

Sec. 35-292h. Telecommunications Facilities.
(Added by City Ord. 09-08, 6/16/09)

Sec. 35-292h.1. Purpose and Intent.

The purpose of this section is to provide a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development, and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-292h.2. Applicability.

The provisions of this section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Sec. 35-314 (Land Use Permits) and Sec. 35-315 (Conditional Use Permits), as applicable. Modifications to zone district regulations are allowed under Sec. 35-315 only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices. In addition, this Article shall not apply to any amateur radio installations; or any antenna facility that is subject to exclusion pursuant to the FCC Over-The-Air-Receiving-Devices (OTARD) rule, 47 C.F.R. Sec. 1.4000, including video antennas, direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas that are no greater than 12 feet above the roof of the building to which they are attached, and wireless cable antennas.

Sec. 35-292h.3. Processing.

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements, including the requirements of Sec. 35-292h.4 through Sec. 35-292h.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Land Use Permit pursuant to Sec. 35-314:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-202. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below.

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- 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - ii) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - iii) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two (2) feet horizontally from such building or structure. If mounted on the roof of an existing building or structure, the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-202:
- 1) Antennas are limited to panel, parabolic, or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of 1.5 cubic feet.
 - 2) The antenna is mounted on either (1) a pre-existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal as determined by the Planning and Environmental Services Department, or (2) the roof of an existing structure. No more than

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- three antennas shall be located on a single utility pole or similar structure. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
- 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - 4) Radiofrequency transport service systems consisting of more than one remote node or small antenna may not be permitted pursuant to Sec. 35-292h.3.1.
- c. Temporary cell-on-wheels (“COW”) communication facilities that conform to the following development standards may be allowed in non-residential zone districts as identified in Sec. 35-202 and are exempt from the provisions of Sec. 35-329 (Design Review Board):
- 1) The maximum period of use permitted for a temporary cell-on-wheels communication facility shall not exceed 90 days.
 - 2) The temporary cell-on-wheels communication facility must be mounted on a licensed vehicle and/or trailer.
 - 3) The temporary cell-on-wheels communication facility must be located on a paved surface.
 - 4) The maximum antenna and antenna mast height shall not exceed 50 feet measured from existing grade.
 - 5) The temporary cell-on-wheels communication facility shall not displace any required parking spaces for the primary use of the subject property without the prior written permission of the City.
 - 6) The temporary cell-on-wheels communication facility shall not be parked on any public street or rights-of-way, public easement, or other publically owned property without prior written permission from the City.
- d. Co-located wireless telecommunication facilities, except for radiofrequency transport service systems, in all non-residential zone districts that are co-located on an existing, permitted wireless telecommunication facility and comply with the development standards set forth pursuant to Section 35-292h.4.
2. All commercial telecommunication facilities permitted under Sec. 35-292h.1 shall be subject to Sec. 35-329 (Design Review Board) of this Article unless specifically exempted pursuant to Sec. 35-292h.1(c).

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3. The following requires a major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-315 and the issuance and approval of a Land Use Permit pursuant to Sec. 35-314:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to Sec. 35-292h.3.1 of this Article but do conform to the following development standards may be allowed in all zone districts:
 - 1) The height of the antenna and antenna support structure shall not exceed 75 feet.
 - 2) Every portion of any new freestanding antenna support structure and antenna attached thereto shall be set back from any residentially zoned parcel a distance equal to one hundred ten percent (110%) the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater.
 - 3) If the facility is proposed to be located in a residential zone district as identified in Sec. 35-202 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning Commission, in order to approve a Conditional Use Permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.
 - b. Other wireless telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities Commission (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Sec. 35-202.
4. All commercial wireless telecommunication facilities permitted under Sec. 35-292h.3 shall be subject to Sec. 35-329 (Design Review Board) of this Article.

Sec. 35-292h.4. Additional Development Standards for Telecommunication Facilities Permitted Pursuant to Sec. 35-292h.3.

In addition to the development standards contained in Sec. 35-292h.3, commercial telecommunication facilities permitted pursuant to Sec. 35-292h.3 shall also comply with the following development standards unless otherwise indicated.

1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. The facility shall comply with the setback requirements of the zone district that the facility is located in except as follows:
 - 1) Antennas may be located within the setback area without approval of a modification provided they are installed on a pre-existing, operational, public utility pole, or similar pre-existing support structure.
 - 2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed roads, sidewalks, trails, and vehicular ingress or egress. In addition, ground-mounted equipment in the public rights-of-way shall comply with all requirements of the Americans with Disabilities Act (ADA), and shall not interfere with existing sight lines for private or public driveways and roadways.
 - 3) A modification to the setback is granted pursuant to Sec. 35-315 (Conditional Use Permits).
 - b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter unless said barriers would result in a greater environmental impact or are deemed unnecessary by the decision-maker. A public notice shall be posted at each telecommunications site generating radiofrequency (RF) emissions. These notices shall inform employees, customers, and the general public as to the location of the facility, the owner(s) of the facility, and the level of permitted RF emissions.
 - c. The facility shall comply at all times with all applicable Federal Communication Commission rules, regulations, and standards.
 - d. The facility shall be served by roads and parking areas consistent with the following requirements:
 - 1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with City regulations concerning roadway standards and regulations.
 - 2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.
 - 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
 - e. The facility shall be unlit except for the following:
 - 1) A manually operated or motion-detector controlled light that includes a timer

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- and the light is located above the equipment structure door that shall be kept off except when personnel are actually present at night.
- 2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences or other structures.
- f. The facility shall not be located within the Clear Zone of any airport unless the airport operator or the Federal Aviation Administration indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F-Airport Approach Overlay District (Sec. 35-247) shall comply with the height limitations of that overlay district.
 - g. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
 - h. All new buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the decision-maker in approving a subsequent permit for development.
 - i. Antennas and any poles or other structures erected to support antennas shall be visually compatible with surrounding buildings and vegetation, and screened from public view to the maximum extent feasible. Screening to the maximum extent feasible shall include the following measures:
 - 1) Roof-Mounted Antennas. Roof-mounted antennas, except whip antennas, shall be blended or screened from public view in a manner consistent with the building's architectural style, color and materials.
 - 2) Wall-Mounted Antennas. Façade-Mounted Antennas. Wall-mounted antennas shall be painted or enclosed to match the color and texture of the wall or façade on which they are mounted. Cables and mounting brackets shall be hidden. Shrouds may be required by the decision-maker to screen wall-mounted antennas.
 - 3) Building Mounted Installations. For building-mounted installations, support equipment for the facility shall be placed within the building. If the reviewing authority determines that such in-building placement is not feasible, the equipment shall be roof-mounted in an enclosure or shall otherwise be screened from public view in a manner approved by the reviewing authority.

Roof-mounted equipment shall comply with the height limits applicable to the building per the Zoning Code. All screening used in connection with a building-mounted facility shall be compatible with the architecture, color, texture and materials of the building to which it is mounted. If the support equipment cannot be placed within the building or roof-mounted, then that equipment shall be treated as a ground-mounted installation, and subpart 4) shall apply.

- 4) Ground-Mounted Installations. For ground-mounted installations, support equipment shall be screened in a security enclosure approved by the decision-maker. Such screened security enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a "closed-mesh" design (i.e. one-inch gaps) or may consist of an alternate enclosure design approved by the decision-maker. In general, the screening enclosure shall be made of non-reflective material and painted or camouflaged to blend with surrounding materials and colors. Buffer landscaping may also be required if the decision-maker determines that additional screening is necessary due to the location of the site and that irrigation water is available.
- j. All telecommunication facilities approved under this Article shall utilize the most efficient and diminutive available technology in order to minimize the number of facilities and reduce their visual impact and where applicable to minimize the impact on the rights-of-way.
2. Wireless telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not substantially increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted, the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated for testing and maintenance purposes not exceeding a total of 30 minutes in any seven day period and during power outages. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone

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- lines if the site is determined to be suitable by the City for co-location.
- b. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.
 - c. Co-location on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-292h.3 unless:
 - 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or,
 - 2) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or,
 - 3) The decision-maker determines that co-location of the proposed facility would result in substantially greater visual impacts than if a new support structure were constructed.

All proposed facilities shall be assessed as potential co-location facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by Planning and Environmental Services to be appropriate as co-located facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for co-location include but are not limited to the visibility of the existing site, potential for substantially exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding co-location are set forth pursuant to Sec. 35-292h.5.3.

- d. No more than three telecom facilities may co-locate at a single site unless the decision-maker finds that:
 - 1) The net visual effect of locating an additional facility at a co-location site will be less than establishing a new location; or,
 - 2) Based on evidence submitted by the applicant, there is no available, feasible alternate location for a proposed new facility.
- e. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).

3. Wireless telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-315. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not substantially increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
 - a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor or public vantage point for viewing scenic resources as identified per the City's General Plan/Coastal Land Use Plan.
 - b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is co-located in a multiple user facility.
 - c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility within the City unless it is an existing co-located facility.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.

Sec. 35-292h.5. Project Installation and Post-Installation Provisions.

1. Radio Frequency Emission Levels. No telecommunication facility shall be sited or operated in such a manner that it, either by itself or in combination with other such facilities, does not comply with the applicable Maximum Permissible Exposure (MPE) as defined in FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") or any legally binding, more restrictive standard subsequently adopted by the federal

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- a. Initial compliance with this requirement shall be demonstrated for all commercial wireless telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by the applicant or a qualified third-party radio frequency engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
- b. If the calculated radio frequency levels exceed 80 percent of the MPE limits for the "General Population" (as that term is defined in OET Bulletin 65) in any area that may be accessed by the general population, then said facility shall not commence unattended operations until a third-party qualified radio frequency engineer retained by the City at the applicants expense measures the actual radio frequency emissions or observes radio frequency emissions testing conducted by the applicant and submits a report to the Director that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits for General Population in all areas accessible by the general population.
- c. If these calculated radio frequency levels do not exceed 80 percent of the MPE limits, then a report prepared by applicant, or at the direction of the applicant by a qualified radio frequency engineer that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.
- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.
 - 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a City-approved third-party qualified radio frequency engineer shall be prepared that lists the actual measured level of radio frequency emissions from the facility. Said report shall be submitted by the carrier to the Director. If the level of radio frequency emissions has changed since permit approval, measurements of radio frequency levels in nearby areas accessible to the general population shall be taken and submitted with the report.
 - 2) In the case of a more-restrictive change in the federally-adopted MPE limit for the general population, measurements of radio frequency levels in nearby areas accessible by the general population shall be taken and submitted to the Director in a report prepared by a City-approved qualified radio frequency engineer. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility. The

wireless carrier shall promptly reimburse the City for all such testing and observation costs by the City's approved radio frequency engineer.

- 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit for the general population shall be grounds for revocation by the Director of the use permit or other entitlement. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-327.2 of this article.
2. Project Review. Five years after the issuance of the initial Land Use Permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Environmental Services may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection, it is determined that:
 - a. The project fails to achieve the intended purposes of the development standards listed in Sec. 35-292h.4 for reasons attributable to design or changes in environmental setting; or,
 - b. More effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, co-location at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed ten percent of the total cost of facility construction. The decision of the Director as to modifications required under this section shall be deemed final unless appealed pursuant to Sec. 35-327 of this Article.

3. Co-location. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, co-located telecommunication facilities and co-located telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for co-location in the future subject to the following limits:
 - a. The party seeking co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.

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- c. Applicants shall make facilities and property available for co-location of telecommunication facilities on a non-discriminatory and equitable basis. The City retains the right to verify that the use of the facility and the property conforms with City policies regarding co-location and to impose additional permit conditions where necessary to assure these policies are being fulfilled.
 - d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to co-locate, the applicant shall submit to the Director of Planning and Environmental Services terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Environmental Services within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility, and if agreement cannot be reached, the City shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to co-locate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-327 of this Article. The intent of this condition is to ensure the efficient and maximum use of co-located telecommunication facilities in the County.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of three (3) consecutive months, the facility shall be considered abandoned.
- a. Said time may be extended by the decision-maker one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Services prior to completion of the initial three month period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the City's notice to abate.
 - c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the City may remove the facility at the permittee's expense. Prior to the issuance of the Land Use Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Environmental Services that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
 - d. The applicant or a succeeding operator shall submit a revegetation plan for abandonment to be reviewed and approved by a Planning and Environmental Services

approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.

5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project, including without limitation City-issued permits for the project, and shall be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Environmental Services within 30 days of the transfer of interest in the facility.
6. Color and Size Compatibility. Prior to the issuance of the land use permit the Director of Planning and Environmental Services may require an applicant to erect an onsite demonstration structure of sufficient scale and height to permit the Director to determine that the proposed project is aesthetically compatible with the surrounding area.
7. Permit Review/Revocation. Any permit for a telecommunication facility approved pursuant to this Article shall include a reservation by the City of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following in relation to the telecommunication facility and its specifications in the approved application and/or conditions of approval:
 - 1) an increase in the height or size of any part of the facility;
 - 2) increase in size or change in the shape of the antenna or supporting structure;
 - 3) a change in the facility's color or materials;
 - 4) a substantial change in location on the site;
 - 5) An effective increase in signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC contained in FCC Office of Engineering and Technology Bulletin 65, or a more restrictive change in the FCC MPE limits for the general population.

The operator shall notify the Planning and Environmental Services Director of any proposal to cause one or more of the changed circumstances shown in 1-5 of this subsection. Any changed circumstance shall require the operator to apply for a modification of the original permit. Unless required by state or federal law, before implementing any changed circumstance, the operator must obtain a modified permit and any related building or other permits required by the City.

8. Additional Right to Revoke or Modify Permit. The reservation of right to review any permit granted by the City for a telecommunication facility is in addition to, and not in lieu of, the right of the City to review and revoke or modify any permit granted or approved hereunder

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for any violations of the conditions imposed on such permit. After due notice to the telecommunication facility operator, the City Council may revoke any permit for the telecommunication facility upon finding that the facility or the operator has violated any law regulating the telecommunication facility or has failed to comply with the requirements of this Article, the telecommunication facility permit, any applicable agreement, or any condition of approval. Upon such revocation, the City Council may require removal of the facility.

9. Removal by the City. Any telecommunication facility subject to permit revocation by the City pursuant to Sec. 35-292h.5(7), may be removed in part or in its entirety by the City if an order to remove said facility pursuant to such permit revocation is not completed within 180-days of the issuance of said order. The owner of the premises upon which the facility subject to the removal order is located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration, and storage, and shall remit payment to the City promptly after demand therefore is made. In addition, the City Council, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.
10. City Lien on Property. Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the facility was located for the full amount of the cost of removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the Santa Barbara County Recorder.

Sec. 35-292h.6. Noticing.

1. Notice of the application and pending decision on a Land Use Permit in compliance with Sec. 35-292h.3.1 shall be given in compliance with Sec. 35-326 (Noticing) and any other applicable requirements.
2. Notice of projects that require a major Conditional Use Permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and any other applicable requirements.

Sec. 35-292h.7. Additional Findings.

In addition to the findings required to be adopted by the decision-maker pursuant to Sec. 35-314 and Sec. 35-315, in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.

3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Sec. 35-292h.4.
5. The applicant has demonstrated that the facility will be operated in a manner fully compliant with the applicable rules of the Federal Communications Commission, the California Public Utilities Commission, and complies with all other applicable laws, and health and safety standards.

Sec. 35-292h.8. Contents of an Application.

1. The Director shall establish, maintain, and revise as necessary a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms including a narrative which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of this Article;
 - b. Site plans and elevations of all physical elements of the proposed facility drawn to scale;
 - c. Service area maps, including a map or maps showing the geographic area to be served by the facility. In order to facilitate planning and gauge the need for future telecommunication facilities, the reviewing department director may also require the operator to submit a comprehensive plan of the operator's existing and future facilities that are or may be placed within the city limits of Goleta;
 - d. Wind load calculations for proposed antenna installations on new monopoles, utility poles, or other structures subject to wind loads prepared or approved by an engineer registered in California. The wind load calculations shall show, to the satisfaction of the decision-maker, that the resulting installation will be safe and secure under wind load conditions;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations, including "before" and "after" views of the proposed facility, unless the reviewing department director determines that such simulations are not necessary for the application in question. Consideration shall be given to views from both public areas and private residences;
 - g. RF exposure studies, including documentation showing the specific frequency range

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- that the facility will use upon and throughout activation, certification that the facility will continuously comply with FCC radio frequency emissions standards contained in FCC Office of Engineering and Technology Bulletin 65 utilizing the general population standard, and consideration of all co-located radio frequency emitters;
- h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities;
 - k. Documentation to show that the carrier has a significant gap in its own existing radio frequency coverage, and that the proposed antenna facility is the least intrusive means to close that gap.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

- 2. The Director is authorized at his or her discretion to employ on behalf of the City independent technical experts to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the City or the hired expert shall remain confidential and shall not be disclosed to any third party.