



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 28, 2010

SUBJECT: Wireless Telecommunications Facilities Ordinance Amendment

APPLICANT: City of Carson

REQUEST: Ordinance amendment to update wireless telecommunications facilities requirements and address facilities in the public right-of-way and on city-owned and operated properties

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

| AYE | NO | | AYE | NO | |
|-----|----|-------------------|-----|----|----------|
| | | Chairman Faletogo | | | Graber |
| | | Vice-Chair Park | | | Saenz |
| | | Brimmer | | | Schaefer |
| | | Diaz | | | Verrett |
| | | Gordon | | | |

Item No. 11A

I. **Introduction**

The proposed ordinance amendment is in response to an urgency ordinance adopted in 2009 by the City Council that established a moratorium on new wireless telecommunications facilities (WTF) in the public right-of-way (ROW). Currently, there is a lack of regulations in the Carson Municipal Code (CMC) dealing with WTF in the ROW. The proposed ordinance establishes requirements for WTF in the ROW and on city-owned and operated properties, and updates the requirements for establishing a WTF. The following is a summary of the proposed ordinance amendment:

- 1) Facilities in the right-of-way or on city-owned or leased lots will be subject to the requirements of Section 9138.16, Wireless Telecommunications Facilities, similar to other WTF on private property.
- 2) Additional requirements have been included for a Site Justification Study.
- 3) All applications must include an RF Emissions Report.
- 4) Site plan requirements are described. Additional fees for consultation are the responsibility of the applicant.
- 5) The height limit for roof-mounted facilities on existing buildings will be increased from 5 feet to 8 feet. This only applies if the existing building is already at the maximum building height.
- 6) The requirement for a conditional use permit (CUP) for increased height has been eliminated and replaced with minor or major "Exceptions."
- 7) The "Wiring" requirement has been deleted and replaced with "Undergrounding" requirements.
- 8) Microwave dishes will be discouraged, but if no economically-feasible alternatives exist, will be allowed up to 26 inches.
- 9) A performance bond will be required prior to issuance of permits.
- 10) Minor exceptions for setbacks and height will be allowed up to 15%; major exceptions up to 30%.
- 11) Amendments to the findings, maintenance, nonconforming facilities, and facility removal requirements have been made.



II. Background

Section 9138.16 Wireless Telecommunications Facilities

On June 17, 2003, the City Council adopted Ordinance No. 03-1284 approving the Wireless Telecommunications Ordinance of the CMC. The ordinance established the following two-tiered process:

| | Description | Permit(s) Required |
|-----------------------|---|---|
| Minor Facility | Includes microcells, building-mounted facilities (i.e., façade-mounted, wall-mounted, roof-mounted) that are stealthed, and stealthed Enhanced 911 Emergency Calling Systems (E911); <i>(The proposed ordinance includes distributed antenna systems (DAS))</i> | DOR approved by Director |
| Major Facility | Freestanding structures and other facilities that are not stealthed | DOR and CUP approved by the Planning Commission |

The Ordinance included design and development standards as follows:

Permitted Zones: All zones **except** for wireless telecommunications facilities on City-owned or leased lots or parcels, or within public rights-of-way

| | Zones | | | | | | | | |
|-------------------------|-------|----|----|----|----|----|----|----|----|
| | RA | RS | RM | CN | CR | CG | CA | ML | MH |
| Minor Wireless Facility | | | | L | L | L | L | L | L |
| Major Wireless Facility | C | C | C | C | C | C | C | C | C |

Setbacks: Same as corresponding zone

Height:

- Commercial: 30'
- Manufacturing: 50'
- Roof-mounted: 5' above existing roof
- 20 percent deviation from maximum height with approval of CUP
- Existing facilities may retain nonconforming height with approval of a CUP

Other Requirements: Wiring must be concealed; painting must match environment; only manually-operated maintenance lights permitted; minimize noise impacts; placement of signs permitted for safety purposes only

Along with the findings that must be approved under a DOR and CUP, the following are required for WTFs, regardless of status as a minor or major facility:

1. The proposed site is the best alternative after considering co-location with another facility and location at another site.
2. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.
3. The proposed wireless telecommunications facility is not located on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

Construction of a WTF in the ROW

In the spring of 2009, the Engineering Division received a request for an excavation permit in the public right-of-way (ROW) to replace 70 feet of curb and gutter in order to install an underground vault next to an unused Southern California Edison (SCE) pole. Since the request seemed innocuous, the excavation permit was issued. However, upon closer examination of the plans, the proposal was actually for a wireless telecommunication facility (WTF) to replace the SCE pole for a taller pole, attach WTF antennas to the new pole, and install support equipment for the WTF in the underground vault.

The installation was completed on or about June 22, 2009, but does not meet the requirements of the Wireless Telecommunications Ordinance described in



Section 9138.16 of the Carson Municipal Code (CMC), which specifically exempts WTFs in the ROW:

"§9138.16 Wireless Telecommunications Facilities.

C. Applicability. The procedures and rules set forth in this Section are applicable to all new wireless telecommunications facilities, and all modifications or additions to existing wireless telecommunications facilities constructed prior to the date the ordinance codified in this Section became effective, in the city of Carson, **except for wireless telecommunications facilities on City-owned or leased lots or parcels, or within public rights-of-way**. This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one (1) meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the city of Carson or any emergency agencies such as the Fire Department or Sheriff's Department." [Emphasis added]

As a result of the emphasized language, the city's only regulatory mechanism for regulating WTFs in the public ROW is an excavation permit under CMC §§ 7100 et seq. Such a permit is largely ministerial, without any design review or hearing process for nearby residents to voice their concerns regarding the proposed location or appearance. In addition, the city is without an avenue for requiring that the WTF be stealthed or otherwise screened and imposing height limitations or requirements for a justification study, as would be required for all other new WTFs.

Moratorium on WTF in the ROW or on City Property

On September 1, 2009, the City Council approved Ordinance No. 09-1430(U) amending Section 9138.16 of the Carson Municipal Code regarding wireless telecommunication facilities in the public right-of-way or on city-owned or leased lots or parcels (minutes unavailable). The ordinance established a 45-day time period until October 16, 2009.

On October 6, 2009, the City Council adopted Interim Ordinance No. 09-1436U which extended the moratorium for an additional 10 months and 15 days, pursuant to California Government Code Section 65090. On August 3, 2010, the City Council adopted Interim Ordinance No. 10-1453(U) which extended the moratorium for an additional eight (8) months until April 2011.

Meetings with Industry Representatives

On September 24, 2009, staff and the City Attorney's office met with representatives of the wireless telecommunication industry to discuss changes to the Wireless Telecommunications Ordinance, including revisions to clarify requirements in order to avoid misinterpretations and maintain consistency in implementation.



On April 14, 2010, a second meeting with the industry representatives was held to discuss the draft Ordinance Amendment. Attendees represented Sprint, Clearwire, Verizon Wireless, Core Communications, Coastal Business Group, and the California Wireless Association (CALWA). Additionally, staff received letters from AT&T and CALWA regarding their concerns. At the meeting, staff considered changes from the representatives which led to further refinement.

III. Analysis

The Ordinance Amendment was initiated due to a WTF erected in the public right-of-way meeting minimal standards. Staff has met with industry representatives and has considered their comments in drafting the proposed Ordinance Amendment. Staff believes the Ordinance Amendment mutually benefits the city and the wireless telecommunication industry. The Ordinance Amendment allows the City an opportunity to update the WTF Ordinance written in 2003 so that facilities are better designed and appropriately located. The following is a comparison of the 2003 Ordinance and the proposed 2010 Ordinance Amendment:

| SECTION | TOPIC | 2003 ORDINANCE (CURRENT REQUIREMENT) | PROPOSED 2010 ORDINANCE AMENDMENT |
|-----------|--------------------------|--|---|
| 9138.16A | Purpose | Section applies to WTF in the city, <u>except</u> WTF in the right-of-way and in city-owned & leased properties | Section applies to <u>all</u> WTF in the city, <u>including</u> WTF in the right-of-way and in city-owned & leased properties |
| 9138.16B | Definitions | Various terms used in section defined | "Minor wireless telecommunications facility" amended to include "distributed antenna systems (DAS)" |
| 9138.16C | Applicability | Procedures and rules in 9138.16 section applicable to all new wireless telecommunication facilities, <u>except</u> for WTF on city-owned or leased lots or parcels, or within public rights of way | Procedures and rules in 9138.16 section applicable to all new wireless telecommunication facilities, <u>including</u> WTF on city-owned or leased lots or parcels, or within public rights of way |
| 9138.16D | Procedural Standards | Determine if Minor or Major | Amended for clarity; no substantive change |
| 9138.16E | Application Requirements | Co-location statement, utility easement encroachment agreement, local facilities map, site justification study | Add RF emissions report and site plan; Indicate that applicant shall bear costs of city consultant |
| 9138.16F1 | Setbacks | Subject to applicable zone | <i>No change</i> |



| SECTION | TOPIC | 2003 ORDINANCE (CURRENT REQUIREMENT) | PROPOSED 2010 ORDINANCE AMENDMENT |
|--|---|--|--|
| 9138.16F2b,d | Height | Commercial: 30' / Industrial: 50' / Roof: 5' above roof or up to max. height limit for zone; Minor exceptions may be considered with CUP | Commercial: 30' / Industrial: 50' / Roof: <u>8'</u> above roof or up to max. height limit for zone; Excess height may be considered for minor or major exception |
| 9138.16F2-F7 | Wiring; Painting; Lighting; Noise; and, Signs | Signs are not permitted, except for health, safety and welfare purposes (required in case of emergency) | Wiring deleted; Undergrounding requirements included; Microwave dishes permitted up to 26" if economically infeasible; Performance bond required |
| 9138.16G | Exceptions | Minor Exceptions allowed up to 20% for height and setbacks with CUP approval | Minor Exceptions allowed up to 15%; Major Exceptions allowed up to 30%; Certain findings must be made but no add'l CUP req'd |
| 9138.16H | Required Findings | Three (3) findings must be made: co-location; minimal visual impact; cannot be on residential dwelling | Amendments to better explain findings; facilities in the ROW must meet requirements of Engineering Division |
| 9138.16I,K,L | Maintenance; Temporary Facilities; Facility Removal | Applicable to all wireless facilities upon approval of permit(s) | Amendments to address disrepair, graffiti removal, abandonment and facility removal; Bond required for removal and released once removal complete |
| Uses Permitted 9121.1 9131.1 9141.1 | Uses Permitted Residential Commercial Industrial | Subject to requirements of Section 9138.16 | <i>No change</i> |
| 9151.1 | Uses Permitted - Open Space and Special Use zones | Listed as "Transmitter, receiver or repeater station - radio, television, microwave" | Change to minor and major "Wireless Telecommunications Facility"; Subject to requirements of Section 9138.16 |

The following is a summary of the main discussion points between staff and industry representatives at the April 14, 2010 meeting:

- The Engineering Division wanted assurance that the Ordinance Amendment addresses development of WTF in the public right-of-way (ROW) and on City-owned and leased properties. The Engineering Division must be involved in reviewing these types of projects.



- Representatives had concerns with the proximity requirement for the radiofrequency (RF) emissions report. Originally, staff proposed 2,000 feet. Industry representatives requested 100 feet. The Ordinance Amendment has been revised to require 500 feet, consistent with the noticing requirement for a conditional use permit (CUP).
- Representatives were concerned with the costs of a City consultant and requested that this requirement be made only for the RF emissions report. After discussing the issue internally, the section has not been changed because consultant review would not be limited to the RF emissions report, but for the entire application.
- The height of roof-mounted facilities atop buildings that are already at the maximum permitted height was increased from five (5) to (8) feet, consistent with previous proposals made by representatives. At the meeting, representatives requested 10 feet.
- Microwave dishes are discouraged, but if technologically infeasible, are allowed up to 26 inches in diameter.

The proposed Ordinance Amendment is not expected to conflict with existing facilities since the amortization for those facilities expired in 2008. Facilities which still have not come into compliance will be required to meet the new requirements or be abated.

Transmitter, Receiver or Repeater Station – Additional Revisions

Staff is contemplating removal of the term “Transmitter, receiver or repeater station – radio, television, microwave” from the CMC and incorporating it as a WTF. However, these uses are not a wireless telecommunications facility but are more accurately defined as a “communications facility.” Staff has included two versions of the ordinance amendment: the first version (A) has been reviewed by industry representatives (Exhibit 3); the second version (B) deletes the term “wireless telecommunication” and replaces it with “communication” and has other unsubstantial changes. Version (B) has been included to further refine the ordinance and avoid conflicts in terminology in the future. The differences can be further elaborated on at the public hearing.

IV. Environmental Review

The proposed Ordinance Amendment is an amendment and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA). The Ordinance Amendment will therefore generate no significant environmental impacts.



V. Conclusion

Staff along with the City Attorney's office has collaborated with representatives of the wireless telecommunication industry regarding changes to the Wireless Telecommunications Ordinance. Staff considered the comments made by the representatives and believes the proposed Ordinance Amendment has been written to mutually benefit the city and the wireless telecommunication industry. The Ordinance Amendment includes revisions to clarify requirements in order to avoid misinterpretations and maintain consistency in implementation. Staff believes these changes are necessary to address WTFs in the public right-of-way and on City-owned and operated properties, and adequately protect the public health, safety and welfare.

VI. Recommendation

That the Planning Commission:

- RECOMMEND approval of the proposed Ordinance Amendment to the City Council; and
- WAIVE further reading and ADOPT Resolution No._____, entitled, "A Resolution of the Planning Commission of the City of Carson recommending approval to the City Council of an Ordinance Amendment regarding Wireless Telecommunications Facilities."

VII. Exhibits

1. WTF Flowchart
2. Proposed Resolution
3. Ordinance Amendment – Version (A) reviewed by industry representatives
4. Ordinance Amendment – Version (B) requiring additional review at public hearing
5. Letters from the public

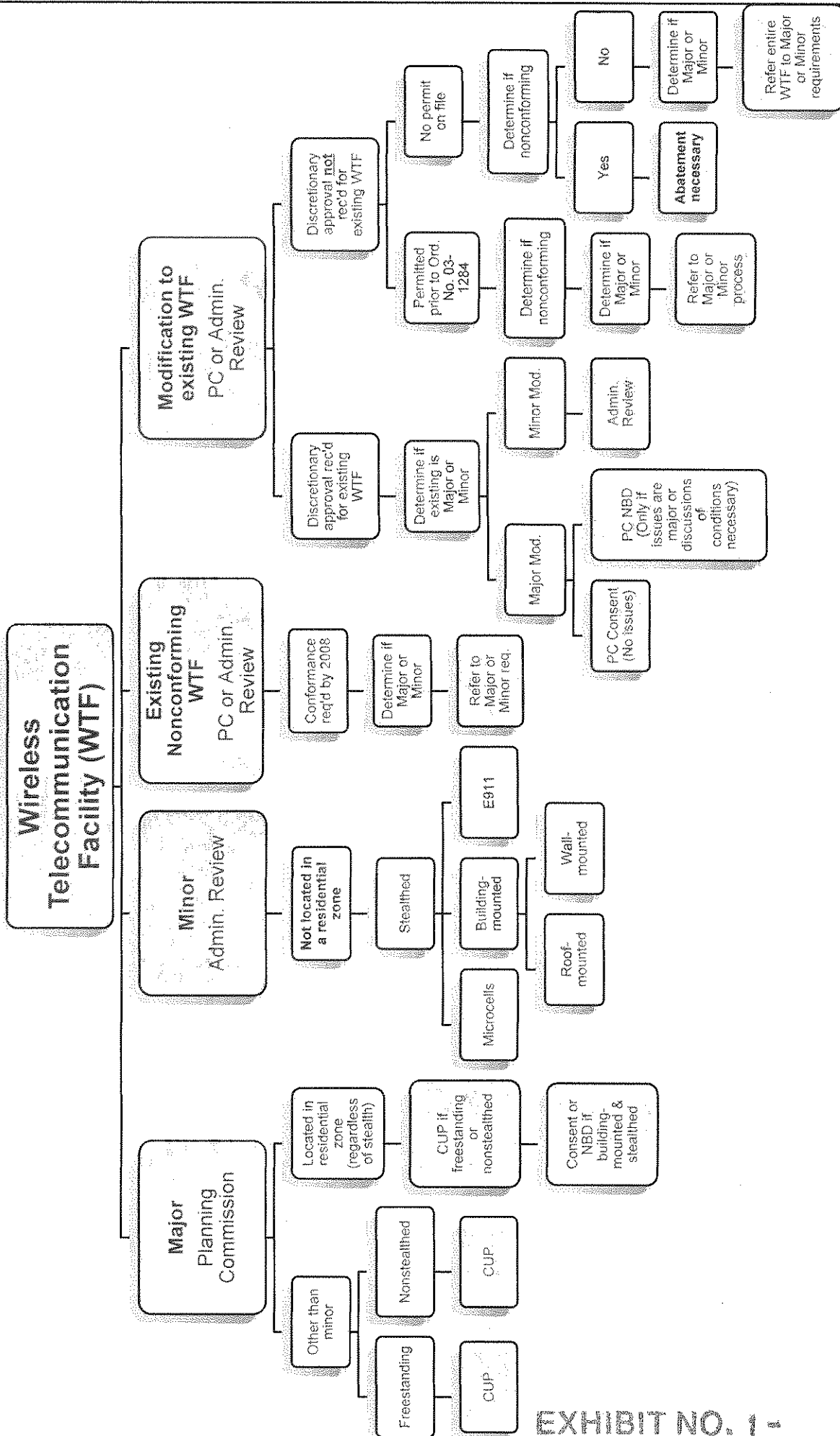
Prepared by:


John F. Signo, AICP, Senior Planner

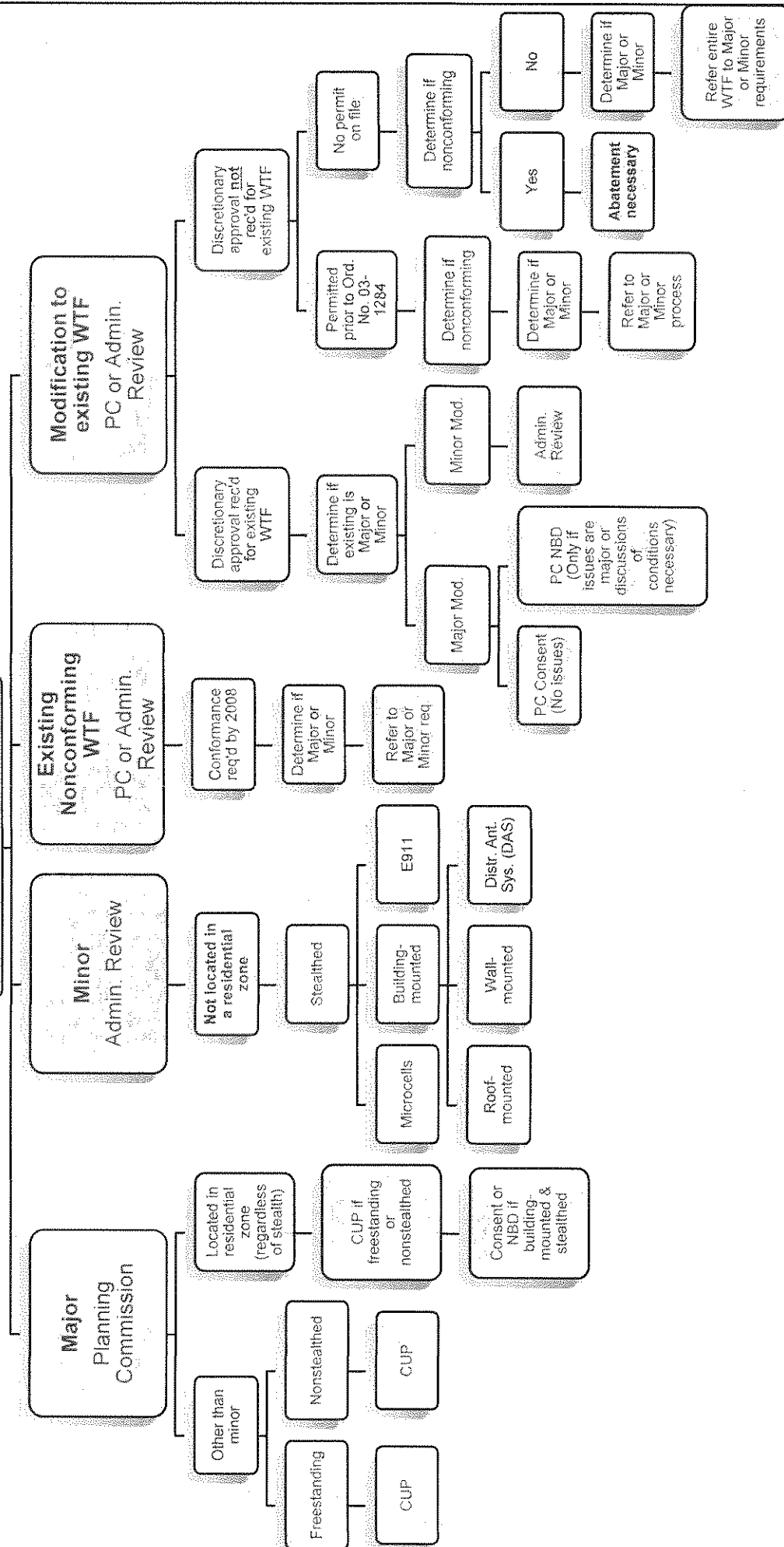
Approved by:


Sheri Repp, Planning Manager

CURRENT CODE



WTF
(Including ROW & City properties)



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY
COUNCIL OF AN ORDINANCE AMENDMENT REGARDING
WIRELESS TELECOMMUNICATIONS FACILITIES**

**THE PLANNING COMMISSION OF THE CITY OF CARSON,
CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOW:**

Section 1. On September 28, 2010, the Planning Commission conducted a public hearing regarding an amendment to the Carson Municipal Code regulating wireless telecommunication facilities. A notice of the time, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

a) Wireless telecommunications facilities, are commonplace throughout Carson. Section 9138.16 of the Carson Municipal Code (CMC), relating to the construction, modification, and placement of antennas and cellular devices, was enacted in 2003 and has not since been amended.

b) Section 9138.16 of the CMC specifically exempts the application of the City's existing regulations to WTF in the ROW and on city-owned and leased properties. These WTF's are currently not subject to discretionary review and are subject to minimum standards required by the CMC.

c) Proposals reviewed by the City to date suggest that potential land use impacts can result from this type of facility, particularly in terms of visual impacts and interface issues associated with proximity to residential neighborhoods.

d) The City supports the extension of telecommunication services to its businesses and residents, but desires that telecommunication facilities be implemented in a manner which minimizes visual and other land use impacts, and provides future opportunities for reducing impacts as changes in technology occur.

e) To facilitate the evaluation process for individual permit applications, definitions, standards and guidelines are necessary to clarify the types of facilities which may be approved.

Section 4. Based on the aforementioned findings, the Planning Commission hereby recommends approval to the City Council an amendment to the Carson Municipal Code, Article IX (Planning and Zoning), regulating Wireless Telecommunications Facilities, including an amendment to Section 9138.16 (Wireless Telecommunications Facilities) of Division 8 (Special Requirements For Certain Uses) of Part 3 (Commercial Zones), an amendment to Section 9151.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 5 (Open Space Zone and Special Uses) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code, as described in Exhibit 1.



Section 5. Pursuant to Section 15061(b) (3) of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed project is an amendment and improvement to the existing standards and guidelines in the CMC regarding wireless telecommunications facilities and is exempt under the general rule. The ordinance amendment will generate no significant environmental impacts.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF SEPTEMBER, 2010.

CHAIRMAN

ATTEST:

SECRETARY

A

ORDINANCE NO. 10-1460

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF CARSON MUNICIPAL CODE REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES, INCLUDING AN AMENDMENT TO SECTION 9138.16 (WIRELESS TELECOMMUNICATIONS FACILITIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 3 (COMMERCIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING), AND AN AMENDMENT TO SECTION 9151.1 (USES PERMITTED) OF DIVISION 1(USES PERMITTED) OF PART 5 (OPEN SPACE ZONE AND SPECIAL USES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9138.16 (Wireless Telecommunications Facilities) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended in its entirety as follows:

“§ 9138.16 Wireless Telecommunications Facilities.

A. Purpose; The purpose and intent of this Section is to provide uniform and comprehensive standards for the development of all wireless telecommunications facilities in accordance with existing Federal law while minimizing the aesthetic impacts through the use of carefully chosen sitting and design criteria. The regulations contained herein are designed to protect and promote public health, safety and welfare, and aesthetic qualities within the community. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary telecommunications facilities and encourage managed development of telecommunications infrastructure while providing a public forum to ensure a balance between public concerns and private interest in establishing such facilities.

B. Definitions.

1. “Amateur radio service” means a noncommercial; two ways radio communications service operated by licensed amateurs using shared frequencies.

2. “Antenna height” means the vertical distance from the existing or proposed grade, whichever is lower, to the highest part of the antenna.

[MORE]

EXHIBIT NO. 3-

14

3. "Building-mounted facilities" means all wireless telecommunications facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a site for a wireless telecommunications facility.

4. "Cell on wheels" or "COW" means a wireless telecommunications facility which is temporarily rolled in or temporarily installed.

5. "Co-location" means the placement of more than one wireless telecommunications facility on an existing building or freestanding structure.

6. "Enhanced 911 Emergency Calling Systems (911/ECS)" means a service which allows public safety personnel, including police and fire departments, to automatically identify the phone number and location of a person making an emergency call from a mobile source.

7. "Facade-mounted" means the mounting of antennas directly to the fascia or sidewall of a building and stealth into the architectural design of the wall.

8. "Facility" means a telecommunications facility that transmits and/or receives electromagnetic signals which include, but is not limited to: the combination of antennas, transmitters, masts, cabinets, and equipment rooms; telecommunications towers, monopoles, or similar structures supporting said equipment; screening devices including walls and landscaping; and parking area and other accessory development.

9. "Ground-mounted" means a wireless telecommunications facility in which the antennas are located on a freestanding pole or structure, other than a building, attached to the ground. These antennas do not use a building or ancillary structure(s) for mounting purposes.

10. "Height" means the distance measured from the average finished grade surrounding the facility to the highest point on the facility. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height which the structure is capable of reaching.

11. "Major wireless telecommunications facility" means a facility other than a minor wireless telecommunications facility, which includes facilities on freestanding structures and facilities that are not stealth. A facility located within a residential zone, regardless of stealth design, is considered a major wireless telecommunications facility.

12. "Minor wireless telecommunications facility" means a facility that includes distributed antenna systems (DAS), microcells and building-mounted facilities that are stealth, including facade-mounted (wall-mounted) and roof-mounted stealth facilities. Enhanced 911/ECS required by the Federal Communications Commission (FCC) are considered minor wireless telecommunications facilities if they are stealth into the design of an existing building-mounted or freestanding facility.

13. "Multiple user" means a telecommunications facility comprised of multiple towers or buildings supporting one or more antennas owned or used by more than one public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

14. "None building-mounted wireless facilities" means individual wireless facilities, which are freestanding and not mounted on or attached in any way to an existing building, or that are attached to a structure whose primary purpose is to house or serve as a mounting location for wireless telecommunications equipment.

15. "None stealth" means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered none stealth.

16. "Personal communications services (PCS)" means a term coined by the Federal Communications Commission; it describes a two way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems, and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.

17. "Site justification study" means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

18. "Stealth" means camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.

19. "Tower" means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

C. Applicability. The procedures and rules set forth in this Section are applicable to all new wireless telecommunications facilities and all modifications or additions to existing wireless telecommunications facilities constructed prior to the date the ordinance codified in this Section became effective in the City of Carson. This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the City of Carson or any emergency agencies such as the Fire Department or Sheriff's Department.

D. Procedural Standards.

1. Minor Wireless Telecommunications Facilities, shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in City Municipal Code (CMC) 9172.23. The Planning Division shall be the approval authority except if the property is located within 100 feet of a residential zone. In considering

applications for minor wireless communications facilities, the Planning Division shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section.

The Planning Division shall render a decision in writing, with findings, and conditions, subsequent to receipt of a complete application. The Planning Division's decision shall be final unless a written appeal is filed pursuant to CMC 9173.4.

2. Major Wireless Telecommunications Facilities. Major wireless telecommunications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23 and conditional use permit procedures as provided in CMC 9172.21. In considering applications for major wireless communications facilities, the Planning Commission shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section. The decision of the Planning Commission shall be final unless a written appeal is filed pursuant to CMC 9173.4.

E. Application Requirements. The following information shall be provided concurrently with any application submitted pursuant to CMC 9173.1:

1. Co-Location Statement (if necessary) – This statement must be signed by all co-locating providers agreeing to the co-location.

2. Utility Easement Encroachment Agreement (if necessary) – A letter of consent must be provided by the utility purveyor(s) if their easement will be encroached upon.

3. Local Facilities Map – Show existing facilities and coverage areas in the City. (At the applicant's request, the City will make every effort to ensure the confidentiality of information which is considered to be of a proprietary nature. Said information will be used for municipal planning purposes only.)

4. Site Justification Study – A study which explains the demands and rationale for selecting a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area. For all Major wireless facilities, this study shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location or other networks available such as distributed antennas systems. The study shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the study shall include evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technological justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s), or a statement from the applicant detailing all responses received, shall be included with the study as a means of demonstrating the need for a new Major wireless facility.

5. RF Emissions Report - The City of Carson acknowledges that it is preempted from regulating the placement, construction or modification of facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations. As such, a report shall be submitted which is signed by a radio frequency engineer and prepared pursuant to FCC, Office of



Engineering & Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum (EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the FCC. The report shall take into account all other facilities within 500 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures and shall be written so as to be understandable to the layman. This report shall be available for review by the public.

6. Site plan - A site plan shall be submitted and consist of elevation drawings indicating the height, diameter, color, setbacks, landscaping, method of screening, and color photo simulations showing the before and after impacts of the proposed facility on the subject site. Existing telecommunications facilities, poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future antennas or devices, nor shall future antennas or devices be approved, unless specifically identified by applicant in a separate written statement to the Planning Division or Planning Commission as applicable.

Applicant shall bear the reasonable costs associated with the review of the application including the costs incurred as a result of the need to hire an expert or consultant to review the data or information provided by the applicant or any related application.

F. Design and Development Standards.

1. Setbacks. No wireless telecommunications facility shall be located within or extend into the required setbacks established in the applicable zone.

2. Height.

a. Wireless telecommunications facilities utilizing a freestanding support structure shall be limited to the maximum building height for the applicable zoning district.

b. In zoning districts with no maximum height limit, a wireless telecommunications facility which utilizes a freestanding support structure shall not exceed 50 feet in height above the ground. The zoning of all locations shall be interpreted in accordance with section 9114.2.

c. New wireless telecommunications facilities constructed on existing conforming structures shall not exceed the height of the existing structure, except for fully stealth roof-mounted facilities on existing buildings which may project up to the maximum height limit described in this Section or eight feet above the roof from where it is attached, whichever is higher.

d. The Planning Commission may consider approval of facilities to exceed the maximum height limit described in this Section subject to approval of a minor or major exception as described in subsection G (Exceptions) of this Section. Existing facilities lawfully erected prior to July 17, 2003, may have a height limit greater than subsection G (Exceptions) of this Section provided there is no expansion or intensification to the facility.

3. Undergrounding. Electrical wiring associated with a facility shall be buried underground or hidden in a manner acceptable to the Planning Division and Engineering Division. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of a facility, shall be underground in the open space zone, in the right-of way, and where all other utilities are required to be underground.



In all other areas in the City, all vaults, equipment, shelters, structures, and other devices shall be permitted above ground only when said devices are not visible from adjacent property or the right-of-way. Where technologically feasible the use of microwave dishes shall be prohibited and underground lines utilized.

4. Microwave Dishes. Where economically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Upon a showing of economic infeasibility, microwave dishes up to 26 inches shall be permitted.

5. Painting. The wireless telecommunications facility and supporting structure(s) shall be painted a single, neutral, non-glossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.

6. Lighting. All wireless telecommunications facilities, except exempt facilities, shall be unlit, except for a manually operated or motion-detector controlled light above the equipment door which shall be used only for personnel maintenance purposes. This requirement is not intended to address interior structure lighting.

7. Noise.

a. All wireless telecommunications facilities, except exempt facilities, shall be constructed and operated in such a manner as to meet the requirements of the noise ordinance.

b. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

c. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance.

8. Signs. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information, including the phone number of the utility provider.

9. Performance Bond - A faithful performance bond shall be required to ensure compliance with city codes and standards, and the removal of abandoned antennas or facilities, before the issuance of any building or public works permits.

G. Exceptions.

1. Exceptions for minor wireless telecommunications facilities may be approved by the Planning Division. For all other facilities including those within 100 feet of a residential zone, the Planning Commission shall render the decision after notice and hearing. In approving an Exception, the Planning Commission or Planning Division shall render a decision in writing, with findings and conditions, subject to the requirements of Section 9172.23.

(a) Minor Exceptions: The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than fifteen percent (15%).

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

- (i) If seeking a minor exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary for operation and/or for stealth purposes including design elements or architectural details.
- (ii) The minor exception would not create a significant visual impact.
- (iii) Granting the minor exception shall conform to the spirit and intent of this zoning code.
- (iv) Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

(b) Major Exceptions: The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than 30 percent.

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

- (i) If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
- (ii) If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new free standing wireless telecommunications facility or other less desirable facility.
- (iii) If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services.
- (iv) Locating the antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
- (v) The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.
- (vi) Granting the major exception shall conform to the spirit and intent of this zoning code.
- (vii) Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

H. Required Findings. In addition to the provisions of CMC 9172.21 and 9172.23, the Planning Division or Planning Commission shall approve a development plan and conditional use permit for a wireless telecommunications facility if affirmative findings can be made based upon the following criteria:

1. The proposed site is the least intrusive after considering co-location with another facility, other networks available such as distributed antennas systems, and location at another site. If located in the public right-of-way or on city-owned or leased property, the facility must meet the requirements of the Engineering Division.

2. The proposed wireless telecommunications facility will be aesthetically compatible, located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

3. The proposed wireless telecommunications facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.

I. Maintenance. The site shall be maintained in a condition free of trash, debris, and refuse and all antennas and related structures shall not be permitted to fall into disrepair. All graffiti must be removed immediately or within 72 hours of notice from the City.

J. Temporary Facilities.

1. The Planning Division may approve, for a period of up to 90 days, a temporary telecommunications facility to provide service while an approved telecommunications facility is being fabricated or when an existing antenna has been damaged or destroyed. The Planning Division may extend the 90 day period at the request of the applicant for 30 day intervals if the applicant can prove that there is a hardship that is delaying the issuance of permits for the permanent facility.

2. The temporary facility may only be approved after the approval authority has approved or conditionally approved an application for a wireless telecommunications facility and the project proponent has signed and returned a copy of the affidavit of acceptance of conditions of approval to the Planning Division.

3. The Planning Division shall approve the actual location and design of the temporary facility consistent with the requirements of subsection F (Design and Development Standards).

4. The Planning Division or Public Safety Division shall have the authority to approve a temporary use permit for wireless telecommunications facilities needed during a declared emergency. Temporary facilities shall be removed not later than ten days after the conclusion of the declared emergency.

K. Nonconforming Facilities. Any facility constructed in violation of this Section, or in violation of any part of this Code, is subject to immediate abatement. Any major telecommunications facility that is lawfully constructed prior to the effective date of this Section, shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22. Additionally, sections 9172.25 and 9182.05 shall govern any request for an extension to the nonconforming privilege.

L. Facility Removal.

1. Discontinued Use/Abandonment. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements. In the event that an owner or operator fails to remove any abandoned facilities or antennas within the time periods stated, the City may remove the facility after providing 30 days notice, and shall bill the owner and/or operator for all costs including any administrative or legal costs incurred in connection with said removal. Once all costs have been paid by the antenna owner, any bond posted for removal shall be released. The City does not waive any legal rights to seek repayment for removal costs pursuant to a bond posted, or bring an action for repayment of costs.

2. Utility-Mounted Facility Removal or Relocation. All utility-mounted facilities shall be removed or relocated at the facility owner's expense when a City-approved project requires relocation or undergrounding of the utility structure on which the facility is mounted. (Ord. 03-1284, § 5)"

Section 2. Code Amendment. Section 9151.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 5 (Open Space Zone and Special Uses) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting the stricken text and adding the underlined text with all other text and table entries remaining unchanged as follows:

| | ZONE | |
|--|--------------|--------------|
| | OS | Special Use |
| Transmitter, receiver or repeater station—radio, television, microwave. | C | S |
| <u>“Minor Wireless Telecommunications Facilities, subject to the requirement of Section 9138.16.</u> | <u>L</u> | <u>L</u> |
| <u>Major Wireless Telecommunications Facilities, subject to the requirement of Section 9138.16.</u> | <u>C</u> | <u>C”</u> |

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2010.

MAYOR JIM DEAR

ATTEST:

CITY CLERK HELEN KAWAGOE

APPROVED AS TO FORM:

CITY ATTORNEY



**ADDITIONAL CHANGES
TO BE CONSIDERED BY
PLANNING
COMMISSION**

ORDINANCE NO. 10-1460

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B

AN ORDINANCE OF THE CITY OF CARSON ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING ~~WIRELESS TELECOMMUNICATIONS~~ FACILITIES, INCLUDING AN AMENDMENT TO SECTION 9138.16 (WIRELESS TELECOMMUNICATIONS FACILITIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 3 (COMMERCIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING), AND AN AMENDMENT TO SECTION 9151.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 5 (OPEN SPACE ZONE AND SPECIAL USES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE.

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THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9138.16 (Wireless Telecommunications Facilities) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended in its entirety as follows:

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§ 9138.16 Wireless ~~C~~Telecommunications Facilities.

A. Purpose; The purpose and intent of this Section is to provide uniform and comprehensive standards for the development of all ~~wireless tele~~ communications facilities, including wireless telecommunication, data, radio, television and microwave, in accordance with existing Federal law while minimizing the aesthetic impacts through the use of carefully chosen siting and design criteria. The regulations contained herein are designed to protect and promote public health, safety and welfare, and aesthetic qualities within the community. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary telecommunications facilities and encourage managed development of telecommunications infrastructure while providing a public forum to ensure a balance between public concerns and private interest in establishing such facilities.

B. Definitions.

1. "Amateur radio service" means a noncommercial; two ways radio communications service operated by licensed amateurs using shared frequencies.

2. "Antenna height" means the vertical distance from the existing or proposed grade, whichever is lower, to the highest part of the antenna.

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[MORE]

EXHIBIT NO. 4-

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3. "Building-mounted facilities" means all ~~wireless telecommunications~~ facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a site for a ~~wireless telecommunications~~ facility.

4. "Cell on wheels" or "COW" means a ~~wireless telecommunications~~ facility which is temporarily rolled in or temporarily installed.

5. "Co-location" means the placement of more than one ~~wireless telecommunications~~ facility on an existing building or freestanding structure.

6. "Enhanced 911 Emergency Calling Systems (911/ECS)" means a service which allows public safety personnel, including police and fire departments, to automatically identify the phone number and location of a person making an emergency call from a mobile source.

7. "Facade-mounted" means the mounting of antennas directly to the fascia or sidewall of a building and stealth into the architectural design of the wall.

8. "Facility" means a telecommunications facility that repeats, transmits and/or receives electromagnetic signals which include, but is not limited to: the combination of antennas, transmitters, masts, cabinets, and equipment rooms; ~~telecommunications~~ towers, monopoles, or similar structures supporting said equipment; screening devices including walls and landscaping; and parking area and other accessory development.

9. "Ground-mounted" means a ~~wireless telecommunications~~ facility in which the antennas are located on a freestanding pole or structure, other than a building, attached to the ground. These antennas do not use a building or ancillary structure(s) for mounting purposes.

10. "Height" means the distance measured from the average finished grade surrounding the facility to the highest point on the facility. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height which the structure is capable of reaching.

11. "Major ~~wireless telecommunications~~ facility" means a facility other than a minor ~~wireless telecommunications~~ facility, which includes ground mounted or facilities on freestanding facilities-structures and facilities that are not stealth. A facility located within a residential zone, regardless of stealth design, is considered a major ~~wireless telecommunications~~ facility.

12. "Minor ~~wireless telecommunications~~ facility" means a facility that includes distributed antenna systems (DAS), microcells and building-mounted facilities that are stealth, including facade-mounted (wall-mounted) and roof-mounted stealth facilities. Enhanced 911/ECS required by the Federal Communications Commission (FCC) are considered minor ~~wireless telecommunications~~ facilities if they are stealth into the design of an existing building-mounted or freestanding facility.

13. "Multiple user" means a ~~telecommunications~~ facility comprised of multiple towers or buildings supporting one or more antennas owned or used by more than one public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

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14. ~~“Freestanding building-mounted wireless facilities”~~ means ~~an individual wireless facility or structure, which is freestanding and not mounted on or attached in any way to an existing building, or that is attached to a structure whose primary purpose is to support, house or serve as a mounting location for wireless telecommunications equipment.~~

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15. ~~“Not stealth”~~ means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered ~~not stealth~~.

16. “Personal communications services (PCS)” means a term coined by the Federal Communications Commission; it describes a two way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems, and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.

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17. “Site justification study” means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a ~~wireless telecommunications facility~~. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

18. “Stealth” means camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.

19. “Tower” means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

C. Applicability. The procedures and rules set forth in this Section are applicable to all new ~~wireless telecommunications facilities~~ and all modifications or additions to existing ~~wireless telecommunications facilities~~ constructed prior to the date the ordinance codified in this Section became effective in the City of Carson. This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the City of Carson or any emergency agencies such as the Fire Department or Sheriff's Department.

D. Procedural Standards.

1. Minor ~~Wireless Tele~~communications Facilities, shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in City Municipal Code (CMC) 9172.23. The Planning Division shall be the approval authority except if the property is located within 100 feet of a residential zone. In considering applications for minor ~~wireless~~ communications facilities, the Planning Division shall be guided by the



provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section.

The Planning Division shall render a decision in writing, with findings, and conditions, subsequent to receipt of a complete application. The Planning Division's decision shall be final unless a written appeal is filed pursuant to CMC 9173.4.

2. Major ~~Wireless Telec~~ommunications Facilities. Major ~~wireless telecommunications~~ facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23 and conditional use permit procedures as provided in CMC 9172.21. In considering applications for major ~~wireless~~ communications facilities, the Planning Commission shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section. The decision of the Planning Commission shall be final unless a written appeal is filed pursuant to CMC 9173.4.

E. Application Requirements. The following information shall be provided concurrently with any application submitted pursuant to CMC 9173.1:

1. Co-Location Statement (if necessary) – This statement must be signed by all co-locating providers agreeing to the co-location.

2. Utility Easement Encroachment Agreement (if necessary) – A letter of consent must be provided by the utility purveyor(s) if their easement will be encroached upon.

3. Local Facilities Map – Show existing facilities and coverage areas in the City. (At the applicant's request, the City will make every effort to ensure the confidentiality of information which is considered to be of a proprietary nature. Said information will be used for municipal planning purposes only.)

4. Site Justification Study – A study which explains the demands and rationale for selecting a particular location and design for a ~~wireless telecommunications~~ facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area. For all ~~mMajor wirelesscommunications~~ facilities, this study shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location or other networks available such as distributed antennas systems. The study shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the study shall include evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technological justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s), or a statement from the applicant detailing all responses received, shall be included with the study as a means of demonstrating the need for a new ~~mMajor communications~~wireless facility.

5. RF Emissions Report - The City of Carson acknowledges that it is preempted from regulating the placement, construction or modification of facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations. As such, a report shall be submitted which is signed by a radio frequency engineer and prepared pursuant to FCC, Office of Engineering & Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum



(EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The report shall take into account all other facilities within 500 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures and shall be written so as to be understandable to the layman. This report shall be available for review by the public.

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6. Site plan - A site plan shall be submitted and consist of elevation drawings indicating the height, diameter, color, setbacks, landscaping, method of screening, and color photo simulations showing the before and after impacts of the proposed facility on the subject site. Existing telecommunications facilities, poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future antennas or devices, nor shall future antennas or devices be approved, unless specifically identified by applicant in a separate written statement to the Planning Division or Planning Commission as applicable.

7. Costs - Applicant shall bear the reasonable costs associated with the review of the application including the costs incurred as a result of the need to hire an expert or consultant to review the data or information provided by the applicant or any related application.

F. Design and Development Standards.

1. Setbacks. No ~~wireless tele~~communications facility shall be located within or extend into the required setbacks established in the applicable zone.

2. Height.

a. ~~Wireless tele~~Communications facilities utilizing a freestanding support structure shall be limited to the maximum building height for the applicable zoning district.

b. In zoning districts with no maximum height limit, a ~~wireless tele~~communications facility which utilizes a freestanding support structure shall not exceed 50 feet in height above the ground. The zoning of all locations shall be interpreted in accordance with section 9114.2.

c. New ~~wireless tele~~communications facilities constructed on existing conforming structures shall not exceed the height of the existing structure, except for fully stealth roof-mounted facilities on existing buildings which may project up to the maximum height limit described in this Section or eight feet above the roof from where it is attached, whichever is higher.

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d. The Planning Commission or Planning Division may consider approval of facilities to exceed the maximum height limit described in this Section subject to approval of a minor or major exception as described in subsection G (Exceptions) of this Section. Existing facilities lawfully erected prior to July 17, 2003, may have a height limit greater than subsection G (Exceptions) of this Section provided there is no expansion or intensification to the facility.

3. Undergrounding. Electrical wiring associated with a facility shall be buried underground or hidden in a manner acceptable to the Planning Division and Engineering Division or Planning Commission if applicable. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of a facility, shall be underground in the open space zone, in the right-of way, and where all other utilities are required to be underground. In all other areas in the City, all vaults, equipment, shelters, structures, and other devices shall be permitted above ground only when said devices

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are not visible from adjacent property or the right-of-way. ~~Where technologically feasible the use of microwave dishes shall be prohibited and underground lines utilized.~~

4. ~~Microwave Dishes. Where economically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Upon a showing of economic infeasibility microwave dishes up to 26 inches shall be permitted.~~

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5. Painting. The ~~wireless telecommunications~~ facility and supporting structure(s) shall be painted a ~~single~~ neutral, non-glossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.

6. Lighting. All ~~wireless telecommunications~~ facilities, except exempt facilities, shall be unlit, except for a manually operated or motion-detector controlled light above the equipment door which shall be used only for personnel maintenance purposes. This requirement is not intended to address interior structure lighting.

7. Noise.

a. All ~~wireless telecommunications~~ facilities, except exempt facilities, shall be constructed and operated in such a manner as to meet the requirements of the noise ordinance.

b. Backup generators shall only be operated during power outages and for testing and maintenance purposes. ~~No backup generator shall be utilized for longer than 2 hours without~~

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c. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance.

8. Signs. The display of any sign or any other graphic on a ~~wireless telecommunications~~ facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information, including the phone number of the utility provider.

9. Performance Bond - A faithful performance bond shall be required to ensure compliance with city codes and standards, and the removal of abandoned antennas or facilities, before the issuance of any building or public works permits.

G. Exceptions.

1. Exceptions for minor ~~wireless telecommunications~~ facilities may be approved by the Planning Division. For all other facilities including those within 100 feet of a residential zone, the Planning Commission shall render the decision after notice and hearing. In approving an Exception, the Planning Commission or Planning Division shall render a decision in writing, with findings and conditions, subject to the requirements of Section 9172.23.

(a) Minor Exceptions: The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than fifteen percent (15%).

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

29

- (i) If seeking a minor exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary for operation and/or for stealth purposes including design elements or architectural details.

~~(+)(ii)~~ The minor exception would not create a significant visual impact.

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~~(+)(iii)~~ Granting the minor exception shall conform to the spirit and intent of this zoning code.

~~(+)(iv)~~ Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

(b) Major Exceptions: The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than 30 percent.

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

- (i) If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.

~~(+)(ii)~~ If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new free standing ~~wireless telecommunications~~ facility or other less desirable facility.

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~~(+)(iii)~~ If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.

~~(+)(iv)~~ Locating the antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.

~~(+)(v)~~ The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

~~(+)(vi)~~ Granting the major exception shall conform to the spirit and intent of this zoning code.

(4)(vii) Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

H. Required Findings. In addition to the provisions of CMC 9172.21 and 9172.23, the Planning Division or Planning Commission shall approve a development plan and conditional use permit for a ~~wireless telecommunications~~ facility if affirmative findings can be made based upon the following criteria:

1. The proposed site is the least intrusive after considering co-location with another facility, other networks available such as distributed antennas systems, and location at another site. If located in the public right-of-way or on city-owned or leased property, the facility must meet the requirements of the Engineering Division.

2. The proposed ~~wireless telecommunications~~ facility will be aesthetically compatible, located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

3. The proposed ~~wireless telecommunications~~ facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.

I. Maintenance. The site shall be maintained in a condition free of trash, debris, and refuse and all antennas and related structures shall not be permitted to fall into disrepair. All graffiti must be removed immediately or within seventy-two (72) hours of notice from the City.

J. Temporary Facilities.

1. The Planning Division may approve, for a period of up to ninety (90) days, a temporary ~~telecommunications~~ facility, including but not limited to a COW, to provide service while an approved ~~telecommunications~~ facility is being fabricated or when an existing antenna has been damaged or destroyed. The Planning Division may extend the ninety (90) day period at the request of the applicant for thirty (30) day intervals if the applicant can prove that there is a hardship that is delaying the issuance of permits for the permanent facility.

2. The temporary facility may only be approved after the approval authority has approved or conditionally approved an application for a ~~wireless telecommunications~~ facility and the project proponent has signed and returned a copy of the affidavit of acceptance of conditions of approval to the Planning Division.

3. The Planning Division shall approve the actual location and design of the temporary facility consistent with the requirements of subsection F (Design and Development Standards).

4. The Planning Division or Public Safety Division shall have the authority to approve a temporary use permit for ~~wireless telecommunications~~ facilities needed during a declared emergency. Temporary facilities shall be removed not later than ten (10) days after the conclusion of the declared emergency.

K. Nonconforming Facilities. Any facility constructed in violation of this Section, or in violation of any part of this Code, is subject to immediate abatement. Any major ~~telecommunications~~ facility that is lawfully constructed prior to the effective date of this Section



shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22. Additionally, sections 9172.25 and 9182.05 shall govern any request for an extension to the nonconforming privilege.

L. Facility Removal.

1. Discontinued Use/Abandonment. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than one hundred eighty (180) days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within ninety (90) days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements. In the event that an owner or operator fails to remove any abandoned facilities or antennas within the time periods stated, the City may remove the facility after providing thirty (30) days notice, and shall bill the owner and/or operator for all costs including any administrative or legal costs incurred in connection with said removal. Once all costs have been paid by the antenna owner, any bond posted for removal shall be released. The City does not waive any legal rights to seek repayment for removal costs pursuant to a bond posted, or bring an action for repayment of costs.

2. Utility-Mounted Facility Removal or Relocation. All utility-mounted facilities shall be removed or relocated at the facility owner's expense when a City-approved project requires relocation or undergrounding of the utility structure on which the facility is mounted. (Ord. 03-1284, § 5)

Section 2. Code Amendment. Section 9151.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 5 (Open Space Zone and Special Uses) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting the stricken text and adding the underlined text with all other text and table entries remaining unchanged as follows:

| | ZONE | |
|---|--------------|--------------|
| | OS | Special Use |
| Transmitter, receiver or repeater station—radio, television, microwave. | C | S |
| Wireless Telecommunications Facilities: | | |
| <u>Minor Wireless Telecommunications Facilities, subject to the requirement of Section 9138.16.</u> | <u>L</u> | <u>L</u> |
| <u>Major Wireless Telecommunications Facilities, subject to the requirement of Section 9138.16.</u> | <u>C</u> | <u>C</u> |

Section XX. Code Amendment. Section XX (XX) of Division XX (XX) of Part XX (XX) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following text as underlined and deleting the stricken text as follows with all other text remaining unchanged:

Section XX. Code Amendment. Section XX (XX) of Division XX (XX) of Part XX (XX) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following text as underlined and deleting the stricken text as follows with all other text remaining unchanged:

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2010.

MAYOR JIM DEAR

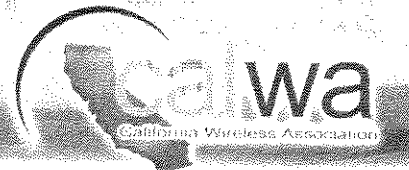
ATTEST:

CITY CLERK HELEN KAWAGOE

APPROVED AS TO FORM:

CITY ATTORNEY





September 23, 2010

City of Carson Planning Commission

Chairperson Loa Pele Faletofo
Vice Chairperson Raymond Park
Commissioner Charlotte Brimmer
Commissioner Louie Diaz
Commissioner Joseph Gordon
Commissioner John Graber
Commissioner Amador Saenz
Commissioner Jannett Schaefer
Commissioner Olivia Verrett

City of Carson,
701 E. Carson Street, CA

VIA ELECTRONIC MAIL ONLY

Re: Proposed Municipal Code Amendment – Section 9138.16 Wireless Telecommunications Facilities.

Esteemed Members of the Planning Commission;

As a primary stakeholder with respect to regulations applied to the Wireless Telecommunications Industry we wish to thank you in advance for your proactive approach and invitation to participate in the process to update your Wireless Telecommunications Facilities Ordinance.

The purpose of this correspondence is to provide input on this important body of proposed legislation from the Wireless Association, which is directly impacted. A brief introduction of CALWA is also provided for an understanding of our purpose.

About the California Wireless Association

Our primary mission is to raise awareness of the benefits of, and to promote, the wireless industry, to educate the public and our political leaders on issues of importance to the wireless industry, to support the industry in the rapid deployment of wireless technology and services, to voice a unified industry message on wireless issues and emerging technology, and to cultivate and nurture working relationships within the industry and between the industry and the public and our political leaders.

Analysis/Proposed Amendments

Attached to this correspondence is a “annotated document” that incorporates our detailed comments.

In summary CalWA generally looks to work with local jurisdictions to incorporate the following general design and procedural "themes" in the construction of their individual WTF Ordinances:

1. Specific timelines for review and processing applications consistent with the recently approved "FCC Shot clock";
2. Incentives for stealthing WTF's by processing and approving these types of facilities via a staff level "Administrative Entitlement Process";
3. Allowing completely stealthed WTF's in all zones, including residential;
4. Allowing deviations from height and setback regulations when specific criteria can be met, i.e. stealthing; and
5. Removal of all requirements on the industry to "Justify" these facilities.

In review of the proposed WTF Ordinance some of the "themes" have been incorporated into the proposed ordinance and some are not. The attached "annotated ordinance" includes where the above guidelines can be incorporated into the proposed WTF.

Conclusion

CALWA has been working very closely with public agencies all over the State of CA, as well as the State Legislature, our Industry Carriers, and it's "sister" national organization, PCIA, The Wireless Infrastructure Association, in an effort to develop reasonable regulations for the rapid deployment of this significant public infrastructure. Many of the procedural amendments proposed herein are consistent with the statewide and national movement by the Wireless Industry to develop, in partnership with public agencies, responsible and reasonable regulations with an emphasis on predictable and timely review processes.

CALWA is in complete agreement with your efforts to streamline the process and codify these regulations. Our desire is to further clarify some of the proposed regulations and articulate specific timelines.

We wish to again thank your planning staff for their input, collaboration, and time in this effort and we appreciate your support to further our mutual goal of implementing and deploying a responsible and timely wireless infrastructure to serve the needs of the Carson Community and Emergency Services.

Sincerely,



Sean Scully, Principal Planning & Permit Technologies, Inc.
CALWA Board of Directors and Regulatory Committee Co-Chair
800 S. Pacific Coast Hwy # 448
Redondo Beach, CA 90277
Office: 310-378-8706
Mobile: 818-426-6028

Attachments:

CalWA Annotated WTF.

§ 9138.16 Wireless Telecommunications Facilities.

A. Purpose. The purpose and intent of this Section is to provide uniform and comprehensive standards for the development of all wireless telecommunications facilities in accordance with existing Federal law while minimizing the aesthetic impacts through the use of carefully chosen siting and design criteria. The regulations contained herein are designed to protect and promote public health, safety and welfare, and aesthetic qualities within the community. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary telecommunications facilities and encourage managed development of telecommunications infrastructure while providing a public forum to ensure a balance between public concerns and private interest in establishing such facilities.

B. Definitions.

1. "Amateur radio service" means a noncommercial, two (2) way radio communications service operated by licensed amateurs using shared frequencies.

2. "Antenna height" means the vertical distance from the existing or proposed grade, whichever is lower, to the highest part of the antenna.

3. "Building-mounted facilities" means all wireless telecommunications facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a site for a wireless telecommunications facility.

4. "Cell on wheels" or "COW" means a wireless telecommunications facility which is temporarily rolled in or temporarily installed.

5. "Co-location" means the placement of more than one (1) wireless telecommunications facility on an existing building or freestanding structure.

6. "Enhanced 911 Emergency Calling Systems (E911)" means a service which allows public safety personnel, including police and fire departments, to automatically identify the phone number and location of a person making an emergency call from a mobile source.

7. "Facade-mounted" means the mounting of antennas directly to the fascia or sidewall of a building and stealthed into the architectural design of the wall.

8. "Facility" means a telecommunications facility that transmits and/or receives electromagnetic signals which include, but is not limited to: the combination of antennas, transmitters, masts, cabinets, and equipment rooms; telecommunications towers, monopoles, or similar structures supporting said equipment; screening devices including walls and landscaping; and parking area and other accessory development.

9. "Ground-mounted" means a wireless telecommunications facility in which the antennas are located on a freestanding pole or structure, other than a building, attached to the ground. These antennas do not use a building or ancillary structure(s) for mounting purposes.



10. "Height" means the distance measured from the average finished grade surrounding the facility to the highest point on the facility. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height which the structure is capable of reaching.

11. "Major wireless telecommunications facility" means a facility other than a minor wireless telecommunications facility, which includes facilities on freestanding structures and facilities that are not stealthed. A facility located within a residential zone, regardless of stealth design, is considered a major wireless telecommunications facility.

12. "Minor wireless telecommunications facility" means a facility that includes distributed antenna systems (DAS), microcells and building-mounted facilities that are stealthed, including facade-mounted (wall-mounted) and roof-mounted stealthed facilities. Enhanced 911 Emergency Calling Systems (E911) required by the Federal Communications Commission are considered minor wireless telecommunications facilities if they are stealthed into the design of an existing building-mounted or freestanding facility.

13. "Multiple user" means a telecommunications facility comprised of multiple towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

14. "Nonbuilding-mounted wireless facilities" means individual wireless facilities, which are freestanding and not mounted on or attached in any way to an existing building, or that are attached to a structure whose primary purpose is to house or serve as a mounting location for wireless telecommunications equipment.

15. "Nonstealth" means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered nonstealth.

16. "Personal communications services (PCS)" means a term coined by the Federal Communications Commission; it describes a two (2) way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.

17. "Site justification study" means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

18. "Stealth" means camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.

19. "Tower" means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

C. Applicability. The procedures and rules set forth in this Section are applicable to all new wireless telecommunications facilities, and all modifications or additions to existing wireless telecommunications facilities constructed prior to the date the ordinance codified in this Section became effective, in the City of Carson, ~~except for wireless telecommunications facilities on City owned or leased lots or parcels, or within public rights of way.~~ This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one (1) meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the City of Carson or any emergency agencies such as the Fire Department or Sheriff's Department.

D. Procedural Standards.

1. Minor Wireless Telecommunications Facilities. Minor wireless communications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23, ~~except that~~ The Planning Division shall be the approval authority except if the property is located within one hundred (100) feet of a residential zone. In considering applications for minor wireless communications facilities, the Planning Division shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section.

The Planning Division shall render a decision in writing, with findings, and conditions, subsequent to receipt of a complete application. The Planning Division's decision shall be final unless a written appeal is filed pursuant to CMC 9173.4.

2. Major Wireless Telecommunications Facilities. Major wireless telecommunications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23 and conditional use permit procedures as provided in CMC 9172.21. In considering applications for major wireless communications facilities, the Planning Commission shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section. The decision of the Planning Commission shall be final unless a written appeal is filed pursuant to CMC 9173.4.

E. Application Requirements. The following information shall be provided concurrently with any application submitted pursuant to CMC 9173.1:

1. Co-Location Statement (if necessary) – This statement must be signed by all co-locating providers agreeing to the co-location.

2. Utility Easement Encroachment Agreement (if necessary) – A letter of consent must be provided by the utility purveyor(s) if their easement will be encroached upon.

CalWA Comment No. 3: Does the City have a database and locational map of all existing wireless facilities in the City of Carson. Each carrier does not have access to all locations of facilities from other carriers. In order to make this more workable the industry will need assistance from the City of Carson in identification of some potentially feasible alternatives within a quarter mile. Also the industry would like to shorten the response from 30 days to 14 days so that applications aren't unnecessarily delayed.

3. Local Facilities Map – Show existing facilities and coverage areas in the City. (At the applicant's request, the City will make every effort to ensure the confidentiality of information which is considered to be of a proprietary nature. Said information will be used for municipal planning purposes only.)

4. Site Justification Study – A study which explains the demands and rationale for selecting a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area. For all Major wireless facilities, this study shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location or other networks available such as distributed antennas systems. The study shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the study shall include evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technological justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s), or a statement from the applicant detailing all responses received, shall be included with the study as a means of demonstrating the need for a new Major wireless facility.

5. RF Emissions Report - The City of Carson acknowledges that it is preempted from regulating the placement, construction or modification of facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations. As such, a report shall be submitted which is signed by a radio frequency engineer and prepared pursuant to Federal Communications Commission, Office of Engineering & Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum (EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The report shall take into account all other facilities within 500 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures and shall be written so as to be understandable to the layman. in plain English. This report shall be available for review by the public.

6. Site plan - A site plan shall be submitted and consist of elevation drawings indicating the height, diameter, color, setbacks, landscaping, method of screening, and color photo simulations showing the before and after impacts of the proposed facility on the subject site. Existing telecommunications facilities, poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future antennas or devices, nor shall future antennas or devices be approved, unless specifically identified by applicant in a separate written statement to the Planning Division or Planning Commission as applicable.

Applicant shall bear the reasonable costs associated with the review of the application including the costs incurred as a result of the need to hire an expert or consultant to review the data or information provided by the applicant or any related application.

F. Design and Development Standards.

CalWA Comment No. 5: CalWA recommends that this requirement be stricken. Since the only technical issue may be required to address RF issues and that report is required to be written "so as to be understandable to the layman" there is no need for this additional expense/delay that would result from this requirement.

CalWA
Comment No.
4: CalWA
recommends
that this report
be required
prior to the
issuance of
the building
permit. There
could be
design
changes,
facility
changes
through the
planning
process that
would have to
be "redone".
By
conditioning
this
requirement it
will ensure the
report is
completed
prior to the
installation of
the final
approved
design.

1. Setbacks. No wireless telecommunications facility shall be located within or extend into the required setbacks established in the applicable zone.

2. Height.

a. Wireless telecommunications facilities utilizing a freestanding support structure shall be limited to the maximum building height for the applicable zoning district.

b. In zoning districts with no maximum height limit, a wireless telecommunications facility which utilizes a freestanding support structure shall not exceed fifty (50) feet in height above the ground. The zoning of all locations shall be interpreted in accordance with section 9114.2.

c. New wireless telecommunications facilities constructed on existing conforming structures shall not exceed the height of the existing structure, except for fully stealthed roof-mounted facilities on existing buildings which may project up to the maximum height limit described in this Section or five (5) eight (8) feet above the roof or parapet from where it is attached, whichever is higher.

d. The Planning Commission may consider approval of facilities to exceed the maximum height limit described in this Section subject to approval of a minor or major ~~conditional use permit~~ Minor Exception as described in subsection G. ~~Such conditional use permit~~ Minor Exception for new facilities shall authorize a height limit in conformance with subsection G (Minor Exceptions) of this Section. ~~Such conditional use permit~~ Minor Exception for existing facilities lawfully erected prior to July 17, 2003, may authorize have a height limit greater than subsection G (Minor Exceptions) of this Section provided there is no expansion or intensification to the facility.

3. Undergrounding. Electrical wiring associated with a facility shall be buried underground or hidden in a manner acceptable to the ~~development services general manager~~ Planning Division and Engineering Division. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of a facility, shall be underground in the open space zone, in the right-of-way, and where all other utilities are required to be underground. In all other areas in the City, all vaults, equipment, shelters, structures, and other devices shall be permitted above ground only when said devices are not visible from adjacent property or the right-of-way. Where technologically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Wiring. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.

4. Microwave Dishes. Where economically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Upon a showing of economic infeasibility, microwave dishes up to 26 inches shall be permitted.

54. Painting. The wireless telecommunications facility and supporting structure(s) shall be painted a single, neutral, nonglossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.

CalWA Comment No. 6: CalWA requests clarification on this requirement. It appears that even if the associated equipment is within a shelter, the shelter cannot be visible from adjacent properties or the right-of-way which is too onerous and unnecessary. A shelter or structure for associated equipment can be designed consistent with the built environment and should not be considered a negative development component. There are significant issues related to undergrounding of equipment.

65. Lighting. All wireless telecommunications facilities, except exempt facilities, shall be unlit, except for a manually operated or motion-detector controlled light above the equipment door which shall be used only for personnel maintenance purposes. This requirement is not intended to address interior structure lighting.

76. Noise.

a. All wireless telecommunications facilities, except exempt facilities, shall be constructed and operated in such a manner as to meet the requirements of the noise ordinance.

b. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

c. If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance.

87. Signs. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information, including the phone number of the utility provider.

98. Performance Bond - A faithful performance bond shall be required to ensure compliance with city codes and standards, and the removal of abandoned antennas or facilities, before the issuance of any building or public works permits.

G. Exceptions.

1. Exceptions for minor wireless telecommunications facilities may be approved by the Planning Division. For all other facilities including those within 100 feet of a residential zone, the Planning Commission shall render the decision after notice and hearing. In approving an Exception, the Planning Commission or Planning Division shall render a decision in writing, with findings and conditions, subject to the requirements of Section 9172.23.

(a) Minor Exceptions: The design standards for setbacks and height listed in subsection E of this Section may be modified by not more than fifteen percent (15%).

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

CalWA Comment No. 7: CalWA recommends that the 100' site proximate requirement only apply if proposed wireless communications facilities are within 100' of Single Family Residentially Zoned and Utilized property.

- (i) If seeking a minor exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary for operation and/or for stealthing purposes including design elements or architectural details.

- (ii) The minor exception would not create a significant visual impact.
- (iii) Granting the minor exception shall conform to the spirit and intent of this zoning code.
- (iv) Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

(b) Major Exceptions: The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than thirty (30) percent (30%).

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

- (i) If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
- (ii) If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new free standing wireless telecommunications facility or other less desirable facility.
- (iii) If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services.
- (iv) Locating the antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
- (v) The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.
- (vi) Granting the major exception shall conform to the spirit and intent of this zoning code.

CalWA Comment No. 8: CalWA requests some clarification on items (i) - (vii). The wireless industry is dealing with constraints in terms of capacity, not necessarily a "gap" in the traditional sense. Also there are new "broadband" frequencies that are augmenting existing service. How are these drivers for new facilities recognized in terms of providing the necessary justifications/findings?

- (vii) Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

G. Minor Exceptions:

1. Minor Exceptions for minor wireless telecommunications facilities may be approved by the Planning Division. In the case of Minor Exceptions For all other facilities including those within 100 feet of a residential zone, the Planning Commission shall render the decision after notice and hearing.

The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than twenty (20) percent². In approving a Minor Exception, the Planning Commission or Planning Division shall render a decision in writing, with findings and conditions. The Planning Commission or Planning Division must make at least one (1) of the following findings is made based on evidence submitted by the applicant:

(a) — The applicant shall demonstrate that the facility and/or antenna must be located and designed as proposed in order to service the applicant's gap in service. The applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.

(b) — If seeking a minor exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary: i) to service the applicant's gap in service; or ii) to accommodate the establishment of a co-located facility. The applicant shall also specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. In no event shall the height limitations established in this section be exceeded by 20%.

(c) — Locating the antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control.

(d) — The minor exception would not create a significant visual impact.

(e) — Granting the minor exception shall conform to the spirit and intent of this zoning code.

(f) — Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

1. Existing natural geographic conditions preclude an obstruction-free reception area and there is no other option, including relocation, available.

2. Relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.

CalWA Comment No. 10: CalWA strongly recommends that provisions be incorporated into this ordinance that would permit stealthed facilities within multifamily residential zones. The industry is facing continued pressure to provide better and a higher capacity of service within residential neighborhoods. This is a common land use strategy in recognition of "Traffic Demand Management" principles that serve to reduce trips to work in recognition of the changing work environment resulting from technology advancements that allow persons to work and operate their businesses from their residence. There are many jurisdictions in CA that now allow WTF's in multifamily residential zones or residentially zoned properties that are not developed with a residential use.

~~3. The antenna height must be increased in order to accommodate the establishment of a co-located facility and there is no other option available.~~

~~4. Visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.~~

H. Required Findings. In addition to the provisions of CMC 9172.21 and 9172.23, the Planning Division or Planning Commission shall approve a development plan and conditional use permit for a wireless telecommunications facility if affirmative findings can be made based upon the following criteria:

1. The proposed site is the best alternative least intrusive after considering co-location with another facility, other networks available such as distributed antennas systems, and location at another site. If located in the public right-of-way or on city-owned or leased property, the facility must meet the requirements of the Engineering Division.

2. The proposed wireless telecommunications facility will be aesthetically compatible, located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

3. The proposed wireless telecommunications facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.

I. Maintenance. The site shall be maintained in a condition free of trash, debris, and refuse and all antennas and related structures shall not be permitted to fall into disrepair. All graffiti must be removed immediately or within seventy-two (72) hours of notice from the City.

J. Temporary Facilities.

1. The Planning Division may approve, for a period of up to ninety (90) days, a temporary telecommunications facility to provide service while an approved telecommunications facility is being fabricated or when an existing antenna has been damaged or destroyed. The Planning Division may extend the ninety (90) day period at the request of the applicant for thirty (30) day intervals if the applicant can prove that there is a hardship that is delaying the issuance of permits for the permanent facility.

2. The temporary facility may only be approved after the approval authority has approved or conditionally approved an application for a wireless telecommunications facility and the project proponent has signed and returned a copy of the affidavit of acceptance of conditions of approval to the Planning Division.

3. The Planning Division shall approve the actual location and design of the temporary facility consistent with the requirements of subsection F (Design and Development Standards).



4. The Planning Division or Public Safety Division shall have the authority to approve a temporary use permit for wireless telecommunications facilities needed during a declared emergency. Temporary facilities shall be removed not later than ten (10) days after the conclusion of the declared emergency.

K. Nonconforming Facilities. Any facility constructed in violation of this Section, or in violation of any part of this Code, is subject to immediate abatement. Any major telecommunications facility that is lawfully constructed prior to the effective date of this Section, shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22. Additionally, sections 9172.25 and 9182.05 shall govern any request for an extension to the nonconforming privilege.

L. Facility Removal.

1. Discontinued Use/Abandonment. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than one hundred eighty (180) days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within ninety (90) days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements. In the event that an owner or operator fails to remove any abandoned facilities or antennas within the time periods stated, the City may remove the facility after providing thirty (30) days notice, and shall bill the owner and/or operator for all costs including any administrative or legal costs incurred in connection with said removal. Once all costs have been paid by the antenna owner, any bond posted for removal shall be released. The City does not waive any legal rights to seek repayment for removal costs pursuant to a bond posted, or bring an action for repayment of costs.

2. Utility-Mounted Facility Removal or Relocation. All utility-mounted facilities shall be removed or relocated at the facility owner's expense when a City-approved project requires relocation or undergrounding of the utility structure on which the facility is mounted. (Ord. 03-1284, § 5)





Michael van Eckhardt
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F: 425.580.7825

VIA electronic delivery to: jsigno@carson.ca.us

September 23, 2010

John F. Signo, AICP – Senior Planner
City of Carson
701 E. Carson Street
Carson, CA 90745

RE: CITY OF CARSON - AN ORDINANCE OF THE PROPOSED AMENDMENTS TO § 9138.1625 RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES.

Dear Mr. Signo:

AT&T is writing the City of Carson today in connection with the ordinances and amendments that are part of the proposed Ordinance amending § 9138.1625 relating to wireless telecommunications facilities (the "Proposed Ordinance").

AT&T appreciates the efforts the City is making to address issues relating to the location of wireless telecommunications facilities in the City's Public Rights-of-Way and private property within the City. As we described in our letter to you and Mr. Jerry Groomes dated April 12, 2010 (and sent via email on April 14, 2010), the Proposed Ordinance does raise some issues that merit reconsideration. A copy of that letter is attached for your convenience.

While AT&T acknowledges and appreciates that the City has addressed the concerns we expressed relating to the issues of underground and microwave dishes (in Section E. 5 of the Proposed Ordinance), we remain concerned about the other issues we identified in the April 12 letter. AT&T values the long-standing excellent relationship it has with the City and welcomes the opportunity to discuss with you any questions you and your stakeholders might have about these issues.

Sincerely,

Michael van Eckhardt (KDN)
Michael van Eckhardt
General Attorney
AT&T Mobility

Cc: Creasie James, AT&T
Karime Bradvica, AT&T

46



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VIA electronic delivery: jgroomes@carson.ca.us and jsigno@carson.ca.us

April 12, 2010

Jerry Groomes – City Manager
John F. Signo, AICP – Senior Planner
City of Carson
701 E. Carson Street
Carson, CA 90745

RE: CITY OF CARSON - AN ORDINANCE OF THE PROPOSED AMENDMENTS TO § 9138.1625 RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES.

Dear Jerry and John:

AT&T is writing the City of Carson today in connection with the ordinances and amendments that are part of the proposed Ordinance amending § 9138.1625 relating to wireless telecommunications facilities (the "Proposed Ordinance").

Residents of Carson want and, in fact, rely upon, high quality, affordable, seamless wireless service. This is especially true in emergency situations. To keep up with demand and accommodate the enormous growth in the number of wireless subscribers, along with the significant increase in bandwidth they're now using, and the fact that fewer are relying on a home phone line, requires the continued expansion of wireless network infrastructure in Carson.

While the Proposed Ordinance offers a valuable framework for evaluating the location of wireless telecommunications facilities in the City's Public Rights-of-Way and private property within the City, the Proposed Ordinance does raise some issues that merit reconsideration. AT&T wants to take this opportunity to focus particular attention on a few key issues raised in the Proposed Ordinance.

Interior Deployments of Cellular Service Enhancements

AT&T has no objection to reasonable regulation of deployments of outdoor Distributed Antenna Systems in Public Rights-of-Way or on private property. It wants to be certain, however, that the City does not intend to regulate in-building deployments designed to enhance wireless coverage only inside the building in which the system is located.

Such in-building deployments typically are put in place at the request of a customer to address specific coverage issues in the interior of a building. These deployments do not change the underlying use of the property nor are they put in place to improve coverage outside of the subject building. While any required electrical or building permits are obtained, of course, AT&T is unaware of any jurisdiction in the country that requires planning/zoning review for such internal deployments. We question whether cities' zoning powers extend to regulation of activities such as these that are unrelated to the underlying use of the property.



In addition, AT&T will be making its new 3G Microcell product available to the general public in April. Without deploying new facilities or constructing new towers, the AT&T 3G Microcell product will help to address coverage issues that some AT&T customers experience in their homes. We are certain that the City doesn't intend to perform planning reviews on every one of these devices deployed in Carson homes and businesses.

These in-building solutions are an important way for carriers to address coverage issues without building additional towers or adding facilities to an existing site. For that reason, it is vitally important to continue to allow these systems to be deployed without planning review and approval. To avoid confusion, AT&T asks that the Proposed Ordinance specifically exclude in-building service enhancements, including internal DAS and microcells, from planning review and permit requirement.

RELEVANT PROPOSED PROVISION

B. 12. Minor wireless telecommunications facility – Definition

12. "Minor wireless telecommunications facility" means a facility that includes distributed antenna systems (DAS), microcells and building-mounted facilities that are stealthed, including facade-mounted (wall-mounted) and roof-mounted stealthed facilities. Enhanced 911 Emergency Calling Systems (E911) required by the Federal Communications Commission are considered minor wireless telecommunications facilities if they are stealthed into the design of an existing building-mounted or freestanding facility.

Site Justification Study - Collocation Notices

The new language added to Section E4 requires that notices be sent to all wireless service providers or tower owners within a quarter mile of the proposed facility. It is unclear what will happen if a carrier or tower owner does not respond to the collocation notice. This section should clearly state that applications will be complete without responses back from the carriers and tower owners – evidence that the notice was sent should be sufficient to meet this requirement.

RELEVANT PROPOSED PROVISION

E.4. Site Justification Study – A study which explains the demands and rationale for selecting a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area. For all Major wireless facilities, this study shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location or other networks available such as distributed antennas systems. The study shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the study shall include evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technological justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s), or a statement from the applicant detailing all responses received, shall be included with the study as a means of demonstrating the need for a new Major wireless facility.

RF Emissions Reports

AT&T is concerned by the Radio Frequency (RF) Emissions Report requirements proposed in Section E.5 of the Proposed Ordinance. What is the City seeking to address in imposing this requirement? The Federal Communications Commission has exclusive jurisdiction over this area and compliance with the FCC's requirements is the standard to which carriers should be held.





This provision appears to seek assurances that cumulative exposure is analyzed, but "future" facilities could change at any time during the process, which could require new studies to be performed. This would appear to "regulate" RF thus usurping the FCC's exclusive jurisdiction in this area. In addition, the last sentence of proposed Section E.5 as it relates to all existing and known future facilities and co-located facilities within 2000 feet appears to be inconsistent with federal law.

RELEVANT PROPOSED PROVISION

E.5. RF Emissions Report - The City of Carson acknowledges that it is preempted from regulating the placement, construction or modification of facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations. As such, a report shall be submitted which is signed by a radio frequency engineer and prepared pursuant to Federal Communications Commission, Office of Engineering & Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum (EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The report shall take into account all other facilities within 2,000 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures and shall be written in plain English. This report shall be available for review by the public.

Site Plan

The requirements set out in Section E.6 do not allow future antennas or devices to be included in a Site Plan. This is highly inefficient, as carriers typically construct sites to accommodate future growth in demand. This requirement, if implemented, means it's likely that some sites will be subject to a number of expensive, time-consuming and unnecessary reviews. If the site is projected to require additional equipment in the near future, the City should allow an applicant to include such antennas and devices in the Site Plan so that they can be reviewed at the time of the initial application. Such a requirement is likely to increase the number of applications submitted for review, while not adding any value to the City. The section also may conflict with the obligations under California state planning law to provide for future growth.

AT&T also requests that the requirement for payment of consultant fees be moved to in Section E5. As Planning Departments typically do not have RF engineers on staff, it is appropriate to hire outside consultants and pass on that cost to the applicant. The other issues raised in siting of wireless facilities, however, are of the type typically considered by Planning Departments. To require payments for consultants gives the City a strong incentive to outsource all reviews of wireless facility applications, thus adding expense and delay to which other types of land use typically are not subjected.

RELEVANT PROPOSED PROVISION

E6. Site plan - A site plan shall be submitted and consist of elevation drawings indicating the height, diameter, color, setbacks, landscaping, method of screening, and color photo simulations showing the before and after impacts of the proposed facility on the subject site. Existing telecommunications facilities, poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future antennas or devices, nor shall future antennas or devices be approved, unless specifically identified by applicant in a separate written statement to the Planning Division or Planning Commission as applicable. Applicant shall bear the reasonable costs associated with the review of the application including the costs





incurred as a result of the need to hire an expert or consultant to review the data or information provided by the applicant or any related application.

Performance Bond

The proposed section F8 imposes a performance bond on applicants for wireless facilities. This requirement is not equitable, as it's not required of other commercial facilities or comparable land uses. If other commercial uses are installed within a jurisdiction, a removal bond is not required. The city has ample ability to condition the site through zoning and enforce the provisions through noticing to the landlord. A performance bond adds unnecessary costs to an already expensive process.

RELEVANT PROPOSED PROVISION

8. Performance Bond - A faithful performance bond shall be required to ensure compliance with city codes and standards, and the removal of abandoned antennas or facilities, before the issuance of any building or public works permits.

Undergrounding and Use of Microwave technology

Undergrounding: while appealing in some ways, undergrounding can greatly increase maintenance problems and outage issues. With underground facilities, two technicians must visit a vaulted site to do any maintenance for safety reasons. This not only increases costs, it makes it more difficult to schedule repairs and maintenance.

Also vaults are very susceptible to flooding and equipment damage — even high powered pumps do not have the capability of removing the volume of water that sometimes gets into vaults after rains. This means that service outages can continue for some time after periods of heavy rains. For these reasons, AT&T requests that stealthing and concealment of vaults, equipment, shelters, structures, or any other device related to or required for use of a facility be considered as an alternative to undergrounding.

As currently written, Section F3 could be read as requiring that vaulting of equipment be part of the design although the intent of the new language seems to require undergrounding of utilities to the site only. If all utilities in a city park are undergrounded, this might inadvertently 'require' that the equipment be located into a vault.

Use of microwave dishes: The ordinance proposes that microwave dishes only be allowed if they are the only "technically feasible" solution. Microwave is currently used as part of carrier networks, sometimes as a temporary solution until the permanent facilities are delivered or as a permanent solution if fiber or copper is not feasible. Further, AT&T is evaluating the feasibility of a microwave backbone within its network to serve as interconnect in the event of a major catastrophe. For these reasons, microwave should not be considered as a disfavored technology.

RELEVANT PROPOSED PROVISION

F.3. Undergrounding. Electrical wiring associated with a facility shall be buried underground or hidden in a manner acceptable to the development services general manager, Planning Division and Engineering Division. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of a facility, shall be underground where all other utilities are required to be underground. Where technologically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Wiring. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.





We appreciate this opportunity to work with the City on these important issues. Please contact us with your thoughts on how we can work together to implement the changes suggested here. We appreciate the opportunity to provide comment in this discussion and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael van Eckhardt".

Michael van Eckhardt
General Attorney
AT&T Mobility

Cc: Creasie James, AT&T
Karime Bradvica, AT&T

