE TO CONCRETE CURB, GUTTER, SIDEWALK, AND PAVEMENT SHALL BE REMOVED AND RESTORED IN ACCORDANCE WITH SDG-156.
  - TRENCH CUTS:** CONTRACTOR SHALL MAKE ALL REASONABLE EFFORTS TO ACHIEVE STRAIGHT AND UNIFORM CUTS WITH NEAT EDGES. SELECTION OF CUTTING WHEEL SHALL BE SUCH THAT IT MINIMIZES DAMAGE TO THE ADJACENT AC SURFACE. RADIUS TRENCH CUTS SHALL HAVE NO MORE THAN 3 CUTS.
  - MICROTRENCH WIDTH:** MICROTRENCH WIDTH SHALL BE A MINIMUM OF 1 INCH AND A MAXIMUM OF 2 1/2 INCHES. TRENCHES WITH WIDTH GREATER THAN 2 1/2 INCHES MUST FOLLOW SDG-117 (NARROW TRENCH RESURFACING FOR ASPHALT CONCRETE SURFACE STREETS), WHICH REQUIRES A DIFFERENT BACKFILL MATERIAL. THE CITY MAY CHANGE THE PERMIT TO SDG-117 BY AN AS-BUILT CHANGE IF THE TRENCH EXCEEDS 2 1/2 INCHES IN CONSTRUCTION.
  - MICROTRENCH ALIGNMENT OFFSET TO AN ADJACENT MICROTRENCH:** NO MICROTRENCHING SHALL BE LESS THAN 2 FEET FROM ADJACENT MICROTRENCHES (EDGE TO EDGE). THIS MAY REQUIRE THE CONTRACTOR TO POTHOLE TO VERIFY PARALLEL UTILITIES SIZE AND TRENCH WIDTH TO ENSURE PROPER SEPERATION.
  - CONDUIT PLACEMENT IN TRENCH:** THE TOP OF HIGHEST CONDUIT SHALL BE 12 INCHES MINIMUM FROM TOP OF PAVEMENT OR 4 INCHES FROM BOTTOM OF PAVEMENT SECTION TO INCLUDE ASPHALT, BASE AND CTB, WHICHEVER IS GREATER.
  - CONDUIT SIZE:** 2 INCH MAXIMUM CONDUIT SIZE SCH 40 PVC OR EQUIVALENT HDPE PER NATIONAL ELECTRICAL CODE.
  - TRENCH IDENTIFICATION:** INSTALL FOLDED WARNING / IDENTIFICATION TAPE WARNING TAPE PER SDM-105. EACH TRENCH SHALL BE IDENTIFIED WITH A CALLOUT ON THE PULLBOX / VAULT / JUNCTION BOX LID WITH THE NAME OF THE OWNER OF THE MICROTRENCH.
  - MICROTRENCH BACKFILL AND REQUIREMENTS TO OPEN THE STREET TO TRAFFIC:** ALL MICROTRENCHES SHALL BE COMPLETELY BACKFILLED WITH A CEMENT SAND SLURRY 2000 PSI MINIMUM AND 2% CALCIUM CHLORIDE TO FINISH GRADE. THIS IS AN INTERIM CONDITION AND CONTRACTOR SHALL FOLLOW CURING TIME REQUIREMENTS (PER NOTE 14) TO OPEN THE STREET TO TRAFFIC PRIOR TO COMPLETING PAVING REQUIREMENTS FOR FINAL RESTORATION.
  - SLURRY VOID REDUCTION:** CONTRACTOR SHALL USE A VIBRATOR TO ENSURE SLURRY FILL WITHOUT VOIDS.
  - SLURRY CURE TIME:** ALLOW A MINIMUM OF THREE HOURS FOR SLURRY TRENCH BACKFILL CURE TIME FOR TRENCHES PARALLEL TO THE STREET BEFORE OPENING TO TRAFFIC.
  - FINAL MICROTRENCH RESTORATION:** WITHIN 7 DAYS OF PLACING THE SLURRY BACKFILL TO GRADE, MILL THE SLURRY BACKFILL AND EXISTING PAVEMENT A MINIMUM DISTANCE OF 6 INCHES ON EACH SIDE OF THE TRENCH, TO A DEPTH OF 4 INCHES AND RESURFACE WITH 1/2 INCH TYPE III CLASS C2 ASPHALT. TACK ALL EDGES OF THE MILLED AREA WITH ASPHALTIC EMULSION.

SEE ADDITIONAL NOTES ON SHEET 2

SHEET 1 OF 4

REVISION	BY	APPROVED	DATE	CITY OF SAN DIEGO - STANDARD DRAWING	RECOMMENDED BY THE CITY OF SAN DIEGO STANDARDS COMMITTEE
ORIGINAL	HY	M. GIBSON	09/17		
REDRAFTED	CD	J. NAGELVOORT	09/18		
UPDATED	RC	R. AMEN	10/22		
<b>GENERAL MICROTRENCH NOTES</b>				<i>Alaino James</i> 10/10/22 COORDINATOR R.C.E. 81047 DATE	
				DRAWING NUMBER <b>SDG-165</b>	

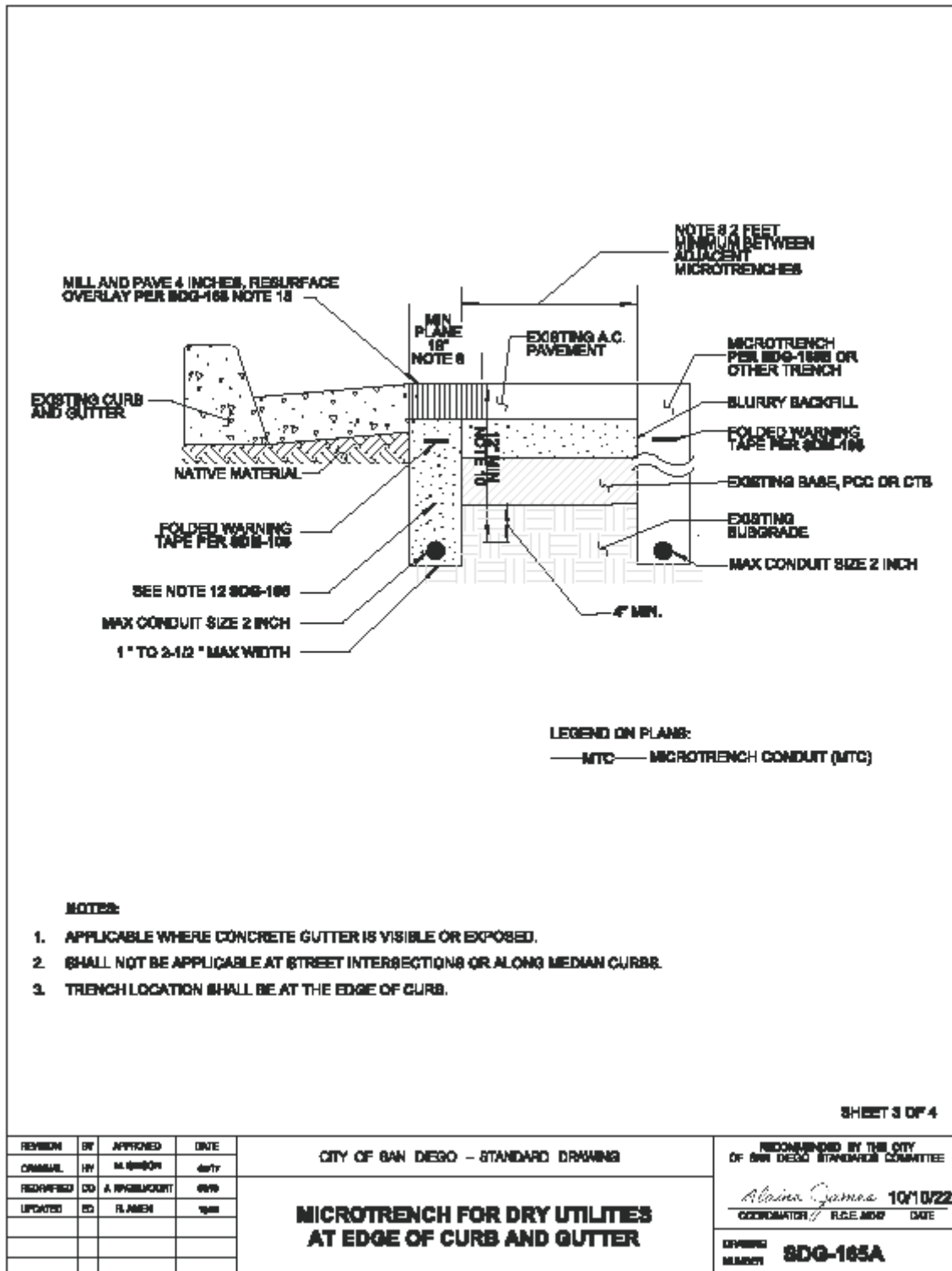
**NOTES (CONTINUED):**

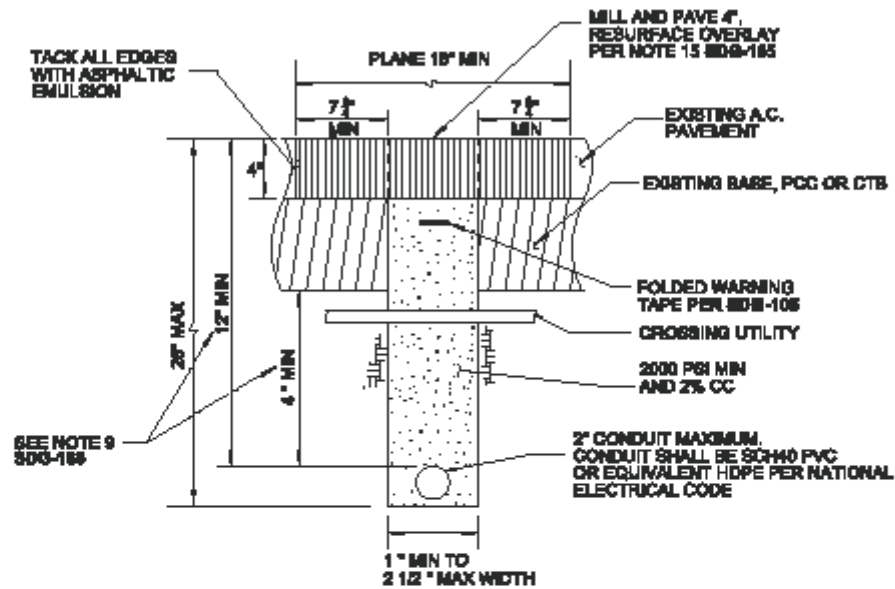
- 16. **FINAL MICROTRENCH RESTORATION WHEN ADJACENT TO ANOTHER TRENCH:** WHEN RESTORING A MICROTRENCH SEPARATED BY 2 FEET (EDGE TO EDGE) FROM ANY ADJACENT TRENCH THE MICROTRENCH RESTORATION SHALL FOLLOW NOTE 16 FOR TRENCH RESTORATION AND SDG-167 FOR FULL LIMITS OF THE PERMITTED ALIGNMENT TO MAINTAIN INFLUENCE AREA INTEGRITY.
- 17. **MICROTRENCHING IN BIKE LANES:** FOR THE WORK IN THE BIKE LANE, CONTRACTOR SHALL PROVIDE A POTHOLING PLAN FOR REVIEW WITH THE ENGINEER FOLLOWING PRE-CONSTRUCTION MEETING. THE BIKE LANE SHALL BE FULLY CLOSED AND APPROPRIATE TRAFFIC CONTROL PLAN AND SIGNAGE USED. MICROTRENCHING IN THE BIKE LANE REQUIRES THAT BLURRY BACKFILL BE COMPLETED BEFORE END OF APPROVED WORKDAY WITH CURING TIME PER NOTE 14. RESTORATION TO THE TRENCH SHALL BE PER NOTE 15.
- 18. **FINAL MICROTRENCH RESTORATION IN BIKE LANES:** THE CONTRACTOR SHALL RESTORE FULL WIDTH OF BIKE LANE TO THE FACE OF CURB AND PLACE 1 1/2 INCH THICKNESS OF ASPHALT PER SDG-107.

SHEET 2 OF 4

REVISION	BY	APPROVED	DATE	CITY OF SAN DIEGO – STANDARD DRAWING  <b>GENERAL MICROTRENCH NOTES</b>	RECOMMENDED BY THE CITY OF SAN DIEGO STANDARDS COMMITTEE  <i>Alicia James</i> 10/10/22 COORDINATOR R.C.E.MOR DATE
ORIGINAL	HE	M. GERSON	08/17		
REDESIGNED	GD	J. HASELVOERT	08/18		
UPDATED	RQ	R. AMEN	08/22		
					DRAWING NUMBER <b>SDG-165</b>







**NOTES:**

1. SHALL APPLY TO ALL MICROTRENCHING AT STREET INTERSECTIONS.
2. TRENCH LOCATION SHALL BE AT LEAST 9 INCHES FROM LIP OF GUTTER.
3. TRENCH SHALL BE AT LEAST 12 INCHES FROM ANY EXISTING CONCRETE STRUCTURE.
3. TRENCH LOCATION SHALL AVOID WHEEL PATH OF TRAVEL.

SHEET 4 OF 4

REVISION	BY	APPROVED	DATE	CITY OF SAN DIEGO - STANDARD DRAWING	RECOMMENDED BY THE CITY OF SAN DIEGO STANDARDS COMMITTEE
ORIGINAL	BY	IL GIBSON	09/17		
REWORKED	CD	J. HANDELVOERT	09/20	<b>MICROTRENCH FOR DRY UTILITIES AWAY FROM EDGE OF CURB AND GUTTER</b>	<i>Alvina James</i> 10/10/22 COORDINATOR R.C.E. MDZ DATE
UPROFIC	RD	R. AMEN	10/28		
				DRAWING NUMBER	<b>SDG-165B</b>

## Model Application Checklists

### APPLICATION CHECKLIST: NEW SITE CONSTRUCTION

This checklist is designed to assist applicants in preparing and submitting permit applications for new construction of wireless facilities. Ensuring that all required documents and information are included will facilitate a smoother and more efficient permitting process.

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
A	Completed Application Form: Fully filled out and signed application form specific to wireless facility construction with signature from the property owner or other evidence from the property owner showing the applicant is authorized to install and operate the proposed wireless facility.		
B	Application Fee: Payment of the applicable application fee as determined by the local jurisdiction.		
C	<p>Site Plans with engineering Drawings: Detailed site plans showing the proposed location of the wireless facility, including dimensions, property boundaries, and nearby structures. Engineering Drawings must including structural details and equipment specifications. Complete Site Plan with Engineering Drawings require:</p> <ol style="list-style-type: none"> <li>1. Full-sized plan set (24" x 36").</li> <li>2. Use a minimum 1/8" = 1' scale for Site Plan.</li> <li>3. Electronic file of Site Plan must be in PDF form with all details eligible, PDF must be flattened, unlocked, and include bookmarks for each page of the Site Plans.</li> <li>4. Include a North Arrow on each plan sheet.</li> <li>5. Title Block with applicant's name, owner's name, project contact information, and date.</li> <li>6. Elevations must show existing and proposed elevations of all proposed personal wireless service structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.</li> <li>7. The dimensions of each piece of equipment making up the wireless facility, including its height and width, as well as its total height as measured from the ground.</li> <li>8. Depiction of fully-constructed proposed project, including improvements and location of existing and proposed facilities.</li> </ol>		
D	Structural Report: A report signed by a California licensed professional engineer qualified in structural engineering, containing:		

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
	<ol style="list-style-type: none"> <li>1. In the case of an attached wireless facility, documentation of the ability of the structure to accept the antennas, the proposed method of affixing the antennas and the precise point at which the antennas shall be mounted.</li> <li>2. In the case of a wireless facility with a support structure, documentation that the structure is capable of supporting the antennas and complies with applicable laws and codes, as well as the structure’s capacity for additional collocated antennas, and the precise point at which the antennas shall be mounted.</li> <li>3. A certification that the structure(s) on which the wireless facility will be placed can safely support the wireless facility; and that all elements of the wireless facility comply with applicable safety standards.</li> </ol>		
E	Photosimulation: Photographic simulations or renderings showing the proposed facility in the context of the surrounding environment. Must include scale depiction of the proposed facility before and after installation from at least three (3) different perspectives from a nearby public right-of-way.		
F	Radio Frequency (EME) Emission Compliance Report: A report prepared and certified by a trained person with knowledge of EME safety compliance rules certifying that the proposed facility will comply with all federal RF emission standards.		
G	Noise Study: Only required if the proposed facility is within 250 feet of a residentially zoned property and proposes a temporary backup power generator or permanent backup power generators. Noise study shall be a desktop analysis of all noise emitting equipment, prepared by a person qualified in analysis of noise emissions that affirms the proposed installation will not generate noise that exceeds the applicable ambient noise limit at the nearest residential property line.		
H	Environmental Impact Assessment: An assessment or report on the environmental impact of the proposed construction, if required by local regulations.		
I	Compliance with National/State Regulations: Documentation ensuring compliance with national and state regulations, including FCC guidelines.		

## APPLICATION CHECKLIST: ELIGIBLE FACILITIES REQUEST (EFR) UNDER SECTION 6409

This checklist provides guidance for applicants seeking to submit an Eligible Facilities Request (EFR) under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012. This Act allows for a streamlined approval process for certain modifications of existing wireless telecommunications facilities.

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
A	Completed EFR Application Form: A fully filled and signed application form designated for Section 6409 Eligible Facilities Requests.		
B	Application Fees: Payment of any applicable application or processing fees required by the local jurisdiction for an EFR application.		
C	Detailed Description of Proposed Modifications: A comprehensive description of the proposed modifications, including changes to height, width, and any additional equipment		
D	Compliance with Section 6409 Criteria: A statement showing that the proposed modifications fall within the criteria set forth in Section 6409, ensuring they do not substantially change the physical dimensions of the existing wireless tower or base station.		
E	<p>Site Plans with engineering Drawings: Detailed site plans illustrating the proposed modifications in detail, including dimensions and relative placement of new equipment of the wireless facility, including property boundaries, and nearby structures. Engineering Drawings must including structural details and equipment specifications. Complete Site Plan with Engineering Drawings require:</p> <ol style="list-style-type: none"> <li>1. Full-sized plan set (24" x 36").</li> <li>2. Use a minimum 1/8" = 1' scale for Site Plan.</li> <li>3. Electronic file of Site Plan must be in PDF form with all details eligible, PDF must be flattened, unlocked, and include bookmarks for each page of the Site Plans.</li> <li>4. Include a North Arrow on each plan sheet.</li> <li>5. Title Block with applicant's name, owner's name, project contact information, and date.</li> <li>6. Elevations must show existing and proposed elevations of all proposed personal wireless service structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.</li> <li>7. The dimensions of each piece of equipment making up the wireless facility, including its height and width, as well as its total height as measured from the ground.</li> </ol>		

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
	8. Depiction of fully-constructed proposed project, including improvements and location of existing and proposed facilities.		
F	<p>Structural Report: A report signed by a California licensed professional engineer qualified in structural engineering, containing:</p> <ol style="list-style-type: none"> <li>1. In the case of an attached wireless facility, documentation of the ability of the structure to accept the antennas, the proposed method of affixing the antennas and the precise point at which the antennas shall be mounted.</li> <li>2. In the case of a wireless facility with a support structure, documentation that the structure is capable of supporting the antennas and complies with applicable laws and codes, as well as the structure’s capacity for additional collocated antennas, and the precise point at which the antennas shall be mounted.</li> <li>3. A certification that the structure(s) on which the wireless facility will be placed can safely support the wireless facility; and that all elements of the wireless facility comply with applicable safety standards.</li> </ol>		
G	<p>Photosimulation: Photographic simulations or renderings showing the proposed facility in the context of the surrounding environment. Must include scale depiction of the proposed facility before and after installation from at least three (3) different perspectives from a nearby public right-of-way.</p>		
H	<p>Radio Frequency (EME) Emission Compliance Report: A report prepared and certified by a trained person with knowledge of EME safety compliance rules certifying that the proposed facility will comply with all federal RF emission standards.</p>		
I	<p>Noise Study: Only required if the proposed facility is within 250 feet of a residentially zoned property and proposes a temporary backup power generator or permanent backup power generators. Noise study shall be a desktop analysis of all noise emitting equipment, prepared by a person qualified in analysis of noise emissions that affirms the proposed installation will not generate noise that exceeds the applicable ambient noise limit at the nearest residential property line.</p>		
J	<p>FCC Compliance Documentation: Documentation ensuring continued compliance with all relevant Federal Communications Commission (FCC) regulations.</p>		

## APPLICATION CHECKLIST: SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

This checklist is designed for applicants seeking to install small wireless facilities within public rights-of-way. These facilities, essential for expanding and densifying networks and other advanced wireless services, require careful consideration to align with public safety, aesthetic, and local regulatory standards.

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
A	Completed Application Form: Fully filled and signed application form specifically for small wireless facilities in public rights-of-way.		
B	Application Fee: Payment of the application fee as prescribed by the local jurisdiction.		
C	Site Location and Description: Detailed information about the proposed location(s) for the small wireless facility, including GPS coordinates and street addresses.		
D	Equipment Specifications: Detailed specifications of all equipment associated with the small wireless facility, including antennas, transmitters, power sources, and any ancillary equipment.		
E	<p>Site Plans with engineering Drawings: Detailed site plans illustrating the proposed installation in detail, including dimensions and relative placement of new equipment of the wireless facility, including property boundaries, and nearby structures. Engineering Drawings must including structural details and equipment specifications. Complete Site Plan with Engineering Drawings require:</p> <ol style="list-style-type: none"> <li>1. Full-sized plan set (24" x 36").</li> <li>2. Use a minimum 1/8" = 1' scale for Site Plan.</li> <li>3. Electronic file of Site Plan must be in PDF form with all details eligible, PDF must be flattened, unlocked, and include bookmarks for each page of the Site Plans.</li> <li>4. Include a North Arrow on each plan sheet.</li> <li>5. Title Block with applicant's name, owner's name, project contact information, and date.</li> <li>6. Elevations must show existing and proposed elevations of all proposed personal wireless service structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.</li> <li>7. The dimensions of each piece of equipment making up the wireless facility, including its height and width, as well as its total height as measured from the ground.</li> <li>8. Depiction of fully-constructed proposed project, including improvements and location of existing and proposed facilities.</li> </ol>		

	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
F	<p>Structural Report: A report signed by a California licensed professional engineer qualified in structural engineering, containing:</p> <ol style="list-style-type: none"> <li>1. In the case of an attached wireless facility, documentation of the ability of the structure to accept the antennas, the proposed method of affixing the antennas and the precise point at which the antennas shall be mounted.</li> <li>2. In the case of a wireless facility with a support structure, documentation that the structure is capable of supporting the antennas and complies with applicable laws and codes, as well as the structure’s capacity for additional collocated antennas, and the precise point at which the antennas shall be mounted.</li> <li>3. A certification that the structure(s) on which the wireless facility will be placed can safely support the wireless facility; and that all elements of the wireless facility comply with applicable safety standards.</li> </ol>		
G	<p>Photosimulation: Photographic simulations or renderings showing the proposed facility in the context of the surrounding environment. Must include scale depiction of the proposed facility before and after installation from at least three (3) different perspectives from a nearby public right-of-way.</p>		
H	<p>Radio Frequency (EME) Emission Compliance Report: A report prepared and certified by a trained person with knowledge of EME safety compliance rules certifying that the proposed facility will comply with all federal RF emission standards.</p>		
I	<p>Noise Study: Only required if the proposed facility is within 250 feet of a residentially zoned property and proposes a temporary backup power generator or permanent backup power generators. Noise study shall be a desktop analysis of all noise emitting equipment, prepared by a person qualified in analysis of noise emissions that affirms the proposed installation will not generate noise that exceeds the applicable ambient noise limit at the nearest residential property line.</p>		
J	<p>Compliance with ADA and Public Safety Standards: Documentation demonstrating compliance with the Americans with Disabilities Act (ADA) and public safety standards, ensuring unobstructed passage and safety in the right-of-way.</p>		
K	<p>Insurance and Bonding Documents: Proof of liability insurance and any performance bonds required by the local jurisdiction.</p>		



	Requirement	For City Use Only	
		Complete Y/N	Compliant Y/N
L	Utility Coordination: Documentation of coordination with local utilities to ensure compatibility and safety, especially in areas with existing underground utilities.		
M	Maintenance Plan: A detailed plan for the maintenance of the facility, including schedules, procedures, and responsible parties.		
N	Traffic Control Plan: A plan detailing how traffic will be managed during the installation process to minimize disruption and ensure safety.		
O	Agreement with Local Jurisdiction: A copy of the agreement or franchise with the local jurisdiction, if such an agreement is required.		

# Endnotes

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<sup>1</sup> [See Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article I, Section 1.2 – Definitions.](#)

<sup>2</sup> [City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.020](#); *See also*, [FCC Model Broadband Code For Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.1 Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 24.](#)

<sup>3</sup> [City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.020 - 21.34.030.](#)

<sup>4</sup> [City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.070\(A\)\(15\).](#)

<sup>5</sup> [City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.060\(K\)-\(L\).](#)

<sup>6</sup> [State of California Local Permitting Playbook](#), Smart Practice 1C: Revisiting all policies periodically to comply with changing state and federal rules, Page 13.

<sup>7</sup> [See City of San Diego Small Cell Supplemental GIS Tool](#). Although this tool is designed for small cell siting and light pole reservations, it serves as a model for similar utilization for wireless facility developments outside of the right-of-way.

<sup>8</sup> [See City of Long Beach Chapter 21.56, Wireless Telecommunications Facilities, Section 21.56.030.](#)

<sup>9</sup> [City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.040\(E\).](#)

<sup>10</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(i\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 26.](#)

<sup>11</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(i\)\(A\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 26.](#)

<sup>12</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(i\)\(A\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 26.](#)

<sup>13</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(i\)\(B\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 26.](#)

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<sup>14</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(i\)\(C\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 26-27.](#)

<sup>15</sup> [FCC Model Broadband Code for Municipalities – Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities Working Group – 2018, Article III, Section 3.2\(a\)\(ii\) Permitted Communications Facility Uses Administrative Review; Application and Fees, Page 27.](#)

<sup>16</sup> [City of Long Beach Chapter 21.56, Wireless Telecommunications Facilities, Section 21.56.140\(D\)\(1\).](#)

<sup>17</sup> [See City of Irvine Municipal Code Chapter 2-37.6, Eligible Facilities Permit, Section 2-37.6-1.](#)

<sup>18</sup> [See City of Irvine Municipal Code Chapter 2-37.6, Eligible Facilities Permit, Section 2-37.6-2.](#)

<sup>19</sup> [See City of Irvine Municipal Code Chapter 2-37.6, Eligible Facilities Permit, Section 2-37.6-3.](#)

<sup>20</sup> [See City of Los Angeles Wireless Telecommunications Facilities – Administrative Review Instructions, Los Angeles City Planning, CP-7838..](#)

<sup>21</sup> [See City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.200 – Definitions.](#)

<sup>22</sup> [See City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.080\(B\).](#)

<sup>23</sup> [See City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.080\(C\).](#)

<sup>24</sup> [See City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.060\(A\)-\(T\).](#)

<sup>25</sup> [See City of San Diego City of San Diego Land Development Manual, Wireless Communication Facility \(WCF\) Guidelines, 2019.](#)

<sup>26</sup> [See City of Campbell Chapter 21.34 – Wireless Communications Facilities Sections 21.34.070.](#)

<sup>27</sup> An emerging trend with local jurisdictions is to establish frameworks concerning the renewal of permits for wireless communication facilities, with specific attention to concealment factors and other criteria. For example, the Los Angeles County Wireless Facility Ordinance outlines conditions under which wireless communication facilities, including small cell facilities, on private property and in the public right-of-way may operate. This ordinance, while primarily focused on establishing application requirements and development standards, includes provisions for the renewal of permits. It exempts certain activities from further environmental review under the California Environmental Quality Act (CEQA), provided they involve minor modifications to existing facilities and do not significantly change or expand their use. Specifically, it mentions that modifications or upgrades to existing facilities that do not increase the on-the-ground footprint of the wireless facility might be exempt under certain CEQA guidelines, which

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include operation, repair, maintenance, permitting, leasing, licensing, or minor alterations involving negligible or no expansion of use. [See Los Angeles County Notice of Exemption.](#)

<sup>28</sup> [Association of Environmental Professionals, California Environmental Quality Act, Statute & Guidelines, 2023.](#)

<sup>29</sup> [See City of Malibu Municipal Code, Section 12.02.030\(B\).](#)

<sup>30</sup> [City of Roseville Municipal Code, Section 13.30.010.](#)

<sup>31</sup> [City of Roseville Municipal Code, Section 13.30.020.](#)

<sup>32</sup> [See Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.1 – General Provisions of Agreement for Access to Public ROW, Pages 6-8.](#)

<sup>33</sup> [City of Roseville Municipal Code, Section 13.30.040\(A\).](#)

<sup>34</sup> [City of Roseville Municipal Code, Section 13.30.040\(C\).](#)

<sup>35</sup> [City of Roseville Municipal Code, Section 13.30.040\(D\).](#)

<sup>36</sup> [City of Roseville Municipal Code, Section 13.30.040\(E\).](#)

<sup>37</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.2\(b\) – Permitted Communications Facility Uses/Administrative Review; Application, Page 9.](#)

<sup>38</sup> [State of California Local Permitting Playbook, Smart practice 1B: Optimizing permitting for broadband projects, Page 11.](#)

<sup>39</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.2 – Permitted Communications Facility Uses/Administrative Review; Application, Page 9.](#)

<sup>40</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.3 – Action on Administrative Review Applications, Page 10.](#)

<sup>41</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.5 – Other Public ROW Installation Requirements, Pages 21-22.](#)

<sup>42</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.2 – Permitted Communications Facility Uses/Administrative Review; Application, Page 8.](#)

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<sup>43</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article I, Section 1.2 – Definitions, Pages 1-5.](#)

<sup>44</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.2 – Permitted Communications Facility Uses/Administrative Review; Application, Page 8-9.](#)

<sup>45</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article II, Section 2.2 – Permitted Communications Facility Uses/Administrative Review; Application, Pages 8-9.](#)

<sup>46</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Appendix B, Public Right of Way Utility Application for Wireline Only Installations, Page B-1.](#)

<sup>47</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Article III, Section 3.2 – Action on Administrative Review Application, Page 26.](#)

<sup>48</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Appendix B, Public Right of Way Utility Application for Wireline Only Installations, Page B-1.](#)

<sup>49</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Appendix D, Sample Underground Construction Provisions, Page D-1.](#)

<sup>50</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Appendix D, Sample Underground Construction Provisions, Page D-1.](#)

<sup>51</sup> [Federal Communications Commission Broadband Deployment Advisory Committee Model Code for Municipalities 2018 Appendix B, Public Right of Way Utility Application for Wireline Only Installations, Page B-1.](#)



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