

CITY OF WILDOMAR PLANNING COMMISSION

REGULAR MEETING OF APRIL 1, 2015

BEGINNING AT 6:30 P.M.

City Council Chambers
23873 Clinton Keith Road, Suite #111



Veronica Langworthy, Chairman
Bobby L. Swann III, Vice-Chairman
Dan Bidwell, Planning Commissioner
Gary Brown, Planning Commissioner
Stan Smith, Planning Commissioner

Matthew C. Bassi
Planning Director

Erica L. Vega
Assistant City Attorney

CITY OF WILDOMAR PLANNING COMMISSION MEETING AGENDA APRIL 1, 2015

ORDER OF BUSINESS:

The April 1, 2015 regular meeting of the Planning Commission begins at 6:30 p.m.

REPORTS:

The Planning Commission agenda packet/reports are available for review at Wildomar City Hall, Planning Department located at 23873 Clinton Keith Road, Suite #201 and on the City's website, <http://www.cityofwildomar.org/planning-commission-minutes.asp>. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours.

PUBLIC COMMENTS:

Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Chairman will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the Planning Commission Clerk prior to an individual being heard. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

CONSENT CALENDAR:

Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – REGULAR MEETING - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time when the Planning Commission receives general public comments regarding any items or matters within the jurisdiction of the Planning Commission that do not appear on the agenda. Each speaker is asked to fill out a “Public Comments Card” available at the Chamber door and submit the card to the Planning Commission Secretary. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker. Prior to taking action on any open session agenda item, the public will be permitted to comment at the time it is considered by the Planning Commission.

APPROVAL OF THE AGENDA AS PRESENTED

The Planning Commission to approve the agenda as it is herein presented, or, if it the desire of the Planning Commission, the agenda can be reordered at this time.

1.0 CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Commission, the Public, or Staff request that specific items are removed from the Consent Calendar for separate discussion and/or action.

- 1.1 Minutes – February 18, 2015 – Special Planning Commission Meeting**
Recommendation – Staff Recommends that the Planning Commission approve the Minutes as submitted.

2.0 PUBLIC HEARINGS

2.1 Oak Creek Canyon Tentative Tract Map No. 36388 Minor Changes (PA 14-0052):

Planning Commission review and consideration of Minor Changes to Tentative Tract Map No. 36388 for the Oak Creek Canyon Residential project, including a request for an additional 18 month extension to record the final tract map in accordance with Government Code Section 66452.6(c) and Title 16, Section 16.12.240.G (Wildomar Municipal Code) located generally along Bundy Canyon Road between Sunset Avenue and The Farm Road.

RECOMMENDATION:

The Planning Department recommends the Planning Commission keep the public hearing open and continue the agenda item to the May 6, 2015 meeting.

2.2 Zoning Ordinance Amendment No. 15-01:

The Planning Commission will consider and make a recommendation to the City Council for the adoption of an exemption from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(B)(3), and adoption of an Ordinance to add Chapter 17.310 to the Wildomar Municipal Code (Title 17 – Zoning) regulating Wireless Communications Facilities in the City of Wildomar, including adoption of new regulations being imposed upon the City by the Federal Communications Commission (FCC).

RECOMMENDATION:

The Planning Department recommends the Planning Commission take the following action:

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CEQA GUIDELINES AND ADDING CHAPTER 17.310 TO THE WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) REGULATING WIRELESS COMMUNICATION FACILITIES. IN THE CITY OF WILDOMAR.

3.0 GENERAL BUSINESS

- There are no general Business Items for the April 1, 2015 agenda.

PLANNING DIRECTOR REPORT

This item is reserved for the Planning Director to report on items not on the agenda. No action by the Planning Commission is needed.

ASSISTANT CITY ATTORNEY REPORT

This item is reserved for the Assistant City Attorney to report on items not on the agenda. No action by the Planning Commission is needed.

PLANNING COMMISSION COMMUNICATIONS

This item is reserved for the Planning Commission to make comments on items not on the agenda, request information and/or provide direction to the Planning Department staff.

FUTURE AGENDA ITEMS

ADJOURNMENT

The Regular Planning Commission meeting of April 1, 2015 is hereby adjourned.

RIGHT TO APPEAL:

Any decision of the Planning Commission may be appealed to the Planning Commission provided the required appeal application and the \$964 filing fee is submitted to the City Clerk within ten (10) calendar days proceeding the Planning Commission's action on any given project.

REPORTS:

All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during REGULAR business hours. If you wish to be added to the REGULAR mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

ADDITIONS/DELETIONS:

Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

ADA COMPLIANCE:

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT:

On or before March 27, 2015 a true and correct copy of this agenda was posted at three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road; 2) United States Post Office, 21392 Palomar Street; and 3) Mission Trail Library, 34303 Mission Trail Road.



Matthew C. Bassi
Planning Director



AGENDA SECTION 1.0

CONSENT CALENDAR ITEMS

AGENDA ITEM No. 1.1



CITY OF WILDOMAR OFFICIAL PLANNING COMMISSION MEETING MINUTES FOR THE SPECIAL MEETING OF FEBRUARY 18, 2015

CALL TO ORDER

The special meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Langworthy at 6:30 P.M. at Wildomar City Hall, Council Chambers.

ROLL CALL

Present: Veronica Langworthy Chairman, Bobby L. Swann III, Vice-Chair
Dan Bidwell, Commissioner, Stan Smith, Commissioner.

Absent: Gary D. Brown, Commissioner.

Staff Present Matthew Bassi, Planning Director
Dan York, Assistant City Manager / City Engineer
Alfredo Garcia, Assistant Planner
Daniel Serrano, Assistant Planner
Erica Vega, Assistant City Attorney
Mark Teague, Planning Manager

FLAG SALUTE

Chairman Langworthy led the flag salute.

PUBLIC COMMENTS:

None.

APPROVAL OF AGENDA AS SUBMITTED

Commissioner Smith motioned to approve the agenda as submitted. The motion was seconded by Vice-Chairman Swann III. Motioned Carried, 4-0-1 the following vote resulted:

AYES:	LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES:	NONE
ABSENT:	BROWN
ABSTAIN:	NONE

1.0 CONSENT CALENDAR

- 1.1 Minutes – December 3, 2014 – Regular Planning Commission Meeting**
Recommendation – Staff Recommends that the Planning Commission approve the Minutes as amended.

Chairman Langworthy motioned to approve the minutes as submitted. The motion was seconded by Commissioner Smith. Motioned Carried, 4-0-1 the following vote resulted:

AYES:	LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES:	NONE
ABSENT:	BROWN
ABSTAIN:	NONE

- 1.2 Minutes – January 21, 2015 – Special Planning Commission Meeting**
Recommendation – Staff Recommends that the Planning Commission approve the Minutes as amended.

Chairman Langworthy motioned to approve the minutes as submitted. The motion was seconded by Commissioner Bidwell. Motioned Passed, 4-0-1 to 3-0-1-1, with Commissioner Bidwell abstaining. The following vote resulted:

AYES:	LANGWORTHY, SMITH, SWANN III
NOES:	NONE
ABSENT:	BROWN
ABSTAIN:	BIDWELL

2.0 PUBLIC HEARINGS

2.1 Oak Creek Canyon Tentative Tract Map No. 36388 Minor Changes (PA 14-0052):

Planning Commission review and consideration of Minor Changes to Tentative Tract Map No. 36388 for the Oak Creek Canyon Residential project and an additional 18 month extension to record the final tract map in accordance with Government Code Section 66452.6(c) and Title 16, Section 16.12.240.G (Wildomar Municipal Code) located generally along Bundy Canyon Road between Sunset Avenue and The Farm Road.

Director Bassi, made a brief statement to recommend the Commission to continue the item to the April 1, 2015 Planning Commission meeting.

Madam Chair Langworthy opened the public hearing and asked for public comments.

Gary Andre resident, with donated time by Gayl Taylor and Ken Hamilton, provided public comment.

Ken Mayes, resident, commented on the agenda item.

Lynne Hamilton, resident, commented on the agenda item.

Gayl Taylor, with donated time from George Taylor, commented on the agenda item.

With no further public comments or discussion, Madam Chair Langworthy asked for a motion to continue item 2.1 to the Planning Commission meeting of April 1, 2015.

A Motion was made by Commissioner Smith, and seconded by Vice-Chairman Swann III.

Motion carried 4-0-1, with the following vote resulting:

AYES:	LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES:	NONE
ABSENT:	BROWN
ABSTAIN:	NONE

2.2 Sycamore Academy - Public Use Permit No. 14-0074 – (PA 14-0074):

Planning Commission review and consideration for the adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program, and a Public Use Permit to construct an approximate 28,000 square-foot public charter school (K through 8) which includes 22 classrooms (in four buildings), a “flex-classroom”, an administration building, and outdoor improvements including a patio, parking lots, gardens, amphitheater and paved/turf play areas located at 23151 Palomar Street.

Daniel Serrano Assistant Planner made a presentation to the Planning Commission.

Mark Teague Planning Manager made a presentation to the Planning Commission.

The Commissioners engaged in discussion.

Chairman Langworthy opened the public hearing and asked for public comments.

Barbara Hale, applicant for Sycamore Academy, made a presentation to the Planning Commission.

Tom Kruze, project architect, made a presentation to the Commission.

The Commissioners asked questions of the Applicant and project Architect.

Tom Kruze, responded to the Commissioners questions.

Mark Teague, Planning Manager, also provided responses to the Commissioners questions.

Hillary Martinez resident provided commented on the agenda item and provided a package to staff containing 101 letters of support.

Taylor Bedley, student at Sycamore Academy, commented on the agenda item and provided a package to the Planning Commission containing 400 letters from students in support of the project.

George Taylor resident, provided comment on the agenda item.

Ken Mayes resident, provided comment on the agenda item.

Gary Andre resident, provided comment on the agenda item.

Brianna Gomper, representative from the World Harvest Church, provided comment on the agenda item.

With no further public comments, Chairman Langworthy closed the public hearing, and asked for Commission discussion on the agenda item.

Commission engaged in discussion. With no further discussion, Chair Langworthy asked for a motion.

A Motion was made by Vice-Chairman Swann III, and seconded by Commissioner Bidwell, to adopt a Resolution entitled:

PC RESOLUTION NO. 2015-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING & REPORTING PROGRAM FOR THE SYCAMORE ACADEMY PUBLIC CHARTER SCHOOL PROJECT (PLANNING APPLICATION NO. 14-0074) LOCATED AT 23151 PALOMAR STREET (APN: 380-170-020).

Motion carried 4-0-1, with the following vote resulting:

AYES: LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES: NONE
ABSENT: BROWN
ABSTAIN: NONE

A Motion was made by Vice-Chairman Swann III, and seconded by Commissioner Smith to adopt a Resolution entitled:

PC RESOLUTION NO. 2015-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PUBLIC USE PERMIT NO. 14-0074 (SYCAMORE ACADEMY PUBLIC CHARTER SCHOOL) CONSISTING OF THE CONSTRUCTION OF AN APPROXIMATE 28,000 SQUARE-FOOT PUBLIC CHARTER SCHOOL (K THROUGH 8) WHICH INCLUDES 22 CLASSROOMS (IN FOUR BUILDINGS), A "FLEX-CLASSROOM", AN ADMINISTRATION BUILDING, AND OUTDOOR IMPROVEMENTS INCLUDING A PATIO, PARKING LOTS, GARDENS, AMPHITHEATER AND PAVED/TURF PLAY AREAS LOCATED AT 23151 PALOMAR STREET (APN: 380-170-020).

Motion carried 4-0-1, with the following vote resulting:

AYES:	LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES:	NONE
ABSENT:	BROWN
ABSTAIN:	NONE

Commission enters recess for 5 minutes

Commission returns from recess at 8:02 pm

3.0 GENERAL BUSINESS ITEMS:

3.1 Westpark Promenade Study Session (Planning Application No. 13-0082):

A Study Session with the Planning Commission to discuss the proposed Westpark Promenade development consisting of 191 single-family attached condominiums (for sale) and a 102,354 square-foot commercial retail center with two (2) 8,000 square-foot restaurant pads located at the northeast corner of the I-15 Freeway Catt Road (APN: 376-410-013; 376-410-025; 376-410-023).

Loreli Cappel project planner, made a presentation to the Planning Commission.

John Capelli, applicant project manager, made a presentation to the Planning Commission.

Scott Wilson, Landscape Architect, made a presentation to the Planning Commission.

Ken Mayes resident provided comment on the agenda item.

Chairman Chair Langworthy provided comments to the applicant speaker.

Danny Brose applicant representative responded to comments from the Commission and the public.

Assistant City Manager Dan York responded to comments from the Commission.

Chairman Langworthy thanked the applicants for their presentation.

No action taken on this agenda item.

Planning Directors Report

Director Bassi reminded the Commission about the Planning Commission Academy Conference.

Director Bassi reminded the Commission of the next meeting which will be held on April 1, 2015.

City Attorney's Report

None.

Planning Commission Communications

Vice-Chairman Swann Commented he is excited to attend the Planning Commissioners Academy.

Chairman Langworthy asked if the Commission would like to carpool to the Planning Commissioners Academy Conference.

With no other communications, Chairman Langworthy adjourned the February 18, 2015 Special Planning Commission meeting at 8:56 P.M.

Matthew C. Bassi
Planning Director/Minutes Secretary



AGENDA SECTION 2.0

PUBLIC HEARING ITEMS



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: April 1, 2015
(Continued from February 18, 2015)

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Tentative Tract Map No. 36388 Minor Changes (PA 14-0052):
Planning Commission review and consideration of Minor Changes to Tentative Tract Map No. 36388 for the Oak Creek Canyon Residential project, including a request for an additional 18 month extension to record the final tract map in accordance with Government Code Section 66452.6(c) and Title 16, Section 16.12.240.G (Wildomar Municipal Code) located generally along Bundy Canyon Road between Sunset Avenue and The Farm Road.

RECOMMENDATION:

The Planning Department recommends the Planning Commission keep the public hearing open and continue the agenda item to the May 6, 2015 meeting.

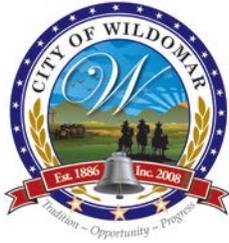
BACKGROUND / DESCRIPTION:

The Planning Commission reviewed the proposed minor changes at the February 18, 2015 special meeting. Based on a letter received just prior to the meeting (from Johnson and Sedlack on behalf of the “Citizens for Quality Development”), and public testimony, the Commission voted 4-0-1 (Brown absent) to continue action on the agenda item to the April 1, 2015 Commission meeting. The continuance was necessary to the Applicant time to prepare responses to the letter and public comments.

As of the date of this report, the Applicant needs an additional 30 days to prepare responses. Therefore, they are requesting a 2nd continuance to the May 6, 2015 meeting. At that time, staff will have a revised report, revised conditions of approval reflecting the appropriate provisions of the two settlement agreements, and full responses to the comments in the agenda packet.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica Vega
Assistant City Attorney



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: April 1, 2015

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: **Zoning Ordinance Amendment No. 15-01:**
Planning Commission consideration of an exemption from the California Environmental Quality Act (CEQA Guidelines per Section 15061(B)(3), and a draft Ordinance to add Chapter 17.310 to the Wildomar Municipal Code (Title 17 – Zoning) regulating Wireless Communications Facilities in the City of Wildomar.

RECOMMENDATION:

The Planning Department recommends the Planning Commission take the following action:

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CEQA GUIDELINES AND ADDING CHAPTER 17.310 TO THE WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) REGULATING WIRELESS COMMUNICATION FACILITIES IN THE CITY OF WILDOMAR.

DESCRIPTION/BACKGROUND:

The Planning Department is proposing that the City Council adopt a wireless communication facilities ordinance based on the ordinance adopted by the County prior to the City's incorporation, with updates to address recent regulations adopted by the Federal Communications Commission (FCC) regarding co-locations and modifications to existing wireless communication facilities that are not "substantial changes". The proposed ordinance will be codified in a new chapter in the Zoning Code (Chapter 17.310).

The vast majority of the substantive regulations being changed are required to implement the FCC's new regulations. However, to implement the FCC's requirements regarding non-substantial co-locations and modifications, the provisions regarding co-locations and modifications generally had to be revised, which created some minor

changes to how substantial co-locations and modifications are regulated. Also, this ordinance proposes to reduce the allowable height of wireless towers that are not concealed or disguised in any manner to the maximum allowable height in the applicable zone. This ordinance also makes numerous non-substantive stylistic changes to the wording of the ordinance, and incorporates some additional application requirements. All other existing regulations remain the same as staff has implemented since incorporation.

ANALYSIS:

“Co-location” of wireless facilities occurs when new antennas and other related equipment are placed on an existing wireless communication facility that is owned by a wireless service provider other than the one installing the new antennas and equipment. This is a common practice in the wireless industry and is favored because it allows for the provision of better wireless service while minimizing the number of new towers that must be constructed.

The wireless communication facility ordinance adopted by the County prior to the City’s incorporation allows co-location. The approval process for a co-location varies depending on whether the co-location is in a residential or nonresidential zone classification, and whether there have been previous co-locations or other modifications to the tower. The ordinance only allows a co-location to be approved if it would not increase the height of the tower by more than 10 feet. Co-locations in excess of this height must obtain a variance.

Last October, the FCC issued proposed rules that would prohibit local governments from denying a co-location or modification request that was not a “substantial change” to the existing facility. These new rules take effect on April 8, 2015. The FCC defines a substantial change to mean any of the following types of changes to an existing wireless facility:

1. Wireless tower (outside of the public right-of-way):
 - a. Height. The proposed collocation or modification would increase the height more than 10%, or the height of one additional antenna array would be more than 20 feet above the height of the nearest existing antenna (whichever is greater).
 - b. Width. The proposed collocation or modification would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the level of the appurtenance (whichever is greater).
2. Wireless tower (in the public right-of-way):
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.

- b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.
3. Base station (wherever located):
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.
 - b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.
4. The proposed collocation or modification would involve adding more than the standard number of new equipment cabinets for the technology involved, but in no event may exceed four new equipment cabinets.
5. A proposal that includes excavation or deployment of equipment outside the current wireless communication facility site. For the purposes of this provision, “outside of the current wireless communication facility site” means:
 - a. outside the boundaries of the controlled, leased or owned property surrounding the wireless tower and base station and any access or utility easements related to the site as shown on the approved plans with respect to a facility outside of a public right-of-way; and
 - b. outside the proximity of the footprint of the existing ground mounted transmission equipment with respect to a facility within a public right-of-way.
6. A proposal to alter or expand the exterior of any wireless communication facility or base station that was originally approved as concealed or disguised that defeats the originally approved concealed or disguised design elements. For the purposes of this provision, the term “defeat” means to change a concealed or disguised wireless communication facility in such a manner so that it may no longer be considered concealed or disguised.

The City needs to update the existing wireless communication facility ordinance to incorporate these new legal requirements. The proposed ordinance adds a definition of “substantial change” to the ordinance that is consistent with the FCC definition (as well as definitions of “co-location” and “base station”). The permit procedures for co-locations and modifications are also revised to create one set of permit procedures that apply to non-substantial co-location requests, and another for substantial requests.

Non-substantial co-locations must be approved via the substantial conformance process if all of the application requirements are satisfied. Substantial co-location requests must be approved via a revision to the permit for the existing tower. In the case of concealed and disguised facilities, this means a revision to the approved Plot Plan will be required. For all other facilities, this will require a revision to the approved CUP.

This ordinance also changes the height limitations and setbacks applicable to co-locations. Height limits and setbacks are built into the definition of “substantial change.” Therefore, additional height limits and setbacks are not allowed by the FCC regulations on non-substantial changes.

This ordinance proposes that co-locations that are substantial changes be subject to the height limitations and setbacks applicable to the facility on which the co-location is proposed. For example, a co-location on a concealed facility will be subject to the height limits and setbacks applicable to concealed facilities. In addition to the changes applicable to co-locations, staff is also recommending that the height limitation for “other” wireless communication facilities be reduced from 105’ to whatever the height limit is in the zone in which the facility will be constructed.

CEQA DETERMINATION

A review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 15-01. Based on this review, the Planning Department has determined that the adoption of the attached Ordinance (Attachment A – Exhibit 1) is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline 15061(b)(3), which exempts from review that do not have the potential for causing a significant effect on the environment. This Ordinance largely duplicates the County Ordinance that was in effect in the City prior to incorporation with respect to wireless communication facilities and that the City has continued to apply to wireless communication facilities after incorporation.

The modifications to the County Ordinance made by this Ordinance impact the processing of applications for wireless communication facilities, and implement regulations recently adopted by the Federal Communications Commission (FCC) requiring local governments to ministerially approve all co-location requests that are not a “substantial change” (as defined by the FCC) to the existing wireless facility. All new wireless communication facilities will be required to obtain a plot plan or CUP from the City, and will undergo CEQA review at that time. Co-location requests that are substantial changes will also undergo a discretionary permit approval process and will be reviewed under CEQA at that time. Co-location requests that are not substantial changes must be approved per FCC Regulations and therefore are exempt from CEQA as ministerial approvals. Therefore, it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

REQUIRED ZOA FINDING OF FACT:

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval to the City Council of Zoning Ordinance Amendment No. 15-01.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan. Specifically, Policy LU 4.1 requires new development to be located and designed to visually enhance, not degrade, the character of the surrounding area. As the amendment will continue to allow wireless communication facilities in a variety of zoning districts that are subject to specific development and design standards contained in the wireless ordinance since July 2008, the amendment is consistent with this General Plan Policy. Further, the amendment will address new FCC regulations being mandated by the federal government which will continue to promote and protect the health, safety and general welfare of Wildomar residents.

PUBLIC NOTICING

In accordance with the Wildomar Municipal Code, the Planning Department published a legal notice in the Press Enterprise, a local newspaper of general circulation, on March 21, 2015 notifying the general public of the public hearing for the proposed Zoning Ordinance Amendment No. 15-01. As of the date of this report, staff has not received any public comments on the amendment.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica L. Vega
Assistant City Attorney

ATTACHMENTS

- A. PC Resolution No. 15-07
Exhibit 1 – Draft Council Ordinance
- B. Draft Wireless Ordinance with Highlighted Changes

ATTACHMENT A

(PC Resolution No. 2015-07)

PC RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CEQA GUIDELINES AND ADDING CHAPTER 17.310 TO THE WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) REGULATING WIRELESS COMMUNICATION FACILITIES. IN THE CITY OF WILDOMAR.

WHEREAS, Section 332(c)(7) of the federal Communications Act regulates wireless service but preserves local zoning control over the placement, construction and modification of wireless communication facilities; however, these regulations cannot “prohibit or have the effect of prohibiting” wireless communication facilities; and

WHEREAS, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires local governments to approve any request to modify an existing wireless tower or base station that does not “substantially change they physical dimensions” the tower or base station; and

WHEREAS, the Federal Communications Commission issued a Report and Order on October 17, 2014 clarifying how Section 6409(a) should be implemented, and these new rules took effect on April 8, 2015; and,

WHEREAS, prior to the City’s incorporation, the County of Riverside adopted Ordinance No. 348.4090 amending its zoning ordinance to regulate wireless communication facilities; and

WHEREAS, the City continued to enforce County Ordinance No. 348.4090 within the City after incorporation; and,

WHEREAS, this Ordinance updates the provisions of County Ordinance No. 348.4090 in a manner that is consistent with new federal laws and regulations and adds the regulations to Title 17 of the Wildomar Municipal Code; and

WHEREAS, the City of Wildomar Planning Commission has the authority in accordance with the provisions of the Wildomar Zoning Ordinance to take action on the proposed Zoning Ordinance Amendment No. 14-01; and

WHEREAS, in accordance with the Wildomar Municipal Code, the Planning Department published a legal notice in the Press Enterprise, a local newspaper of general circulation, on March 21, 2015 notifying the general public of the public hearing for the proposed Zoning Ordinance Amendment No. 15-01. As of the date of this report, staff has not received any public comments on the amendment.

WHEREAS, in accordance with Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on April 1, 2015, at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Ordinance Amendment No. 15-01, and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 15-01, and made a recommendation to the City Council.

NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION.

A review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 15-01. Based on this review, the Planning Department has determined that the adoption of the attached Ordinance (Attachment A – Exhibit 1) is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline 15061(b)(3), which exempts from review that do not have the potential for causing a significant effect on the environment. This Ordinance largely duplicates the County Ordinance that was in effect in the City prior to incorporation with respect to wireless communication facilities and that the City has continued to apply to wireless communication facilities after incorporation.

The modifications to the County Ordinance made by this Ordinance impact the processing of applications for wireless communication facilities, and implement regulations recently adopted by the Federal Communications Commission (FCC) requiring local governments to ministerially approve all co-location requests that are not a “substantial change” (as defined by the FCC) to the existing wireless facility. All new wireless communication facilities will be required to obtain a plot plan or CUP from the City, and will undergo CEQA review at that time. Co-location requests that are substantial changes will also undergo a discretionary permit approval process and will be reviewed under CEQA at that time. Co-location requests that are not substantial changes must be approved per FCC Regulations and therefore are exempt from CEQA as ministerial approvals. Therefore, it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

SECTION 2. REQUIRED ZOA FINDING.

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 15-01 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan. Specifically, Policy LU 4.1 requires new development to be located and designed to visually enhance, not degrade, the character of the surrounding area. As the

amendment will continue to allow wireless communication facilities in a variety of zoning districts that are subject to specific development and design standards contained in the wireless ordinance since July 2008, the amendment is consistent with this General Plan Policy. Further, the amendment will address new FCC regulations being mandated by the federal government which will continue to promote and protect the health, safety and general welfare of Wildomar residents.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing finding, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 2015-07 recommending the City Council take the following actions:

1. Notice of Exemption. That the City Council make a determination that Zoning Ordinance Amendment No. 15-01 is exempt from environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines and direct the Planning Director to file a Notice of Exemption with the Riverside County Clerk within five (5) working days of Council approval; and
2. Approve ZOA/Adopt an Ordinance. That the City Council adopt an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 15-01.

PASSED, APPROVED AND ADOPTED this 1st day of April, 2015 by the following vote:

AYES.
NOES:
ABSENT:
ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega
Assistant City Attorney

EXHIBIT 1
Draft City Council Ordinance

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CEQA GUIDELINES AND ADDING CHAPTER 17.310 TO THE WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) REGULATING WIRELESS COMMUNICATION FACILITIES IN THE CITY OF WILDOMAR.

WHEREAS, Section 332(c)(7) of the federal Communications Act regulates wireless service but preserves local zoning control over the placement, construction and modification of wireless communication facilities; however, these regulations cannot “prohibit or have the effect of prohibiting” wireless communication facilities; and

WHEREAS, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires local governments to approve any request to modify an existing wireless tower or base station that does not “substantially change they physical dimensions” the tower or base station; and

WHEREAS, the Federal Communications Commission issued a Report and Order on October 17, 2014 clarifying how Section 6409(a) should be implemented, and these new rules took effect on April 8, 2015; and,

WHEREAS, prior to the City’s incorporation, the County of Riverside adopted Ordinance No. 348.4090 amending its zoning ordinance to regulate wireless communication facilities; and

WHEREAS, the City continued to enforce County Ordinance No. 348.4090 within the City after incorporation; and,

WHEREAS, this Ordinance updates the provisions of County Ordinance No. 348.4090 in a manner that is consistent with new federal laws and regulations and adds the regulations to Title 17 of the Wildomar Municipal Code; and

WHEREAS, on April 1, 2015, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt this Ordinance; and

WHEREAS, on _____, 2015, the City Council held a duly noticed public hearing and voted to introduce this Ordinance and waive further reading.

THE CITY COUNCIL OF THE CITY OF WILDOMAR HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1: ENVIRONMENTAL DETERMINATION.

The City Council hereby finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline 15061(b)(3), which exempts from review that do not have the potential for causing a significant effect on the environment. This Ordinance largely duplicates the County Ordinance that was in effect in the City prior to incorporation with respect to wireless communication facilities and that the City has continued to apply to wireless communication facilities after incorporation. The modifications to the County Ordinance made by this Ordinance impact the processing of applications for wireless communication facilities, and implement regulations recently adopted by the Federal Communications Commission (FCC) requiring local governments to ministerially approve all co-location requests that are not a “substantial change” (as defined by the FCC) to the existing wireless facility. All new wireless communication facilities will be required to obtain a plot plan or CUP from the City, and will undergo CEQA review at that time. Co-location requests that are substantial changes will also undergo a discretionary permit approval process and will be reviewed under CEQA at that time. Co-location requests that are not substantial changes must be approved per FCC Regulations and therefore are exempt from CEQA as ministerial approvals. Therefore, it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

SECTION 2. REQUIRED ZOA FINDING.

In accordance with Title 17 of the Wildomar Municipal Code, the City Council finds that approval of Zoning Ordinance Amendment No. 15-01 meets the following finding:

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan. Specifically, Policy LU 4.1 requires new development to be located and designed to visually enhance, not degrade, the character of the surrounding area. As the amendment will continue to allow wireless communication facilities in a variety of zoning districts that are subject to specific development and design standards contained in the wireless ordinance since July 2008, the amendment is consistent with this General Plan Policy. Further, the amendment will address new FCC regulations being mandated by the federal government which will continue to promote and protect the health, safety and general welfare of Wildomar residents.

SECTION 3: AMENDMENT TO THE ZONING ORDINANCE.

A new Chapter 17.310 (Wireless Communication Facilities) is hereby added to the Wildomar Municipal Code and shall read as follows:

“CHAPTER 17.310”

WIRELESS COMMUNICATION FACILITIES

Sections:

- 17.310.010 Statement of Intent**
- 17.310.020 Exclusions**
- 17.310.030 Definitions**
- 17.310.040 Concealed Wireless Communication Facilities**
- 17.310.050 Disguised Wireless Communication Facilities**
- 17.310.060 Co-locations and Modifications to Existing Wireless Communication Facilities**
- 17.310.070 Other Wireless Communication Facilities**
- 17.310.080 Effect of Location on Public Property**
- 17.310.090 Effect of Encroachment Permit Issuance**
- 17.310.100 Processing Requirements – New Wireless Communication Facilities, Co-Locations and Modifications**
- 17.310.110 Development Standards**
- 17.310.120 Abandoned Sites**

17.310.010 Statement of Intent.

The intent of this chapter is to achieve each of the following:

- A. To enhance the ability of telecommunication service providers to effectively and efficiently provide new wireless communication services in the City;
- B. To encourage the design and placement of wireless communication facilities in a way that minimizes their impact to the visual character, health, economic vitality and biological resources of the City;
- C. To encourage and maximize the use of existing and approved wireless communication facilities, buildings and other structures while taking into account the use of concealment technology in order to reduce the number of facilities needed to serve businesses and residents in the City;

- D. To ensure continuous maintenance of new and existing wireless communication facilities; and
- E. To ensure the timely removal of any unused or outdated wireless communication facilities.

17.310.020 Exclusions.

This chapter shall not apply to any tower or antenna that is less than one hundred and five (105) in total height and that is owned and operated by a federally-licensed amateur radio station operator. This chapter shall also not apply to any tower or antenna used for commercial radio or television purposes.

17.310.030 Definitions.

For the purpose of this chapter, the following words or phrases shall be defined as follows:

“Antenna” means a device used for the purpose of transmitting and/or receiving wireless communication signals.

“Antenna Structure” means an antenna and its associated support structure, such as a monopole or tower.

“Base Station” means the transmission equipment and non-tower support structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. A “non-tower support structure” means any structure (whether built for wireless purposes or not) that supports wireless transmission equipment under a valid permit at the time the applicant submits its application.

“Co-Location” means the placement or installation of wireless communication facilities, including antennas and related transmission equipment, on an existing and permitted support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

“Equipment enclosure” means any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect the electronic and supporting equipment necessary for processing wireless communication signals. Supporting equipment includes, but is not limited to, air conditioners, emergency generators, and other back-up power suppliers.

“Monopole” means a vertical, un-guyed structure erected on the ground to support an antenna.

“Non-residential zone classification” means the following zones are considered non-residential zone classifications: R-D, I-P, M-SC, M-M, M-H, M-R, M-R-A, N-A, A-1 (lots larger than two and one-half (2-1/2) acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E, R-VC, C-1/C-P, C-T, C-P-S, C-O, C-C/V.

“Planning Director” means the Planning Director of the City of Wildomar.

“Residential zone classifications” means the following zones are considered residential zone classifications: A-1 (lots two and one-half (2-1/2) acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O, R-A, R-1, R-1-A, R-2, R-2-A, R-4, R-6, R-T.

“Substantial Change” means any of the following, as applied to an existing wireless communication facility:

1. Wireless tower (outside of the public right-of-way):
 - a. Height. The proposed collocation or modification would increase the height more than 10%, or the height of one additional antenna array would be more than 20 feet above the height of the nearest existing antenna (whichever is greater).
 - b. Width. The proposed collocation or modification would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the level of the appurtenance (whichever is greater).
2. Wireless tower (in the public right-of-way):
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.
 - b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.
3. Base station (wherever located):
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.
 - b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.
4. The proposed collocation or modification would involve adding more than the standard number of new equipment cabinets for the technology involved, but in no event may exceed four new equipment cabinets.
5. A proposal that includes excavation or deployment of equipment outside the current wireless communication facility site. For the purposes of this provision, “outside of the current wireless communication facility site” means:
 - a. outside the boundaries of the controlled, leased or owned property surrounding the wireless tower and base station and any access or utility

easements related to the site as shown on the approved plans with respect to a facility outside of a public right-of-way; and

- b. outside the proximity of the footprint of the existing ground mounted transmission equipment with respect to a facility within a public right-of-way.
6. A proposal to alter or expand the exterior of any wireless communication facility or base station that was originally approved as concealed or disguised that defeats the originally approved concealed or disguised design elements. For the purposes of this provision, the term “defeat” means to change a concealed or disguised wireless communication facility in such a manner so that it may no longer be considered concealed or disguised.
7. The proposed collocation or modification would violate an existing condition of approval, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, new excavation, or aesthetic change that does not exceed the corresponding “substantial change” thresholds identified in 1-6 above with respect to a wireless tower or base station.
8. Any proposed collocation or modification that would constitute a “substantial change” under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as it may be amended, as such term is defined or interpreted by any rule, order, ruling, or other decision of the FCC or decision of a court with jurisdiction over the area of the city.
9. A proposal that would prevent or obstruct full implementation of the city’s standard street or parkway sections.
10. A proposal that would alter required access, parking, or landscaping from that shown on the approved site plans.
11. A proposal to replace the wireless tower or foundation.
12. A proposal to alter the width, bulk, or arrangement of a wireless communication facility that may violate any law, rule, regulation, or other requirement intended to protect public health and safety.

“Telecommunications Service provider” means the private sector entity that is responsible for providing wireless communication to the general public or the private sector entity that owns or operates a wireless communication facility.

“Tower” means a structure that supports, holds or contains equipment that sends and/or receives wireless communication signals, including, but not limited to, antennas.

“Wireless Communications Facilities” means facilities that send and/or receive personal wireless communication signals, including, but not limited, to antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated. Wireless communication facilities are classified as follows:

1. “Concealed Wireless Communication Facility” is a facility blended into the environment so as not to be seen at all or, if seen, not to be recognized as a wireless communication facility. A concealed wireless communication facility includes, but is not limited to, architecturally screened roof-mounted facilities, façade-mounted design feature facilities, clock tower facilities and entry statement signage facilities. The Planning Director shall make the final determination as to whether a facility under review constitutes a concealed wireless communication facility.
2. “Disguised Wireless Communication Facility” is a facility designed and sited so as to be minimally visually intrusive. A disguised wireless communication facility includes, but is not limited to, disguised palm trees (monopalms), disguised pine trees (monopine’s), disguised ball field light poles, disguised flag poles, disguised water towers, disguised street lights, disguised electric utility poles, suspended wire antennas and painted poles located within a grove of live trees. The Planning Director shall make the final determination as to whether a facility under review constitutes a disguised wireless communication facility.
3. “Co-located Wireless Communication Facility” is a facility owned by one telecommunication service provider that is attached to an existing facility owned by a different telecommunication service provider. The Planning Director shall make the final determination as to whether a facility under review constitutes a co-located wireless communication facility.
4. “Other Wireless Communication Facility” is a facility that is not concealed, disguised or co-located.

17.310.040 Concealed Wireless Communication Facilities.

Concealed wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. A concealed wireless communication facility may be located in any zone classification.
- B. Permit Application. A Plot Plan application shall be submitted to the Planning Director in accordance with Chapter 17.216 of the Zoning Ordinance accompanied by the required application fee. All the procedural provisions of Chapter 17.216 shall apply to the application for a concealed wireless communication facility, except as provided herein.
- C. Requirements for Approval. No plot plan application for a concealed wireless communication facility shall be approved unless it complies with the following:
 1. The facility is designed so that it is not visible at all or, if visible, it is not recognizable as a wireless communication facility.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.

3. The application has met the processing requirements set forth in this chapter.
4. The application has met the location and development standards set forth in this chapter.
5. The application has met the requirements for approval set forth in Chapter 17.216 of the Zoning Ordinance.

17.310.050 Disguised Wireless Communication Facilities.

Disguised wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. A disguised wireless communication facility may be located in Non-Residential Zone Classifications and Residential Zone Classifications.
- B. Permit Application. A Plot Plan application shall be submitted to the Planning Director in accordance with Chapter 17.216 of the Zoning Ordinance accompanied by the required application fee. All the procedural provisions of Chapter 17.216 shall apply to the application, except as provided herein.
- C. Requirements for Approval. No plot plan application for a disguised wireless communication facility shall be approved unless it complies with the following:
 1. The facility is designed and sited so that it is minimally visually intrusive.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 3. The application has met the processing requirements set forth in this chapter.
 4. The application has met the location and development standards set forth in this chapter.
 5. The application has met the requirements for approval set forth in Chapter 17.216 of the Zoning Ordinance.

17.310.060 Co-locations and Modifications to Existing Wireless Communication Facilities.

Co-location and modifications to an existing wireless communication facility shall be subject to the following standards:

- A. Appropriate Location. A co-located wireless communication facility may be located in any zone classification.
- B. Permit Application. An application for substantial conformance shall be submitted to the Planning Director in accordance with Chapter 17.228 of the Zoning Ordinance accompanied by the required application fee if the co-location or modification does not constitute a substantial change to the wireless communication facility. If the co-location or modification request constitutes a

substantial change, an application for a revised permit shall be made to the Planning Director in accordance with Chapter 17.228 of the Zoning Ordinance.

- C. Requirements for Approval. A substantial conformance shall be issued for a co-location or modification that is not a substantial change to the existing wireless communication facility if all of the application requirements for a substantial conformance have been satisfied. No revised permit application for a co-location or modification of an existing wireless communication facility shall be approved unless it complies with the following:
1. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 2. The application has met the processing requirements set forth in this chapter.
 3. The application has met the location and development standards set forth in this chapter.
 4. The application has met the requirements for approval set forth in Chapter 17.228 of this Code.

17.310.070 Other Wireless Communication Facilities.

Other wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. Other wireless communication facilities may be located in the following zone classifications: R-D, I-P, M-S-C, M-M, M-H, M-R, M-R-A, N-A, A-1 (lots larger than two and one-half (2 and ½) acres), A-P, A-Z, A-D, W-2, W-2-M, W-1, W-E.
- B. Permit Application. A Conditional Use Permit application shall be submitted to the Planning Director in accordance with Chapter 17.200 of the Zoning Ordinance accompanied by the required application fee. A public hearing on the application shall be required, and all procedural provisions of Chapter 17.200 of the Zoning Ordinance shall apply to the application.
- C. Requirements for Approval. No conditional use permit for an other wireless communication facility shall be approved unless it complies with the following:
1. The facility is not located within a sensitive viewshed.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 3. The application has met the processing requirements set forth in this chapter.
 4. The application has met the location and development standards set forth in this chapter.

5. The application has met the findings for approval as set forth in Chapter 17.200 of the Zoning Ordinance.

17.310.080 Effect of Location on Public Property.

Whether located on public or private property, wireless communication facilities cannot be construed unless a permit has first been obtained in accordance with this Chapter.

17.310.090 Effect on Encroachment Permit Issuance.

An encroachment permit does not, under any circumstances, authorize the construction of wireless communication facilities.

17.310.100 Processing Requirements – New, Co-Location and Modifications

- A. In addition to the application requirements of the appropriate permit, all of the following shall be submitted with an application for a new wireless communication facility (Refer to Table 1 at the end of Section 17.310.110 for summary of location, permit and development standards):
 1. Evidence that the applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies necessary to provide wireless communication services utilizing the proposed wireless communication facility.
 2. A site plan drawn to scale by a California licensed land surveyor or civil engineer showing property lines; the location of the proposed facility; the distance of the proposed facility from property lines; adjacent roadways and rights-of-way; contours; the height of the proposed facility and the facility type; guy wires and anchors; facility dimensions; setbacks; existing structures on the underlying property; elevation drawings depicting the typical design of the proposed facility; parking; access easements; and fencing.
 3. A conceptual landscape plan indicating all existing vegetation, identifying landscaping that is to be retained on the site and identifying any additional vegetation that is needed to satisfactorily control erosion and screen the facility from adjacent land uses and public vistas. All existing trees larger than four (4) inches in diameter at a height of four and one-half (4 and ½) feet shall be identified in the landscape plan by species type and the plan shall indicate whether the trees are to be retained or removed. Landscape plans are not required for concealed wireless communications facilities.
 4. Propagation diagrams showing the existing network coverage within one (1) mile of the site and the proposed coverage based upon the proposed facility at the proposed height.
 5. Photo simulations showing the proposed facility from all public roads and all residential developments within a ½ mile radius of the site.

6. A letter stating whether or not Federal Aviation Administration (FAA) clearance is required. If FAA clearance is required, a letter stating the type of lighting necessary and the tower color.
7. A fully executed copy of the lease or other agreement entered into with the owner of the underlying property. The lease or other agreement shall include a provision indicating that the telecommunication service provider, or its successors and assigns, shall remove the wireless communication facility completely upon its abandonment. The lease or other agreement shall also include a provision notifying the property owner that if the telecommunication service provider does not completely remove a facility upon its abandonment, the City may remove the facility at the property owner's expense and lien the property for the cost of such removal. Proprietary information in the lease may be redacted.
8. A list of all towers owned by the applicant located within the City. The list shall include the following information:
 - a. Zoning permit numbers.
 - b. Assessor's Parcel Number(s).
 - c. GPS coordinates.
 - d. Street Addresses.
 - e. Thomas Brothers map page and coordinates (identify edition used).
 - f. Type of facility (concealed, disguised, co-located, other).
 - g. Number of antennas on each facility.
9. If required by the City Engineer, a geotechnical report that shall include the following:
 - a. Soils and geologic characteristics of the site based upon site-specific sampling and testing;
 - b. Foundation design criteria for the proposed facility.
 - c. A slope stability analysis;
 - d. Grading criteria for ground preparation, cuts and fills and soil compaction;
 - e. A geologic hazards evaluation to include regional seismicity, potential for strong ground shaking, all appropriate primary and secondary seismic hazards, and recommended mitigation measures;

- f. A detailed fault hazard valuation prepared by a California registered geologist or certified engineering geologist for any wireless communication facility located within an Alquist-Priolo Special Studies Zone, County Fault Zone, or within one hundred fifty (15) feet of any other active or potentially active fault; and
 - g. A detailed liquefaction hazard evaluation prepared by a California registered geologist or certified engineering geologist for wireless communication towers located within a County Liquefaction Zone.
- 10. If required by the Planning Director, a biological assessment that shall include the following:
 - a. A proposed facility description including location, height of tower as measured from the ground, description of associated equipment, width and length of access roads and driveways, and length and right-of-way width of power and communication lines;
 - b. Existing biological resources onsite including quantification of vegetation and habitat types, color photo documentation of onsite and surrounding vegetation, a description of water resources, potential habitat for Federal and State-listed species, and sensitive species habitats;
 - c. The results of any focused surveys for federally listed species (if required); and
 - d. Impacts to biological resources including quantification of the habitat to be removed as a result of the proposed facility.
- 11. A Variance application pursuant to Chapter 17.196 of the Zoning Ordinance, a Variance application shall be required accompanied by the required application fee, if the wireless communication facility exceeds the maximum height allowed or the applicant desires not to comply with any other development standard herein.
- 12. The applicable wireless communication facility application fee established by city council resolution.
- 13. A map that indicates existing, identifiable wireless communication facilities within a one mile radius of the proposed location of the new wireless communication facility, and an explanation of why collocation on these existing facilities, if any, is not feasible. This explanation must include such technical information and other factual justifications as are necessary to document the reasons why collocation is not a viable option. The applicant must provide a list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or

infeasible, unavailable, or not as aesthetically desirable as the proposed location. This explanation must include such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable, or not as aesthetically desirable as the proposed location. If an existing wireless communication facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless communication facility is not a viable option. The written explanation must also state the radio frequency coverage and capacity needs and objectives of the applicant, and must include maps of existing coverage and predicted new coverage with the proposed facility.

14. A statement that the proposed wireless communication facility is available for collocations, or an explanation of why future collocation is not technically feasible or potentially available.
 15. A Radio Frequency (RF) report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the frequency and power levels (in watts ERP) for all existing and proposed transmitters at the site and exhibits that show the location and orientation of all transmitters and the boundaries of areas with exposures in excess of the uncontrolled/general population limit and the controlled/occupational limit.
 16. A noise study prepared and certified by an engineer for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the city's noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
- B. Any applicant seeking to modify an existing wireless communication facility or to co-locate on an existing wireless communication facility need only submit items 1, 2, 3, 5, 7, 12, 11, 15, and 16 from subsection (A) above, as applicable.
- C. The proposed facility height shall be stated in all hearing notices.
- D. A cash or other sufficient deposit for any third party peer review determined by the Planning Director to be necessary to ensure compliance with the technical requirements of this chapter.

17.310.110 Development Standards.

All wireless communication facilities shall comply with the following development standards (Refer to Table 1 below for summary of location, permit and development standards).

- A. Area Disturbance. Disturbance to the natural landscape shall be minimized. Disturbed areas shall be remediated immediately after construction. Remediation techniques may vary depending on the site.
- B. Fencing and Walls. All wireless communication facilities shall be enclosed with a decorative block wall, wrought iron fence, or other screening option at a maximum height of six (6) feet as deemed appropriate by the Planning Director. Such fencing/walls shall conform to the City's Design Standards and Guidelines.
- C. Height Limitations. The height of any wireless communication facility may not exceed the following standards:
 - 1. Concealed wireless communication facilities may not exceed the maximum building height in the applicable zone.
 - 2. Disguised wireless communication facilities may not exceed fifty feet in residential zone classifications and may not exceed seventy feet in nonresidential zone classifications.
 - 3. Co-located facilities that are not substantial changes to the existing wireless communication facility are not subject to any height limitation.
 - 4. Co-located facilities that are substantial changes to the existing wireless communication facility may not exceed the maximum building height applicable to the type of tower on which the co-located facilities will be installed.
 - 5. Other wireless communication facilities may not exceed the maximum building height in the applicable zone.
- D. Impacts. All wireless communication facilities shall be sited so as to minimize adverse impacts to the surrounding community and biological resources.
- E. Landscaping. All wireless communication facilities shall have landscaping around the perimeter of the leased area and shall match and/or augment the natural landscaping in the area. Wireless communication facilities construed to look like trees shall have other similar tree species planted adjacent to and/or around the facility to enhance the concealing effect. If landscaping is deemed necessary in native habitats, only native plant species shall be used in order to avoid introduction of exotic invasive species. All landscaping shall be irrigated unless a water source is unavailable within the parcel on which the facility is located. If a water source is not available, indigenous plants shall be used and manually watered until established.

- F. Lighting. Outside lighting is prohibited unless required by the FAA or the California Building Code, including the appendix and standards adopted by the California Building Standards Commission. All towers that require a warning light to comply with FAA regulations shall use the minimum amount possible. Any security lighting shall meet the requirements of Chapter 8.64 of this Code. Any lighting system installed shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and so as not to create a nuisance for surrounding property owners or a wildlife attractant.
- G. Noise. All noise produced by wireless communication facilities shall be minimized and in no case shall noise produced exceed 45db inside the nearest dwelling and 60db at the property line.
- H. Parking. Temporary parking for service vehicles may be permitted on site. No off-site parking shall be allowed for any service vehicle. Paving for the parking shall be required, where appropriate, and may not be removed without proper mitigation. No vehicles may remain parked overnight, with the exception of technicians working at the site during the night. If a new wireless communication facility is placed on existing parking spaces required by the use currently on site, the parking spaces shall be replaced so that the current use has the necessary parking required by this Title 17. If such replacement of spaces is not feasible, a variance may be requested.
- I. Paved Access. All wireless communication facilities located within residential developments containing lots 18,000 square feet or smaller shall be accessed via a paved road. All wireless communication facilities within residential developments containing lots larger than 18,000 square feet shall be accessed via an all-weather surface.
- J. Power and Communication Lines. No above-ground power or communication lines shall be extended to the site, unless an applicant demonstrate that undergrounding such lines would result in substantial environmental impacts or a letter is received from the power company indicating it is unable to underground the wires. All underground utilities shall be installed in a manner to minimize disturbance of existing vegetation and wildlife habitats during construction. Removal of underground equipment upon the abandonment of a facility is not recommended unless leaving the equipment underground would pose a threat to health, safety or sensitive resources.
- K. Roof-Mounted Facilities. Wireless communication facilities mounted on a roof shall be less than ten (10) feet above the roofline.
- L. Sensitive Viewshed. Wireless communication facilities proposed on ridgelines and other sensitive view-sheds shall be concealed and sited so that the top of the facility is below the ridgeline as viewed from any direction.

- M. **Setbacks.** Wireless communication facilities shall meet the following setback requirements:
1. Concealed wireless communication facilities shall meet the setback requirements of the zone classification in which they are located.
 2. Disguised wireless communication facilities in and adjacent to non-residential zone classifications shall be setback from habitable dwellings a distance equal to one hundred and twenty-five (125) percent of the facility height. Disguised wireless communication facilities in or adjacent to residential zone classifications shall be setback from habitable dwellings a distance equal to two hundred (200) percent of the facility height or shall be setback from residential property lines a distance equal to one hundred (100) percent of the facility height, whichever is greater.
 3. Co-located wireless communication facilities that are a substantial change to the existing wireless communication facility shall meet the setback requirements applicable to the type of tower on which the co-located facilities will be installed.
 4. Co-located facilities that are not a substantial change to the existing wireless communication facility are not subject to any setback requirements.
 5. Other wireless communication facilities shall be setback from habitable dwellings a distance equal to one thousand (1,000) feet.
- N. **Support Facilities.** Freestanding equipment enclosures shall be constructed to look like adjacent structures or facilities typically found in the area and shall adhere to the City's Design Standards and Guidelines where appropriate. Where there are no structures in the immediate vicinity, equipment closures shall blend with existing naturally occurring elements of the viewing background shall be screened from view by landscaping, fencing/walls or other methods. Equipment enclosures shall not exceed thirteen (13) feet in height.
- O. **Treatment.** Wireless communication facilities shall be given a surface treatment similar to surrounding architecture. All finishes shall be dark in color with a matte finish and have a reflective rating of 38 percent.

Table 1
Location, Permit Application and Development Standards Summary

Zone	Concealed	Disguised	Co-located, Substantial Change	Co-located, Not Substantial Change	Other
R-D, I-P, M-SC, M-M, M-H, M-R, M-R-A-, N-A, A-1 (lots larger than 2 ½ acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E	Plot plan. Height limitation of zone. Setback requirements of zone.	Plot Plan. Maximum height of 70'. Setback from habitable dwelling 125% of facility height (if adjacent to residential zone apply residential setback)	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type	Substantial conformance. No height limit. No setback.	Conditional Use Permit. Height limitation of zone. Setback from a habitable dwelling 1,000 feet.
R-VC, C-1/C-P, C-T, C-P-S, C-O, C-C/V	Plot Plan. Height limitation of zone. Setback requirements of zone	Plot Plan. Maximum height of 70'. Setback from a habitable dwelling 125% of facility height (if adjacent to residential zone apply residential setback)	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type.	Substantial conformance. No height limit. No setback	Not allowed.
A-1 (lots 2 ½ acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O, R-A, R-1, R-1-A, R-2, R-2-A, R-R, R-6, R-T	Plot Plan. Height limitation of zone. Setback requirements of zone.	Plot Plan. Maximum height of 50'. Setback from a habitable dwelling (200% of facility height or setback from a property line 100% of facility height, whichever is greater).	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type.	Substantial conformance. No height limit. No setback.	Not allowed.

17.310.120 Abandoned Sites.

- A. Any wireless communication facility that is not continuously operated for a period of sixty (60) days shall be conclusively deemed abandoned.
- B. The telecommunications service provider shall have sixty (60) days after a notice of abandonment is mailed by the City to either make the facility operable, replace the facility with an operable facility, or remove the facility.
- C. Within ninety (90) days of the date the notice of abandonment is mailed, the City may remove the wireless communication facility at the underlying property owner's expense and shall place a lien on the property for the cost of such removal.
- D. The owner of the property shall, within one hundred and twenty (120) days of the City's removal, return the site to its approximate natural condition. If the owner fails to do so, the City can restore and revegetate the site at the property owner's expense.
- E. If there are two (2) or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it."

SECTION 4. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE OF THE ORDINANCE.

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

SECTION 6. CITY CLERK ACTION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

Ben J. Benoit
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. __ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the ___ day of _____, 2015, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

Draft Wireless Ordinance with *Highlighted Changes*

**CHAPTER 17.310
WIRELESS COMMUNICATION FACILITIES**

Sections:

- 17.310.010 Statement of Intent**
- 17.310.020 Exclusions**
- 17.310.030 Definitions**
- 17.310.040 Concealed Wireless Communication Facilities**
- 17.310.050 Disguised Wireless Communication Facilities**
- 17.310.060 Co-locations and Modifications to Existing Wireless Communication Facilities**
- 17.310.070 Other Wireless Communication Facilities**
- 17.310.080 Effect of Location on Public Property**
- 17.310.090 Effect of Encroachment Permit Issuance**
- 17.310.100 Processing Requirements – New Wireless Communication Facilities, Co-Locations and Modifications**
- 17.310.110 Development Standards**
- 17.310.120 Abandoned Sites**

17.310.010 Statement of Intent.

The intent of this chapter is to achieve each of the following:

- A. To enhance the ability of telecommunication service providers to effectively and efficiently provide new wireless communication services in the City;
- B. To encourage the design and placement of wireless communication facilities in a way that minimizes their impact to the visual character, health, economic vitality and biological resources of the City;
- C. To encourage and maximize the use of existing and approved wireless communication facilities, buildings and other structures while taking into account the use of concealment technology in order to reduce the number of facilities needed to serve businesses and residents in the City;
- D. To ensure continuous maintenance of new and existing wireless communication facilities; and
- E. To ensure the timely removal of any unused or outdated wireless communication facilities.

17.310.020 Exclusions.

This chapter shall not apply to any tower or antenna that is less than one hundred and five (105) in total height and that is owned and operated by a federally-licensed amateur radio station operator. This chapter shall also not apply to any tower or antenna used for commercial radio or television purposes.

17.310.030 Definitions.

For the purpose of this chapter, the following words or phrases shall be defined as follows:

“Antenna” means a device used for the purpose of transmitting and/or receiving wireless communication signals.

“Antenna Structure” means an antenna and its associated support structure, such as a monopole or tower.

“Base Station” means the transmission equipment and non-tower support structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. A “non-tower support structure” means any structure (whether built for wireless purposes or not) that supports wireless transmission equipment under a valid permit at the time the applicant submits its application.

“Co-Location” means the placement or installation of wireless communication facilities, including antennas and related transmission equipment, on an existing and permitted support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

“Equipment enclosure” means any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect the electronic and supporting equipment necessary for processing wireless communication signals. Supporting equipment includes, but is not limited to, air conditioners, emergency generators, and other back-up power suppliers.

“Monopole” means a vertical, un-guyed structure erected on the ground to support an antenna.

“Non-residential zone classification” means the following zones are considered non-residential zone classifications: R-D, I-P, M-SC, M-M, M-H, M-R, M-R-A, N-A, A-1 (lots larger than two and one-half (2-1/2) acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E, R-VC, C-1/C-P, C-T, C-P-S, C-O, C-C/V.

“Planning Director” means the Planning Director of the City of Wildomar.

“Residential zone classifications” means the following zones are considered residential zone classifications: A-1 (lots two and one-half (2-1/2) acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O, R-A, R-1, R-1-A, R-2, R-2-A, R-4, R-6, R-T.

“Substantial Change” means any of the following, as applied to an existing wireless communication facility:

- 1. Wireless tower (outside of the public right-of-way):*
 - a. Height. The proposed collocation or modification would increase the height more than 10%, or the height of one additional antenna array would be more than 20 feet above the height of the nearest existing antenna (whichever is greater).*
 - b. Width. The proposed collocation or modification would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the level of the appurtenance (whichever is greater).*
- 2. Wireless tower (in the public right-of-way):*
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.*
 - b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.*
- 3. Base station (wherever located):*
 - a. Height. The proposed collocation or modification would increase the height more than 10% or 10 feet (whichever is greater) above the originally approved height.*
 - b. Width. The proposed collocation or modification would protrude from the edge of the originally approved tower by more than six feet.*
- 4. The proposed collocation or modification would involve adding more than the standard number of new equipment cabinets for the technology involved, but in no event may exceed four new equipment cabinets.*
- 5. A proposal that includes excavation or deployment of equipment outside the current wireless communication facility site. For the purposes of this provision, “outside of the current wireless communication facility site” means:*
 - a. outside the boundaries of the controlled, leased or owned property surrounding the wireless tower and base station and any access or utility easements related to the site as shown on the approved plans with respect to a facility outside of a public right-of-way; and*
 - b. outside the proximity of the footprint of the existing ground mounted transmission equipment with respect to a facility within a public right-of-way.*

6. *A proposal to alter or expand the exterior of any wireless communication facility or base station that was originally approved as concealed or disguised that defeats the originally approved concealed or disguised design elements. For the purposes of this provision, the term “defeat” means to change a concealed or disguised wireless communication facility in such a manner so that it may no longer be considered concealed or disguised.*
7. *The proposed collocation or modification would violate an existing condition of approval, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, new excavation, or aesthetic change that does not exceed the corresponding “substantial change” thresholds identified in 1-6 above with respect to a wireless tower or base station.*
8. *Any proposed collocation or modification that would constitute a “substantial change” under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as it may be amended, as such term is defined or interpreted by any rule, order, ruling, or other decision of the FCC or decision of a court with jurisdiction over the area of the city.*
9. A proposal that would prevent or obstruct full implementation of the city’s standard street or parkway sections.
10. A proposal that would alter required access, parking, or landscaping from that shown on the approved site plans.
11. A proposal to replace the wireless tower or foundation.
12. A proposal to alter the width, bulk, or arrangement of a wireless communication facility that may violate any law, rule, regulation, or other requirement intended to protect public health and safety.

“Telecommunications Service provider” means the private sector entity that is responsible for providing wireless communication to the general public or the private sector entity that owns or operates a wireless communication facility.

“Tower” means a structure that supports, holds or contains equipment that sends and/or receives wireless communication signals, including, but not limited to, antennas.

“Wireless Communications Facilities” means facilities that send and/or receive personal wireless communication signals, including, but not limited, to antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated. Wireless communication facilities are classified as follows:

1. “Concealed Wireless Communication Facility” is a facility blended into the environment so as not to be seen at all or, if seen, not to be recognized as a wireless communication facility. A concealed wireless communication facility includes, but is not limited to, architecturally screened roof-mounted facilities, façade-mounted design feature facilities, clock tower facilities and entry

statement signage facilities. The Planning Director shall make the final determination as to whether a facility under review constitutes a concealed wireless communication facility.

2. "Disguised Wireless Communication Facility" is a facility designed and sited so as to be minimally visually intrusive. A disguised wireless communication facility includes, but is not limited to, disguised palm trees (monopalms), disguised pine trees (monopine's), disguised ball field light poles, disguised flag poles, disguised water towers, disguised street lights, disguised electric utility poles, suspended wire antennas and painted poles located within a grove of live trees. The Planning Director shall make the final determination as to whether a facility under review constitutes a disguised wireless communication facility.
3. "Co-located Wireless Communication Facility" is a facility owned by one telecommunication service provider that is attached to an existing facility owned by a different telecommunication service provider. The Planning Director shall make the final determination as to whether a facility under review constitutes a co-located wireless communication facility.
4. "Other Wireless Communication Facility" is a facility that is not concealed, disguised or co-located.

17.310.040 Concealed Wireless Communication Facilities.

Concealed wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. A concealed wireless communication facility may be located in any zone classification.
- B. Permit Application. A Plot Plan application shall be submitted to the Planning Director in accordance with Chapter 17.216 of the Zoning Ordinance accompanied by the required application fee. All the procedural provisions of Chapter 17.216 shall apply to the application for a concealed wireless communication facility, except as provided herein.
- C. Requirements for Approval. No plot plan application for a concealed wireless communication facility shall be approved unless it complies with the following:
 1. The facility is designed so that it is not visible at all or, if visible, it is not recognizable as a wireless communication facility.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 3. The application has met the processing requirements set forth in this chapter.
 4. The application has met the location and development standards set forth in this chapter.

5. The application has met the requirements for approval set forth in Chapter 17.216 of the Zoning Ordinance.

17.310.050. Disguised Wireless Communication Facilities.

Disguised wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. A disguised wireless communication facility may be located in Non-Residential Zone Classifications and Residential Zone Classifications.
- B. Permit Application. A Plot Plan application shall be submitted to the Planning Director in accordance with Chapter 17.216 of the Zoning Ordinance accompanied by the required application fee. All the procedural provisions of Chapter 17.216 shall apply to the application, except as provided herein.
- C. Requirements for Approval. No plot plan application for a disguised wireless communication facility shall be approved unless it complies with the following:
 1. The facility is designed and sited so that it is minimally visually intrusive.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 3. The application has met the processing requirements set forth in this chapter.
 4. The application has met the location and development standards set for in this chapter.
 5. The application has met the requirements for approval set forth in Chapter 17.216 of the Zoning Ordinance.

17.310.060. Co-locations and Modifications to Existing Wireless Communication Facilities

Co-location and modifications to an existing wireless communication facility shall be subject to the following standards:

- A. Appropriate Location. A co-located wireless communication facility may be located in any zone classification.
- B. Permit Application. *An application for substantial conformance shall be submitted to the Planning Director in accordance with Chapter 17.228 of the Zoning Ordinance accompanied by the required application fee if the co-location or modification does not constitute a substantial change to the wireless communication facility.* If the co-location or modification request constitutes a substantial change, an application for a revised permit shall be made to the Planning Director in accordance with Chapter 17.228 of the Zoning Ordinance.

- C. Requirements for Approval. *A substantial conformance shall be issued for a co-location or modification that is not a substantial change to the existing wireless communication facility if all of the application requirements for a substantial conformance have been satisfied.* No revised permit application for a co-location or modification of an existing wireless communication facility shall be approved unless it complies with the following:
1. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 2. The application has met the processing requirements set forth in this chapter.
 3. The application has met the location and development standards set forth in this chapter.
 4. The application has met the requirements for approval set forth in Chapter 17.216 of the Zoning Ordinance.

17.310.070 Other Wireless Communication Facilities.

Other wireless communication facilities shall be subject to the following standards:

- A. Appropriate Location. Other wireless communication facilities may be located in the following zone classifications: R-D, I-P, M-S-C, M-M, M-H, M-R, M-R-A, N-A, A-1 (lots larger than two and one-half (2 and ½) acres), A-P, A-Z, A-D, W-2, W-2-M, W-1, W-E.
- B. Permit Application. A Conditional Use Permit application shall be submitted to the Planning Director in accordance with Chapter 17.200 of the Zoning Ordinance accompanied by the required application fee. A public hearing on the application shall be required, and all procedural provisions of Chapter 17.200 of the Zoning Ordinance shall apply to the application.
- C. Requirements for Approval. No conditional use permit for an other wireless communication facility shall be approved unless it complies with the following:
1. The facility is not located within a sensitive viewshed.
 2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.
 3. The application has met the processing requirements set forth in this chapter.
 4. The application has met the location and development standards set forth in this chapter.
 5. The application has met the findings for approval as set forth in Chapter 17.200 of the Zoning Ordinance.

17.310.080 Effect of Location on Public Property.

Whether located on public or private property, wireless communication facilities cannot be construed unless a permit has first been obtained in accordance with this Chapter.

17.310.090 Effect on Encroachment Permit Issuance.

An encroachment permit does not, under any circumstances, authorize the construction of wireless communication facilities.

17.310.100 Processing Requirements.

- A. In addition to the application requirements of the appropriate permit, all of the following shall be submitted with an application for a new wireless communication facility (Refer to Table 1 at the end of Section 17.310.110 for summary of location, permit and development standards):
1. Evidence that the applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies necessary to provide wireless communication services utilizing the proposed wireless communication facility.
 2. A site plan drawn to scale by a California licensed land surveyor or civil engineer showing property lines; the location of the proposed facility; the distance of the proposed facility from property lines; adjacent roadways and rights-of-way; contours; the height of the proposed facility and the facility type; guy wires and anchors; facility dimensions; setbacks; existing structures on the underlying property; elevation drawings depicting the typical design of the proposed facility; parking; access easements; and fencing.
 3. A conceptual landscape plan indicating all existing vegetation, identifying landscaping that is to be retained on the site and identifying any additional vegetation that is needed to satisfactorily control erosion and screen the facility from adjacent land uses and public vistas. All existing trees larger than four (4) inches in diameter at a height of four and one-half (4 and ½) feet shall be identified in the landscape plan by species type and the plan shall indicate whether the trees are to be retained or removed. Landscape plans are not required for concealed wireless communications facilities.
 4. Propagation diagrams showing the existing network coverage within one (1) mile of the site and the proposed coverage based upon the proposed facility at the proposed height.
 5. Photo simulations showing the proposed facility from all public roads and all residential developments within a ½ mile radius of the site.
 6. A letter stating whether or not Federal Aviation Administration (FAA) clearance is required. If FAA clearance is required, a letter stating the type of lighting necessary and the tower color.

7. A fully executed copy of the lease or other agreement entered into with the owner of the underlying property. The lease or other agreement shall include a provision indicating that the telecommunication service provider, or its successors and assigns, shall remove the wireless communication facility completely upon its abandonment. The lease or other agreement shall also include a provision notifying the property owner that if the telecommunication service provider does not completely remove a facility upon its abandonment, the City may remove the facility at the property owner's expense and lien the property for the cost of such removal. Proprietary information in the lease may be redacted.
8. A list of all towers owned by the applicant located within the City. The list shall include the following information:
 - a. Zoning permit numbers.
 - b. Assessor's Parcel Number(s).
 - c. GPS coordinates.
 - d. Street Addresses.
 - e. Thomas Brothers map page and coordinates (identify edition used).
 - f. Type of facility (concealed, disguised, co-located, other).
 - g. Number of antennas on each facility.
9. If required by the City Engineer, a geotechnical report that shall include the following:
 - a. Soils and geologic characteristics of the site based upon site-specific sampling and testing;
 - b. Foundation design criteria for the proposed facility.
 - c. A slope stability analysis;
 - d. Grading criteria for ground preparation, cuts and fills and soil compaction;
 - e. A geologic hazards evaluation to include regional seismicity, potential for strong ground shaking, all appropriate primary and secondary seismic hazards, and recommended mitigation measures;
 - f. A detailed fault hazard valuation prepared by a California registered geologist or certified engineering geologist for any wireless communication facility located within an Alquist-Priolo Special Studies Zone, County Fault

Zone, or within one hundred fifty (15) feet of any other active or potentially active fault; and

- g. A detailed liquefaction hazard evaluation prepared by a California registered geologist or certified engineering geologist for wireless communication towers located within a County Liquefaction Zone.
10. If required by the Planning Director, a biological assessment that shall include the following:
 - a. A proposed facility description including location, height of tower as measured from the ground, description of associated equipment, width and length of access roads and driveways, and length and right-of-way width of power and communication lines;
 - b. Existing biological resources onsite including quantification of vegetation and habitat types, color photo documentation of onsite and surrounding vegetation, a description of water resources, potential habitat for Federal and State-listed species, and sensitive species habitats;
 - c. The results of any focused surveys for federally listed species (if required); and
 - d. Impacts to biological resources including quantification of the habitat to be removed as a result of the proposed facility.
11. A Variance application pursuant to Chapter 17.196 of the Zoning Ordinance, a Variance application shall be required accompanied by the required application fee, if the wireless communication facility exceeds the maximum height allowed or the applicant desires not to comply with any other development standard herein.
12. The applicable wireless communication facility application fee established by city council resolution.
13. A map that indicates existing, identifiable wireless communication facilities within a one mile radius of the proposed location of the new wireless communication facility, and an explanation of why collocation on these existing facilities, if any, is not feasible. This explanation must include such technical information and other factual justifications as are necessary to document the reasons why collocation is not a viable option. The applicant must provide a list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable, or not as aesthetically desirable as the proposed location. This explanation must include such technical information and other factual justification as are necessary to document the reasons why each

alternative is unacceptable, infeasible, unavailable, or not as aesthetically desirable as the proposed location. If an existing wireless communication facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless communication facility is not a viable option. The written explanation must also state the radio frequency coverage and capacity needs and objectives of the applicant, and must include maps of existing coverage and predicted new coverage with the proposed facility.

14. A statement that the proposed wireless communication facility is available for collocations, or an explanation of why future collocation is not technically feasible or potentially available.
 15. A radio frequency (RF) report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the frequency and power levels (in watts ERP) for all existing and proposed transmitters at the site and exhibits that show the location and orientation of all transmitters and the boundaries of areas with exposures in excess of the uncontrolled/general population limit and the controlled/occupational limit.
 16. A noise study prepared and certified by an engineer for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the city's noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
- B. Any applicant seeking to modify an existing wireless communication facility or to co-locate on an existing wireless communication facility need only submit items 1, 2, 3, 5, 7, 12, 11, 15, and 16 from subsection (A) above, as applicable.
- C. The proposed facility height shall be stated in all hearing notices.
- D. A cash or other sufficient deposit for any third party peer review determined by the Planning Director to be necessary to ensure compliance with the technical requirements of this chapter.

17.310.110 Development Standards.

All wireless communication facilities shall comply with the following development standards (refer to Table 1 at the end of this subsection for summary of location, permit and development standards).

- A. Area Disturbance. Disturbance to the natural landscape shall be minimized. Disturbed areas shall be remediated immediately after construction. Remediation techniques may vary depending on the site.

- B. Fencing and Walls. All wireless communication facilities shall be enclosed with a decorative block wall, wrought iron fence, or other screening option at a maximum height of six (6) feet as deemed appropriate by the Planning Director. Such fencing/walls shall conform to the City's Design Standards and Guidelines.
- C. Height Limitations. The height of any wireless communication facility may not exceed the following standards:
1. Concealed wireless communication facilities may not exceed the maximum building height in the applicable zone.
 2. Disguised wireless communication facilities may not exceed fifty feet in residential zone classifications and may not exceed seventy feet in nonresidential zone classifications.
 3. *Co-located facilities that are not substantial changes to the existing wireless communication facility are not subject to any height limitation.*
 4. Co-located facilities that are substantial changes to the existing wireless communication facility may not exceed the maximum building height applicable to the type of tower on which the co-located facilities will be installed.
 5. Other wireless communication facilities may not exceed the maximum building height in the applicable zone.
- D. Impacts. All wireless communication facilities shall be sited so as to minimize adverse impacts to the surrounding community and biological resources.
- E. Landscaping. All wireless communication facilities shall have landscaping around the perimeter of the leased area and shall match and/or augment the natural landscaping in the area. Wireless communication facilities construed to look like trees shall have other similar tree species planted adjacent to and/or around the facility to enhance the concealing effect. If landscaping is deemed necessary in native habitats, only native plant species shall be used in order to avoid introduction of exotic invasive species. All landscaping shall be irrigated unless a water source is unavailable within the parcel on which the facility is located. If a water source is not available, indigenous plants shall be used and manually watered until established.
- F. Lighting. Outside lighting is prohibited unless required by the FAA or the California Building Code, including the appendix and standards adopted by the California Building Standards Commission. All towers that require a warning light to comply with FAA regulations shall use the minimum amount possible. Any security lighting shall meet the requirements of Chapter 8.64 of this Code. Any lighting system installed shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and so as not to create a nuisance for surrounding property owners or a wildlife attractant.

- G. Noise. All noise produced by wireless communication facilities shall be minimized and in no case shall noise produced exceed 45db inside the nearest dwelling and 60db at the property line.
- H. Parking. Temporary parking for service vehicles may be permitted on site. No off-site parking shall be allowed for any service vehicle. Paving for the parking shall be required, where appropriate, and may not be removed without proper mitigation. No vehicles may remain parked overnight, with the exception of technicians working at the site during the night. If a new wireless communication facility is placed on existing parking spaces required by the use currently on site, the parking spaces shall be replaced so that the current use has the necessary parking required by this Title 17. If such replacement of spaces is not feasible, a variance may be requested.
- I. Paved Access. All wireless communication facilities located within residential developments containing lots 18,000 square feet or smaller shall be accessed via a paved road. All wireless communication facilities within residential developments containing lots larger than 18,000 square feet shall be accessed via an all-weather surface.
- J. Power and Communication Lines. No above-ground power or communication lines shall be extended to the site, unless an applicant demonstrate that undergrounding such lines would result in substantial environmental impacts or a letter is received from the power company indicating it is unable to underground the wires. All underground utilities shall be installed in a manner to minimize disturbance of existing vegetation and wildlife habitats during construction. Removal of underground equipment upon the abandonment of a facility is not recommended unless leaving the equipment underground would pose a threat to health, safety or sensitive resources.
- K. Roof-Mounted Facilities. Wireless communication facilities mounted on a roof shall be less than ten (10) feet above the roofline.
- L. Sensitive Viewshed. Wireless communication facilities proposed on ridgelines and other sensitive view-sheds shall be concealed and sited so that the top of the facility is below the ridgeline as viewed from any direction.
- M. Setbacks. Wireless communication facilities shall meet the following setback requirements:
1. Concealed wireless communication facilities shall meet the setback requirements of the zone classification in which they are located.
 2. Disguised wireless communication facilities in and adjacent to non-residential zone classifications shall be setback from habitable dwellings a distance equal to one hundred and twenty-five (125) percent of the facility height. Disguised wireless communication facilities in or adjacent to residential zone classifications shall be setback from habitable dwellings a distance equal to two

hundred (200) percent of the facility height or shall be setback from residential property lines a distance equal to one hundred (100) percent of the facility height, whichever is greater.

3. Co-located wireless communication facilities that are a substantial change to the existing wireless communication facility shall meet the setback requirements applicable to the type of tower on which the co-located facilities will be installed.
 4. *Co-located facilities that are not a substantial change to the existing wireless communication facility are not subject to any setback requirements.*
 5. Other wireless communication facilities shall be setback from habitable dwellings a distance equal to one thousand (1,000) feet.
- N. Support Facilities. Freestanding equipment enclosures shall be constructed to look like adjacent structures or facilities typically found in the area and shall adhere to the City's Design Standards and Guidelines where appropriate. Where there are no structures in the immediate vicinity, equipment closures shall blend with existing naturally occurring elements of the viewing background shall be screened from view by landscaping, fencing/walls or other methods. Equipment enclosures shall not exceed thirteen (13) feet in height.
- O. Treatment. Wireless communication facilities shall be given a surface treatment similar to surrounding architecture. All finishes shall be dark in color with a matte finish and have a reflective rating of 38 percent.

Table 1
Location, Permit Application and Development Standards Summary

Zone	Concealed	Disguised	Co-located, Substantial Change	<i>Co-located, Not Substantial Change</i>	Other
R-D, I-P, M-SC, M-M, M-H, M-R, M-R-A-, N-A, A-1 (lots larger than 2 ½ acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E	Plot plan. Height limitation of zone. Setback requirements of zone.	Plot Plan. Maximum height of 70'. Setback from habitable dwelling 125% of facility height (if adjacent to residential zone apply residential setback)	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type	<i>Substantial conformance.</i> <i>No height limit.</i> <i>No setback.</i>	Conditional Use Permit. Height limitation of zone. Setback from a habitable dwelling 1,000 feet.
R-VC, C-1/C-P, C-T, C-P-S, C-O, C-C/V	Plot Plan. Height limitation of zone. Setback requirements of zone	Plot Plan. Maximum height of 70'. Setback from a habitable dwelling 125% of facility height (if adjacent to residential zone apply residential setback)	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type.	<i>Substantial conformance.</i> <i>No height limit.</i> <i>No setback</i>	Not allowed.
A-1 (lots 2 ½ acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O, R-A, R-1, R-1-A, R-2, R-2-A, R-R, R-6, R-T	Plot Plan. Height limitation of zone. Setback requirements of zone.	Plot Plan. Maximum height of 50'. Setback from a habitable dwelling (200% of facility height or setback from a property line 100% of facility height, whichever is greater).	Revised permit. Height limitation applicable to tower type. Setback requirements of tower type.	<i>Substantial conformance.</i> <i>No height limit.</i> <i>No setback.</i>	Not allowed.

17.310.120 Abandoned Sites.

- A. Any wireless communication facility that is not continuously operated for a period of sixty (60) days shall be conclusively deemed abandoned.
- B. The telecommunications service provider shall have sixty (60) days after a notice of abandonment is mailed by the City to either make the facility operable, replace the facility with an operable facility, or remove the facility.
- C. Within ninety (90) days of the date the notice of abandonment is mailed, the City may remove the wireless communication facility at the underlying property owner's expense and shall place a lien on the property for the cost of such removal.
- D. The owner of the property shall, within one hundred and twenty (120) days of the City's removal, return the site to its approximate natural condition. If the owner fails to do so, the City can restore and revegetate the site at the property owner's expense.
- E. If there are two (2) or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it."



AGENDA SECTION 3.0

GENERAL BUSINESS ITEMS



AGENDA ITEM 3.0

GENERAL BUSINESS

There are no general business items for this agenda packet.