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ANALYSIS

This ordinance amends Title 16 – Highways and Title 22 – Planning and Zoning of the Los Angeles County Code to establish regulations for the review and permitting of wireless facilities in the unincorporated areas of Los Angeles County, including in County highways.

The amendment to Title 16 – Highways will establish permit requirements for small cell facilities (SCF) and eligible facilities requests (existing qualifying towers and base stations) within County highways, including on County-owned infrastructure; authorize the Road Commissioner to adopt a design standards checklist and permit conditions that implement the requirements of this Chapter; provide for a permit approval process that meets the requirements of the Federal Communications Commission (FCC) and applicable law; and provide for relocation or removal of SCF for failure to obtain a permit, for failure to comply with applicable law, or upon a determination by the Road Commissioner of a paramount need of the County to utilize County-owned infrastructure.

The amendment to Title 22 – Planning and Zoning will establish regulations for wireless facilities on private property in the unincorporated areas of the County and associated provisions to provide a land use review and permit approval process that meets the requirements imposed by the FCC and other applicable law. It will establish standards to regulate the placement, design, and aesthetics of wireless facilities to minimize visual and physical impacts to surrounding properties; create streamlined permitting procedures for the installation, operation, and modification of wireless

facilities while protecting the public health, safety, and welfare of County residents; require conditional use permits for macro-wireless facilities that do not meet development standards or require a waiver for special circumstances; and help facilitate the provision of equitable, high-quality wireless communications service infrastructure to serve the current and future needs of the County's residents, visitors, businesses, and local governments.

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By
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RT:lm

Requested: 12/28/22
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ORDINANCE NO. 2023-0001

An ordinance amending Title 16 – Highways and Title 22 – Planning and Zoning of the Los Angeles County Code to establish regulations for the review and permitting of wireless facilities in the unincorporated areas of Los Angeles County, including in County highways.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 16.25 is hereby added to reads as follows:

Chapter 16.25 – Small Cell Facilities.

Sections:

16.25.010 – Purpose and Scope.

16.25.020 – Definitions.

16.25.030 – Permit Required.

16.25.040 – Other Requirements.

16.25.050 – Development Standards for SCFs.

16.25.060 – Authority to use Support Structures.

16.25.070 – Violations, Unpermitted Facilities, Revocations, and

Relocations.

16.25.080 – Severability.

16.25.010 Purpose and Scope.

The purpose of this Chapter is to establish procedures and standards for the installation and modification of small cell facilities ("SCF") and for eligible facilities requests ("EFR") located in highways. This Chapter shall not apply to wireless facilities,

including temporary wireless facilities, that are not SCF; EFR not pertaining to SCF; or SCF that is not in compliance with this Chapter. Such facilities shall comply with applicable provisions of Title 22 – Planning and Zoning – of the Los Angeles County Code, other applicable laws, ordinances, and regulations, and shall obtain required approvals from County departments and public agencies.

16.25.020 Definitions.

The terms as used in this Chapter are defined as follows:

A. "Applicant" means a person or entity applying for a permit pursuant to this Chapter to install, maintain, modify, or remove SCF within a highway.

B. "Base station" means a structure or equipment, as defined in 47 C.F.R., section 1.6100(b)(1), or any successor provision, at a fixed location in a highway that enables FCC-licensed or -authorized SCF wireless communications between user equipment and a communications network. This term does not include a tower or any equipment associated with a tower.

C. "C.F.R." means the Code of Federal Regulations, and references to such provisions in this Chapter also include the successor provisions to those cited.

D. "County infrastructure" means County-owned property, structures, objects, and/or equipment located within highways, including, without limitation, free-standing streetlight poles, traffic signal poles, and pedestrian light poles.

E. "Eligible facilities request" or "EFR" means a request for modification of an existing tower or base station pertaining to SCF that does not substantially change the physical dimensions of that tower or base station, and involves collocation, removal, or

replacement of transmission equipment, as defined in 47 C.F.R., section 1.6100(b)(3), and within the meaning of the Spectrum Act or any successor provisions. For the purposes of EFR, collocation is as defined in 47 C.F.R., section 1.6100(b)(2), or any successor provisions.

F. "FCC" means the Federal Communications Commission or its lawful successor.

G. "Owner" means the party responsible for the SCF who is authorized to control and maintain the SCF, including the owner, licensee, or any other party who has authority and control over the SCF and their successors and/or assigns.

H. "Permittee" means any person or entity granted a permit in accordance with this Chapter.

I. "Small cell facility" or "SCF" means a "small wireless facility," as defined in 47 C.F.R., section 1.6002(l), and in any successor provisions.

J. "Support structure" means County infrastructure, streetlight poles, towers, or utility poles.

K. "Temporary SCF" means an SCF intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly-proclaimed local or State emergency, as defined in California Government Code section 8558, requiring additional service capabilities. Temporary SCFs include, without limitation, cells or sites on wheels, cells on light trucks, or other similar temporary SCF: (1) that will be in place for no more than six months (or such other longer time as the County

may allow in light of the event or emergency); (2) for which required notice is provided to the Federal Aviation Administration ("FAA"); (3) that do not require marking or lighting under FAA regulations; and (4) that will either involve no excavation or involve excavation only as required to safely anchor the facility, as approved by the commissioner.

L. "Tower" means a structure that is built for the sole or primary purpose of supporting any FCC-licensed or -authorized antennas as defined in 47 C.F.R., section 1.6100(b)(9), including on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antenna. This definition does not include utility poles or streetlight poles.

16.25.030 Permit Required.

A. Permit. A permit issued pursuant to this Chapter is required to authorize the installation, replacement, maintenance, modification, or removal of any SCF in a highway, including any Temporary SCF and any EFR pertaining to an SCF. The permit application for SCFs and EFRs shall demonstrate compliance with this Chapter for the application to be deemed complete. Any Temporary SCF shall comply with the requirements of this Chapter for SCF.

B. Application.

1. Application submittal. An applicant for an SCF shall submit an application for a permit on forms provided by the road commissioner of the County of Los Angeles ("commissioner"), containing all information that is required in this Chapter, including the design standards checklist, and in Chapter 16.08 of this Division 1 –

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Highway Permits, and providing payment of all application fees required pursuant to Chapter 16.10. The applicant shall identify the written approval for use of the support structure or base station proposed for SCF consistent with Section 16.25.060 and provide supportive documentation to the satisfaction of the commissioner.

2. Design standards checklist. The commissioner may adopt and amend a design standards checklist and permit conditions for SCFs and EFRs implementing the provisions of this Chapter. The applicant must comply with public notification requirements as set forth in the design standards checklist. The permit application for SCFs and EFRs shall demonstrate compliance with the design standards checklist.

3. Installation on County infrastructure. If the SCF is to be mounted on new or replacement County infrastructure, engineered plans shall be submitted for approval by the commissioner before permit issuance.

4. Emergency work. For emergency SCF work, the permit application shall be submitted no later than one business day after the emergency SCF work is commenced.

5. Incomplete application. An application shall be screened for completeness in conformity with this Chapter and applicable law, including any FCC-issued order(s). If the application is incomplete, the commissioner shall notify the applicant in writing and specify the information or material(s) omitted from the application in a timely manner.

6. Processing. An application shall be processed within the time period as specified by applicable law, including any FCC-issued order(s), in accordance with all applicable requirements and procedures for a permit identified in Title 16 – Highways – Division 1 (Highway Permits).

7. Decision on permit application. The commissioner shall grant a permit when the commissioner is satisfied that the SCF or EFR meets all applicable requirements for a permit under this Chapter. Permits processed and granted pursuant to this Chapter are subject to all applicable provisions of Title 16 – Highways – Division 1 (Highway Permits). The denial of a permit application shall be issued in writing and state the reasons for denial.

8. Final decision. The commissioner's decision on an application submitted pursuant to this Chapter shall be the final action of the County.

C. County authority over highways. The County's grant of a permit for an SCF or EFR does not waive, and shall not be construed to waive, any claims, authority, or standing by the County to challenge any FCC orders or rules related to SCF or EFR in a highway.

16.25.040 Other Requirements.

A. Other applicable permits. Prior to the issuance of a permit for an SCF or EFR, the applicant shall obtain all required County, State, federal, and public agency permits and approvals, as applicable.

1. Regional Planning.

a. An SCF on a new support structure to be located in a highway identified as a Scenic Highway in the County General Plan, or to be located within the boundaries of a Significant Ecological Area, or within 50 feet of a Significant Ridgeline, as described in Title 22 of the County Code, shall obtain land use approvals from the County of Los Angeles Department of Regional Planning ("Regional Planning").

b. An SCF on a new or existing support structure to be located within the boundaries of a Coastal Zone, as described in Title 22 of the County Code, shall obtain land-use approvals from Regional Planning.

2. United States Department of the Interior, National Park Service ("NPS"). An SCF on a new or existing support structure located in a highway on land within NPS jurisdiction shall obtain a Right-of-Way (ROW) permit as required from the NPS in accordance with 54 U.S.C., section 100902(b), or any successor provisions.

B. Existing SCF in highways. Any existing SCF in a highway as of the adoption date of this Chapter shall remain subject to the provisions of the County Code and any applicable master license agreement or authorization in effect prior to the adoption of this Chapter, unless and until the agreement or authorization for such SCF to remain in the highway expires, at which time the provisions of this Chapter shall apply. Notwithstanding the above, any existing SCF in a highway is subject to provisions of Title 16 – Highways – Division 1 (Highway Permits) of the County Code.

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C. Public use. Except as otherwise provided by applicable law, any use of a highway or County infrastructure authorized pursuant to this Chapter is subordinate to the County's use and use by the public.

D. Order of use. To the extent feasible as determined by the commissioner, the SCF shall utilize support structures in this order of preference: (1) existing support structures, other than traffic signal poles; (2) replacement support structures; (3) traffic signal poles; (4) new towers.

E. Compliance with laws, permits, and agreements. SCF owners and permittees shall comply with all applicable federal, State, and local laws, regulations, and other rules, permits, conditions, and any agreement with the County related to SCFs, including all applicable public safety requirements. No SCF or combination of SCFs shall produce exposure levels that exceed the applicable FCC Standards for radiofrequency (RF) emissions.

16.25.050 Development Standards for SCFs.

In order to obtain a permit, SCFs shall comply with the following development standards and the design standards checklist adopted by the commissioner.

A. Support structure concealment. All SCFs shall be stealth, meaning designed to blend into, or to be incorporated into, the support structure. The SCF and associated equipment, including antennas, radios, and cables, shall be concealed on or within the support structure where technologically feasible, and consistent with the design standards checklist.

B. Location. The location or placement of SCF shall not interfere with the use of the highway; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of traffic signals, streetlights, utility poles, other support structures, signs, or other County infrastructure in the highway; interfere with the County's use of County infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the highway. SCFs and associated equipment in the highway shall comply with Americans with Disabilities Act (ADA) requirements.

C. Structural integrity. All SCFs shall comply with applicable utility facilities construction standards, including, but not limited to, California Public Utilities Commission General Order 95, or successor provisions. An SCF and its associated equipment to be mounted on an existing support structure shall not compromise the structural integrity of the support structure. If the SCF or its equipment to be mounted on the support structure affects its structural integrity, a replacement support structure shall be installed that will accommodate the SCF and its associated equipment. If the proposed new or replacement support structure is County infrastructure, the structure shall adhere to all terms, conditions, and guidelines of any agreement or master license agreement between the County and the Owner. If any SCF is requested to be placed on County infrastructure, then a structural analysis of the effect of such placement on the County infrastructure, including wind impacts on traffic signal poles and mast arms of traffic signals, shall be provided for approval by the commissioner, to ensure there is no overburden on County infrastructure.

D. Height. The combined height of the support structure and antenna(s) for an SCF shall not exceed the height limitation in 47 C.F.R., section 1.6002(l), and any successor provisions. In no event shall the antenna(s) on the support structure be placed lower than eight feet above the ground.

E. Placement of pole-mounted SCF antennas and associated equipment.

1. Streetlights. Antennas and any associated equipment to be mounted on or integrated in a streetlight shall be placed in a manner that does not block or otherwise impede the illumination of the lighting to the ground.

2. Utility poles. If a cross-arm or side-arm is the only feasible option to mount antennas and any associated equipment on a utility pole, then each side-arm assembly shall not extend further than six feet from the center of the pole in either direction. A cross-arm shall not exceed a total length of 12 feet. Antennas and any associated equipment to be mounted on or integrated in a utility pole shall be placed in a manner that does not block or otherwise impede the illumination of street lighting to the ground.

3. All antennas and any associated equipment shall be installed at least five feet from any existing radio equipment on County infrastructure. If the County requires radio equipment to be installed on the support structure, the antenna(s) and its associated equipment shall be relocated to maintain the five feet separation at the cost of the Permittee and/or Owner.

F. Power supply. Co-mingling or sharing circuits used for County power service is prohibited.

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G. Generators. Separate, above-ground generators for SCFs shall be prohibited in any highway. Temporary generators shall be permitted pursuant to Chapter 16.08.

H. Lighting. No SCF shall contain artificial lighting that is in addition to any existing illumination provided by the support structure, such as a streetlight luminaire, unless otherwise required by applicable County, State, or federal regulations.

I. Safety. All SCFs shall be designed and installed to ensure that the SCFs and supporting structures meet minimum standards for public safety. All SCFs shall be maintained to prevent electrical and fire hazards.

16.25.060 Authority to use Support Structures.

A. County infrastructure. The placement of SCFs on County infrastructure in a highway shall be subject to a written agreement or master license agreement with the County. The agreement shall specify the compensation to the County for use of the County infrastructure, including additional maintenance costs incurred by the County due to the placement of the SCF and associated equipment on County infrastructure. Any person or entity seeking an agreement or master license agreement with the County shall reimburse the County for all costs incurred in connection with the County's review of, and action upon, such request. Such agreement or master license agreement shall be signed by the County and the Owner prior to the issuance of a permit on County infrastructure pursuant to this Chapter. Every agreement or master license agreement approved by the County for placement of SCF in a highway shall be granted upon, and be subject to, such rules, regulations, restrictions, terms, and

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conditions as are incorporated therein by reference, and, except as otherwise expressly provided in the agreement or master license agreement, is subject to the rules, regulations, restrictions, terms, and conditions set forth in this Chapter.

B. Other support structures. The placement of SCF on support structures in a highway that is not County infrastructure shall be authorized by the entity that owns, operates, and/or controls the support structure.

16.25.070 Violations, Unpermitted Facilities, Revocations, and Relocations.

A. Violations. Any violation of this Chapter by a Permittee or Owner shall be subject to the same penalties described in Chapter 16.28 of the County Code.

Penalties for violations of any agreement or master license agreement between the Owner and the County, if applicable, are in addition to penalties for violations of the County Code.

B. Unpermitted facilities. An SCF installed without a permit and/or authorization to utilize the support structure, consistent with Section 16.25.060, shall be removed at the expense of the Owner within 90 days following the issuance of a written notice from the commissioner, or as otherwise determined by the commissioner; provided that the support structure owned by the County, a utility, or other entity authorized to maintain the support structure in a highway need not be removed, but such structure shall be restored to its condition prior to such unpermitted work or unauthorized use, except as specifically allowed by the County. A permit shall be

required for the removal of such SCF. All costs incurred by the County in connection with the removal shall be paid for by the Owner.

C. Revocations. A permit may be revoked for failure to comply with applicable standards or laws, or the agreement with the County. Upon revocation, the SCF shall be removed at the expense of the Owner or Permittee within 90 days following the issuance of a written notice from the commissioner or as otherwise determined by the commissioner, or in accordance with the terms and conditions of the applicable agreement between the Owner and the County.

D. Relocations. An SCF shall be relocated within 90 days of a request by the County when the commissioner determines that there is a paramount need of the County, due to a change in street alignment, construction, expansion, permanent closure of a street, sale of County property, public improvement project, or other similar determination by the commissioner. The Owner of the SCF shall relocate the equipment at its own expense to an alternative location. Required permit(s), and other approvals as applicable, shall be obtained prior to relocation.

16.25.080 Severability.

If any Section, subsection, provision, sentence, clause, phrase, or word of this ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase, or word included within this ordinance, it being the intent of the County that the remainder of the ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 2. Section 22.14.230 is hereby amended to read as follows:

22.14.230 **W.**

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Winery. A facility that is used for processing grapes or other agricultural products into wine, including mobile bottling or crushing facilities, operated under a Type 02 license issued by the California Department of Alcoholic Beverage Control, where processing involves the fermentation, crushing, bottling, testing, or aging of wine.

Wireless facility. The following terms are defined for the purposes of Section 22.140.760 (Wireless Facilities):

Associated equipment. Is equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna, as defined in Title 47 of the Code of Federal Regulations, section 1.6002(c), or any successor provision.

Antenna facility. Is an antenna and associated equipment, as defined in Title 47 of the Code of Federal Regulations, section 1.6002(d), or any successor provision.

Architectural tower. A stand-alone tower that incorporates architectural elements and is constructed for the purpose of supporting and concealing wireless facilities, such as a faux belfry, minaret, cupola, water tower or tank, silo or other agricultural-type structure, clock tower, windmill, or another similar structure.

Base station. A structure or equipment at a fixed location that enables the Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network as defined in Title 47 of the Code of Federal Regulations, section 1.6100(b)(1), or any successor provision. A base station includes a structure where a wireless facility may co-locate on, but is not built for the sole or primary purpose of supporting a wireless facility. This term does not include a tower or any equipment associated with a tower.

Collocation. As defined in Title 47 of the Code of Federal Regulations, section 1.6002(g)(1) and (2), or any successor provision, is the (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a pre-existing structure for the purpose of mounting or installing an antenna facility on that structure.

Eligible Facilities Request. A request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station, and involves collocation, removal, or replacement of transmission equipment as defined in Title 47 of the Code of Federal Regulations, section 1.6100(b)(3), or any successor provision. For the purposes of eligible facilities requests, collocation is as defined in Title 47 of the Code of Federal Regulations, section 1.6100(b)(2), or any successor provision.

Faux rock outcroppings. Artificial rocks that are used to conceal a wireless facility and are designed to mimic actual rocks typically found in proximity to the proposed project site and appropriate for that location.

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Faux tree. An artificial tree that is used to conceal a wireless facility and is designed to mimic an actual tree typically found in proximity to the proposed project site and appropriate for that location.

FCC. The Federal Communications Commission or its lawful successor.

Macro facility. A wireless facility that does not meet the requirements of a small cell facility or an eligible facilities request.

Personal wireless services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47 of the United States Code, section 332(c)(7)(C)(i), or any successor provision.

Personal wireless services facility. A wireless facility that is used for the provision of personal wireless services, as defined in Title 47 of the United States Code, section 332(c)(7)(C)(ii), or any successor provision.

Small cell facility. As defined in Title 47 of the Code of Federal Regulations, section 1.6002(l), or any successor provision, ~~is~~ a "small wireless facility" is a personal wireless services facility that meets the following conditions:

1. The facility is mounted on a structure up to 50 feet in height, including antennas, as defined in Title 47 of the Code of Federal Regulations, section 1.1320(d), or any successor provision, or is mounted on a structure and extends no more than 10 percent in height above other adjacent structures, whichever is greater;

2. Each antenna associated with the facility, excluding associated antenna equipment (as defined under "antenna" in Title 47 of the Code of Federal Regulations, section 1.1320(d), or any successor provision), is no more than three cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4. The facility does not require antenna structure registration under Title 47 of the Code of Federal Regulations Part 17, or any successor provisions;

5. The facility is not located on Tribal lands, as defined under Title 36 of the Code of Federal Regulations section 800.16(x), or any successor provision; and

6. The facility does not result in human exposure to radiofrequency (RF) radiation in excess of the applicable safety standards specified in Title 47 of the Code of Federal Regulations, section 1.1307(b), or any successor provision.

Substantial change. Has the same meaning as defined in Title 47 of the Code of Federal Regulations, section 1.6100(b)(7), or any successor provision.

Support structure. As defined in Title 47 of the Code of Federal Regulations, section 1.6002(m), or any successor provision, is a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used

or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Temporary facility. A wireless facility used to provide wireless services on a temporary or emergency basis, such as, but not limited to, a large-scale special event, following a duly proclaimed local or State emergency as defined in California Government Code section 8558, or any successor provision, or during repair, maintenance, or upgrading of existing facilities. Temporary facilities include, without limitation, cells on wheels, sites on wheels, cells on light trucks, or other similar wireless facilities, and shall:

1. Be in place for no more than six months (or such other longer time as the County may allow in light of the event or emergency);

2. Provide notice to the Federal Aviation Administration;

3. Not require marking or lighting under Federal Aviation Administration regulations;

4. Be less than 200 feet in height; and

5. Either involve no excavation or involve excavation only as required to safely anchor the facility, including footings and other anchoring mechanisms, by no deeper than 24 inches below ground if the ground is undisturbed, or no deeper than 12 inches above the depth of any previous disturbance if the ground is disturbed.

Tower. A structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas, including on-site fencing,

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equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antenna. This definition does not include utility poles.

Wireless facility. The antenna facility used for the provision of wireless services at a fixed location, including, without limitation, any associated support structure(s).

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SECTION 3. Section 22.16.030 is hereby amended to read as follows:

22.16.030 Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.

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C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses						
...						
Water reservoirs, dams, treatment plants, gauging stations, pumping stations, wells, and tanks, and any other use normal and accessory to the storage and distribution of water, except for shared water wells and associated tanks	CUP	CUP	CUP	CUP	SPR	
<u>Wireless facilities, in compliance with Section 22.140.760.D.1</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.760</u>

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
Wireless facilities, in compliance with Section 22.140.760.D.2	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	Section 22.140.760
...						

SECTION 4. Section 22.18.030 is hereby amended to read as follows:

22.18.030 Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4, and R-5.

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C. Use Regulations.

1. Principal Uses. Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses							
...							
Water reservoirs, dams, treatment plants, gauging stations, pumping stations, wells and tanks, and any other use normal and accessory to the storage and distribution of water, except for shared water wells and associated tanks	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless facilities, in compliance with Section 22.140.760.D.1	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	Section 22.140.760
Wireless facilities, in compliance with Section 22.140.760.D.2	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	Section 22.140.760
...							

SECTION 5. Section 22.20.030 is hereby amended to read as follows:

22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

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C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
...								
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses								
...								
Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal or accessory to the storage and distribution of water	CUP	CUP	CUP	CUP	CUP		CUP	
Wireless facilities, in compliance with Section 22.140.760.D.1	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	Section 22.140.760
Wireless facilities, in compliance with Section 22.140.760.D.2	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	Section 22.140.760
...								

SECTION 6. Section 22.22.030 is hereby amended to read as follows:

22.22.030 Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5.

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C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses					
...					
Wharves	SPR	SPR	SPR	CUP	SPR
<u>Wireless facilities, in compliance with Section 22.140.760.D.1</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.760</u>
<u>Wireless facilities, in compliance with Section 22.140.760.D.2</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Section 22.140.760</u>
...					

SECTION 7. Section 22.22.040 is hereby amended to read as follows:

22.22.040 Land Use Regulations for Zone M-3.

A. Permitted Uses. Premises in Zone M-3 may be used for any use, except that a use listed in Subsections B and C, below, is permitted only as provided in such sections, below, and uses listed in Subsection D, below, are prohibited. In addition, the following uses are permitted in Zone M-3:

...

4. Wireless facilities, in compliance with Section 22.140.760.D.1.

...

C. Other Permits Required. If an application for a specified permit has first been approved, premises in Zone M-3 may be used for the following:

...

5. Wireless facilities, in compliance with Section 22.140.760.D.2.

...

SECTION 8. Section 22.22.050 is hereby amended to read as follows:

22.22.050 Land Use Regulations for Zones B-1 and B-2.

Table 22.22.050-A, below, identifies the permit or review required to establish each use.

TABLE 22.22.050-A: LAND USE REGULATIONS FOR ZONES B-1 AND B-2			
Use or Structure	B-1	B-2	Additional Regulations
...			
Surface mining operations	SMP	SMP	
<u>Wireless facilities</u>	=	=	
...			

SECTION 9. Section 22.24.030 is hereby amended to read as follows:

22.24.030 Land Use Regulations for Rural Zones.

...

C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses			
...			
Water reservoirs, dams, treatment plants, gauging stations, pumping stations, wells, and tanks, and any other use normal and accessory to the storage and distribution of water, except for shared water wells and associated tanks	CUP	CUP	

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
Wireless facilities, in compliance with Section 22.140.760.D.1	SPR	SPR	Section 22.140.760
Wireless facilities, in compliance with Section 22.140.760.D.2	CUP	CUP	Section 22.140.760
...			

SECTION 10. Section 22.26.020 is hereby amended to read as follows:

22.26.020 Institutional Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. 22.26.020-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
...		
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses		
...		
Police stations	CUP	
Wireless facilities, in compliance with Section 22.140.760.D.1	SPR	Section 22.140.760
Wireless facilities, in compliance with Section 22.140.760.D.2	CUP	Section 22.140.760
...		

...

SECTION 11. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses.

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses		
...		
Stations, bus, railroad, and taxi	CUP	
<u>Wireless facilities, in compliance with Section 22.140.760.D.1</u>	<u>SPR</u>	<u>Section 22.140.760</u>
<u>Wireless facilities, in compliance with Section 22.140.760.D.2</u>	<u>CUP</u>	<u>Section 22.140.760</u>
...		

SECTION 12. Section 22.26.040 is hereby amended to read as follows:

22.26.030 Specific Plan Zone.

...

B. Land Use Regulations.

...

3. Wireless Facilities. If a zone or land use category within a Specific Plan is silent with regard to wireless facilities, the Director may accept an application for a wireless facility if the Director determines that a wireless facility is similar to another use permitted within such zone or land use category, in accordance with the following:

a. If the wireless facility is in compliance with Section 22.140.760.D.1, the Director may accept a Ministerial Site Plan Review application (Chapter 22.186); or

b. If the wireless facility is in compliance with Section 22.140.760.D.2, the Director may accept a Conditional Use Permit application (Chapter 22.158).

c. This provision shall not apply if the Specific Plan Zone is within a local coastal program.

...

SECTION 13. Section 22.26.060 is hereby amended to read as follows:

22.26.060 Parking Restricted Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.060-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.060-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R		
		Additional Regulations
...		
Surface mining operations	SMP	
Wireless facilities, in compliance with Section 22.140.760.D.1	SPR	Section 22.140.760
Wireless facilities, in compliance with Section 22.140.760.D.2	CUP	Section 22.140.760
...		

SECTION 14. Section 22.140.760 is hereby added to read as follows:

22.140.760 Wireless Facilities.

A. Purpose. The purpose of this Section is to:

1. Facilitate wireless communications service providers to provide equitable, high-quality wireless communications service infrastructure to serve the current and future needs of the County's residents, visitors, businesses, and local governments quickly, effectively, and efficiently.

2. Establish streamlined permitting procedures for the installation, operation, and modification of wireless facilities, while protecting the public health, safety, and welfare of the County residents.

3. Establish standards to regulate the placement, design, and aesthetics of wireless facilities to minimize visual and physical impacts to surrounding properties.

4. Comply with all applicable federal and State laws and regulations regarding wireless facilities.

B. Applicability. This Chapter applies to all wireless facilities located on private property and public property, except for small cell facilities to be located in the public right-of-way which are subject to Chapter 16.25 (Small Cell Facilities) in Title 16 (Highways) of the County Code. Wireless facilities shall be permitted in all zones except Zones B-1 and B-2, subject to the required application as specified in Subsection D, below. Where another regulation in Title 22 applies to a wireless facility, that regulation shall take precedence over this Section. This Section shall not apply to areas within a local coastal program.

C. Exemptions. The following shall be exempt from the provisions of this Section:

1. A single ground or building-mounted antenna not exceeding the maximum height permitted by this Chapter, including any mast, is subject to the following restrictions:

a. A satellite dish antenna 39.37 inches or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it is no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above the roofline.

b. A non-satellite dish antenna 39.37 inches or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

2. Amateur radio antennas that are in compliance with Section 22.140.040 (Amateur Radio Antennas).

3. Like-kind equipment replacements to an existing cabinet, vault, shroud, or generator that do not increase pre-existing visual or noise impacts and are substantially similar in appearance and the same or less in size, dimensions, and weight.

4. The following temporary facilities that will be placed for less than seven consecutive days, provided any necessary building permit or other approval is obtained and the property owner's written consent is provided to the County:

a. Facilities installed and operated for large-scale events;

b. Facilities needed for coverage during repairs, upgrades, or the temporary relocation of an existing and already-approved facility; and

c. Emergency generators to provide auxiliary power to wireless facilities for seven or fewer days, provided they are to be located on private property,

and comply with the Noise Ordinance in Title 12 (Environmental Protection) and other applicable law.

D. Application Requirements.

1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required to authorize the following:

a. Installation and operation of a small cell facility located on private property and public property that is not a public right-of-way;

b. An Eligible Facilities Request, as defined in Section 22.14.230 (W), for an existing facility that was previously approved with a Ministerial Site Plan Review (Chapter 22.186), but does not include a small cell facility located in the public right-of-way, which instead is subject to Chapter 16.25 (Small Cell Facilities) of the County Code;

c. Installation and operation of a macro facility on an existing base station or tower that meets all standards in Subsection E, below, and does not require a waiver;

d. Installation and operation of a temporary facility other than those described in Subsection C.4, above; and

e. Placement and operation of an emergency generator to provide auxiliary power to a wireless facility for more than seven days, but no more than 90 days, provided the generator is not located in the public right-of-way, and complies with the Noise Ordinance in Title 12 (Environmental Protection) and other applicable law.

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2. Conditional Use Permit. A Conditional Use Permit

(Chapter 22.158) application is required to authorize the following:

a. Installation and operation of a new macro facility not installed on an existing base station or tower.

b. Installation and operation of any wireless facility, of any type, that requires a waiver from one or more of the design standards specified in Subsection E, below.

3. Revised Exhibit "A." A Revised Exhibit "A" (Chapter 22.184)

application is required to collocate a macro facility on an existing base station or tower with an approved and unexpired discretionary permit that currently hosts another macro facility, or to make modifications to an existing macro facility with an approved and unexpired discretionary permit, including an Eligible Facilities Request for the macro facility. Certain conditions prescribed as part of the approval of the discretionary permit shall not be binding for modifications to a facility as part of an Eligible Facilities Request only to the extent that the Eligible Facility Request seeks to rectify those conditions (i.e., size, dimensions, or height), and all other conditions shall continue to apply.

4. For every new application, the applicant shall provide all of the required materials listed on either the Land Use Application Checklist – Small Cell Facilities ("SCF"), Collocation And Eligible Facilities Requests ("EFR"), or the Zoning Permit Instructions and Checklist, whichever is applicable, and which may be periodically modified by the Director, including a report on the individual and cumulative radio frequency emissions levels of each wireless facility demonstrating that such

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emissions comply with adopted FCC guidelines. All applications shall provide proof of liability insurance for each facility covered by the application, and the applicant must comply with the public notification requirements as set forth in said Checklists.

5. Pre-application consultation. Prior to submitting an application pursuant to this Subsection D to install or modify a wireless facility subject to this Section, the applicant is encouraged to schedule a voluntary pre-application meeting with the Department to discuss the proposed facility, the requirements of this Section, applicable checklists and guidelines, and any potential impacts of the proposed facility. The pre-application meeting shall not initiate any applicable time period as specified by applicable law, including any FCC-issued order(s), for the application.

E. Development Standards.

1. General Standards. All wireless facilities, except for facilities as part of Eligible Facilities Requests and small cell facilities, shall comply with the following standards. If a waiver is required for one or more of these standards due to technical infeasibility, Subsection D.2.b, above, shall apply.

a. Compliance with all regulations. The facility shall comply with State and federal requirements, standards, and law.

b. Location.

i. Wireless facilities shall not encroach into any required setbacks for structures.

ii. In Residential Zones, including in the public right-of-way, wireless facilities shall be placed no further than five feet from any common

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property line shared with adjoining lots, and shall be stealth or use concealment techniques.

iii. Wireless facilities shall be located in compliance with regulations as specified in Chapter 22.102 (Significant Ecological Areas), Division 10 (Community Standards Districts), and Division 11 (Non-Coastal Specific Plans), where applicable.

iv. New wireless facilities shall not be installed on buildings or structures listed or eligible for listing on the National, California, or County historic registers. New towers and support structures installed on the grounds of properties listed or eligible for listing on the National, California, or County historic registers shall be located and designed to eliminate impacts to the historic resource. A historic resource assessment, prepared to the satisfaction of the Director by a qualified architectural historian, may be required for a facility to be located on a site containing an eligible resource to identify impacts to historic resources, and identify mitigation to minimize impacts.

v. The locating of new facilities shall take into consideration the least aesthetically intrusive location.

c. Height.

i. In Industrial, Rural, Agricultural, Open Space, Resort-Recreation, and Watershed Zones, the maximum height of a non-building-mounted wireless facility shall be 75 feet.

ii. In Zones R-1, R-2, and R-3, the maximum height of a wireless facility shall be 35 feet.

iii. In all other zones except Zones R-1, R-2, and R-3, the maximum height of a non-building-mounted wireless facility shall be 65 feet.

iv. The height of a wireless facility, including those located within an Airport Influence Area, shall comply with the applicable FAA requirements.

d. Design standards.

i. Cables. All cables that serve the wireless facility shall be located within the interior of the structure, sheathed, or hidden to the fullest extent technically feasible.

ii. Color. All pole-mounted equipment not concealed shall be treated with exterior coatings of a color and texture to match the predominant visual background or existing architectural elements to visually blend in with the surrounding development.

iii. Associated Equipment. Associated equipment shall not be visible, and, if placed on the ground, shall be located in an enclosed structure, such as a building or underground vault (with the exception of required electrical panels), or screened and secured by solid fencing, walls, and gates, and shall conform to the height of the applicable zone. Radio units need not be enclosed but shall use concealment techniques.

iv. Fencing. Barbed wire shall be prohibited.

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e. Safety standards.

i. All wireless facility shall be designed by qualified, licensed persons to meet minimum standards for public safety, and shall comply with all applicable legal requirements, including the County Building and Fire Codes. All wireless facilities should be proactively monitored and maintained to ensure compliance with the safety design.

ii. No facility or combination of facilities shall produce at any time exposure levels in any general population area that exceed the applicable FCC standards for radiofrequency (RF) emissions.

2. Additional standards for monopoles.

a. To the extent technically feasible, antennas shall be mounted directly on the structure for a streamlined design. If mounting equipment shall be required to make the facility feasible, the maximum length of each mounting equipment, such as a side arm, bracket, or extension, shall be two feet from the structure.

b. Wireless facilities designed as flagpoles are prohibited.

3. Additional standards for facilities mounted on structures other than towers or buildings. A facility mounted on a structure other than a tower or building, such as an architectural tower, bridge, pole sign, lamppost, monumental sign, outdoor advertising sign, stadium light, utility pole, water tank, or windmill, shall also comply with the following standards:

a. Non-ground mounted equipment shall be shrouded or contained within the structure to the extent technically feasible.

b. Cables shall be flush-mounted or fully sheathed to the structure to prevent visible gaps between the cables and the structure, unless expressly prohibited by a state regulation. Cables shall not be visibly loose or spooled.

c. Shroud and cables shall be finished to match the structure exterior in color.

d. Architectural towers. Architectural towers shall:

i. Completely conceal equipment, including antennas;
and

ii. Blend in with the architecture of buildings located near the tower location.

4. Additional standards for roof-mounted facilities.

a. Roof-mounted facilities shall be completely concealed and not visible from any public right-of-way at ground level. Acceptable concealment includes screening or architectural features appropriate to the building such as parapets, penthouses, cupolas, steeples, chimneys, or architectural towers finished to match the building exterior.

b. Chimneys and chimney-like textures as concealment shall not be permitted for the roofs of commercial buildings.

5. Additional standards for façade-mounted facilities.

a. Façade-mounted equipment shall be flush mounted, architecturally integrated, or completely screened.

b. Architecturally integrated and screening elements shall be finished to match the building exterior.

F. Development Standards for Small Cell Facilities.

1. Setbacks. Small cell facilities shall not encroach into any required setbacks for structures.

2. Height and size. The height and size of the small cell facility shall not exceed the dimensions specified in Section 22.14.230 (W) for "small cell facility."

3. Design standards.

a. All antennas, cables, and equipment shall be concealed or located within the antenna shrouds, pole, conduits, and other stealth apparatus.

b. The small cell facility shall be finished with matching colors to blend in with the structure.

G. Modifications to Existing Macro Facilities. Existing macro facilities may be eligible for either:

1. A Ministerial Site Plan Review (Chapter 22.186) application if such facilities are redesigned with shorter mounting equipment that extends no more than two feet from the structure, or with removal of any existing mounting equipment, and with additional screening techniques, such as shrouds or walls, that blend in with the structure, including color and texture, and conforms to all standards in Subsection E, above, and does not require a waiver; or

2. A Revised Exhibit "A" (Chapter 22.184) application for modifications to a facility where such modifications will not bring the facility into conformity with the standards in Subsection E, above, or which requires a waiver.

3. An Eligible Facilities Request may be processed with a Ministerial Site Plan Review (Chapter 22.186) application if minor modifications will bring the facility in conformance with all standards in Subsection E, above, and does not require a waiver. Otherwise, the Eligible Facilities Request may be processed with a Revised Exhibit "A," in accordance with Subsection D.3, above.

H. Standards for Wireless Facilities Subject to Conditional Use Permit. All facilities that are subject to a Conditional Use Permit (Chapter 22.158), pursuant to Subsection D.2, above, shall comply with the following standards:

1. Location.

a. Wireless facilities shall be located and designed to minimize visual impacts to vistas from adopted scenic highways and ridgelines.

b. Wireless facilities shall be located to minimize visual impacts on adjacent residences and historic resources.

2. Design standards. Wireless facilities shall incorporate the following concealment measures appropriate for the proposed location:

a. Monopoles. Monopoles shall be designed as follows:

i. Monopoles shall be located to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures in the immediate surroundings to provide the greatest amount of visual screening.

ii. If mounting equipment shall be required for the monopole, the maximum length of each mounting equipment, such as a side arm, bracket, or extension, shall be eight feet from the structure.

b. Faux Trees. Any proposed faux tree shall be designed as follows:

i. Wherever possible, faux trees shall be located within 50 feet of an existing grove of at least two live trees, and shall be similar in appearance to the species of the live trees.

ii. The faux tree species shall be appropriate for the climate and environment of the location.

iii. Antennas shall be painted, coated, or covered to match their background (e.g., leaves, branches, or trunk) and shall not extend beyond the tree branches or fronds.

iv. Faux branches or fronds shall conceal the antennas to the extent technically feasible and shall be weather-resistant.

v. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark cladding, the pole shall be painted a flat non-reflective paint of the same color as the bark cladding.

c. Faux Rock Outcroppings. Faux rock outcroppings, shall contain all equipment, including antennas, and shall be similar in appearance to real rocks in the immediate vicinity with respect to color, texture, and scale.

d. Architectural Towers. Architectural towers shall:

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i. Completely conceal equipment, including antennas;
and

ii. Blend in with the architecture of buildings located near
the tower location.

I. Findings. If a wireless facility is subject to Subsection D.2, above, the
following additional findings shall be made:

1. The facility complies with all applicable standards in this Section,
unless a waiver has been requested, pursuant to Subsection L, below;

2. The design and placement of the facility isare the least visually
intrusive that isare technically feasible and appropriate for the location;

3. For new wireless facilities, the facility at the proposed location is
necessary to close a significant gap in coverage; and

4. For new wireless facilities, the location of the facility is the least
intrusive feasible and does not create a safety hazard.

J. Conditions of Approval. For wireless facilities subject to Subsection D.2,
above, the Commission or the Hearing Officer may impose conditions to ensure that the
approval will be in accordance with the findings required by the application. Such
conditions may involve any pertinent factors that could affect the establishment,
operation, and maintenance of the facility.

K. Permit Duration. A Conditional Use Permit to authorize a wireless facility
may be valid for a period of 15 years.

L. Waivers.

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1. For wireless facilities subject to Subsection D.2, above, the Commission or Hearing Officer may grant a waiver to one or more of the development standards in this Section if the Commission or Hearing Officer determines that the applicant has established that the denial of an application would:

a. Prohibit or effectively prohibit the provision of personal wireless services, pursuant to Title 47 of the United States Code, section 332(c)(7)(B)(i)(II), or any successor provision;

b. Otherwise violate applicable laws or regulations; or

c. Require a technically infeasible design or installation of a wireless facility.

2. When a determination is made to grant a waiver, one or more of the applicable design or location standards may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible design or installation, and that does not compromise public safety.

M. Abandonment. If a wireless facility has ceased to operate for a period of 90 consecutive days, the facility shall be considered abandoned. Any permit or other approvals associated with that facility shall be deemed terminated and discontinued, unless before the end of the 90-day period, the Director determines that the facility has resumed operations or an application has been submitted to transfer the approval to another operator. After 90 consecutive days of non-operation, the owner of, or permittee for, the facility shall remove the abandoned wireless facility and restore the site to its original condition. Said owner/permittee shall provide written verification to the

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Department of the removal of the facility within 30 days of the date the removal is completed. If the facility is not removed within 30 days after the permit/approval has been terminated pursuant to this Subsection, the wireless facility shall be deemed to be a nuisance, and the County may cause the wireless facility to be removed at the expense of the owner/operator or by calling any bond or other financial assurance to pay for removal.

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