WCF Ordinance

- **CHAPTER 18.55**
  WIRELESS COMMUNICATIONS FACILITIES

- **CHAPTER 18.57**
  ELIGIBLE FACILITIES
Chapter 18.55

- Purpose
- Definitions
- Applicability
- Application Content
- Design Standards
- Exemptions
- Compliance Report
- Maintenance

- Amortization of Nonconforming Facilities
- Revocation
- Decommissioned or Abandoned WCF
- WCF Removal or Relocation
- Fee or Tax
- Severability

Blue = new sections
Required Permits

1. **Conditional Wireless Facility Permit**
   - Unconcealed
   - Non-preferred location
   - Unconcealed in a preferred location
   - All other facilities not covered elsewhere

2. **Administrative Wireless Facility Permit**
   - Stealth in a non-residential zone on a building
   - Stealth in a non-residential zone on an existing structure
   - Stealth in a non-residential zone on a utility pole

3. **Eligible Facility Permit**
   - See Chapter 18.57
## Site Selection Criteria

### Preferred Locations

<table>
<thead>
<tr>
<th>Type</th>
<th>Location</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Existing Building</td>
<td>Non-Residential Zone</td>
<td>Admin. WFP</td>
</tr>
<tr>
<td>b. Existing Structure or Utility Pole</td>
<td></td>
<td>Type a,b or c non-resid.</td>
</tr>
<tr>
<td>c. New Structure</td>
<td></td>
<td></td>
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<tr>
<td>d. Existing Eligible Support Structure</td>
<td>Public ROW or OS Zone</td>
<td>Conditional WFP</td>
</tr>
<tr>
<td>e. Existing Structure, Utility Pole or Street Sign</td>
<td></td>
<td></td>
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<tr>
<td>f. New Structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Non-Residential Use</td>
<td>Residential Zone</td>
<td></td>
</tr>
<tr>
<td>Eligible Facility</td>
<td></td>
<td>Eligible Facility Permit</td>
</tr>
</tbody>
</table>
a. Collocation on an existing building in a non-residential zone
b. Collocation on an existing structure or utility pole in a non-residential zone
c. New structure in a non-residential zone
d. Collocation on an existing eligible support structure in the public ROW or OS zone
e. Location on an **existing** structure, utility pole or street sign pole in the public ROW or OS zone
f. Location on a new structure in the public ROW or OS zone
g. Location in a residential zone with a non-residential use
Site Selection Criteria
Non-Preferred Locations

<table>
<thead>
<tr>
<th>Type</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Residential Zone</td>
</tr>
<tr>
<td>b.</td>
<td>100’ from a Residence or Residential Building</td>
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<tr>
<td>c.</td>
<td>Top of Ridge</td>
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<tr>
<td>d.</td>
<td>Top of Bluff</td>
</tr>
<tr>
<td>e.</td>
<td>Historical Landmark</td>
</tr>
<tr>
<td>f.</td>
<td>Environmentally Sensitive Area</td>
</tr>
</tbody>
</table>

- Commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts
Exemptions

- Subject to City Council review
- **Height** would be the likely exemption
- **Must prove:**
  - Significant gap exists
  - Alternative sites are not technically feasible or available
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Purpose
- Compliance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC regulations
- Section 6409(a) generally requires that City “may not deny, and shall approve” requests to collocate, remove or replace
- FCC regulations generally:
  - Preempt subjective land-use regulations
  - Limit application content requirements
  - Provide a “deemed granted” remedy when the City fails to act within sixty (60) days of submittal
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This chapter does not:

1. Prohibit or effectively prohibit personal wireless services
2. Unreasonably discriminate among providers of personal wireless services
3. Regulate WCFs based on RF emissions that comply with FCC regulations
4. Prohibit collocation or modification that the City may not deny under California or federal law
5. Allow the City to preempt any applicable California or federal law
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Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions involving

1. Collocation of new transmission equipment
2. Removal of transmission equipment
3. Replacement of transmission equipment
SUBSTANTIAL CHANGE

For towers outside the public ROW:
- Increase in height >10% or 20’ (whichever is greater)
- Increase in width >20’
- Installation of more than the standard number of cabinets, not to exceed 4
- Excavation outside the current boundaries, including utility easements
SUBSTANTIAL CHANGE

For towers in the public ROW and for all base stations:
- Increase in height >10% or 10' (whichever is greater)
- Increase in width >6' from the edge of the wireless tower or base station
- New ground-mounted equipment cabinets
- New ground-mounted equipment cabinets that are 10% larger in height or volume
- Excavation in proximity to the equipment already on the ground
SUBSTANTIAL CHANGE

In addition, for all towers and base stations:

- Defeats the existing concealment elements
- Violates a prior condition of approval

Note: Failure to meet any one or more of the applicable thresholds means that a substantial change would occur
QUESTIONS AND DISCUSSION