



# ATTACHMENT 5:

SECTION 155.348 (WIRELESS  
TELECOMMUNICATION FACILITIES)  
– PROPOSED, EXISTING (CHAPTER  
159), AND CROSSWALK

## Section 155.348 – WIRELESS TELECOMMUNICATION FACILITIES

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### Subsections:

- 155.348.010 – Purpose and Intent
- 155.348.020 – Applicability
- 155.348.030 – Definitions
- 155.348.040 – Permits/Approvals Required
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- 155.348.090 – Abandonment and Removal
- 155.348.100 – Relocating or Removing Facilities in the Right-of-Way

### 155.348.010 – Purpose and Intent

- (A) **Purpose.** This section establishes standards for wireless telecommunication facilities. The intent of these standards is to:
- (1) Allow for safe, efficient deployment of wireless facilities to meet consumer needs;
  - (2) Ensure siting and design avoid and minimize adverse impacts on wildlife, public safety, public views, aesthetics, and historic and neighborhood character;
  - (3) Prevent proliferation of new towers and other freestanding wireless facilities by promoting collocation and integration into existing buildings and other structures; and
  - (4) Ensure that the City's review process is clear, timely, and consistent with state and federal law.
- (B) **Legislative Intent.** This section does not intend to, and must not be interpreted or applied to:
- (1) Prohibit or effectively prohibit personal wireless services;
  - (2) Discriminate among providers of functionally equivalent services;
  - (3) Regulate wireless facilities on the basis of the environmental effects of radio frequency emissions where such emissions comply with all applicable Federal Communications Commission (FCC) standards;
  - (4) Prohibit or effectively prohibit any collocation or modification that the City may not deny under state or federal law; or
  - (5) Preempt any applicable state or federal law.

**155.348.020 – Applicability**

- (A) **General.** This section applies to all new wireless facilities and all modifications to existing facilities, whether located on public or private property, and regardless of zoning district.
- (B) **Exemptions.** This section does not apply to:
- (1) Amateur radio facilities, constructed and operated for transmitting and receiving radio signals for non-commercial purposes, licensed by the FCC;
  - (2) Direct-to-home satellite dishes, TV antennas, and other over-the-air reception devices (“OTARDs”) as defined in 47 Code of Federal Regulations (CFR) 1.4000 et seq.;
  - (3) Non-commercial wireless facilities owned and operated by a governmental agency, including but not limited to the City of Eureka;
  - (4) All wireless facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations; and
  - (5) Temporary wireless facilities used to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage.

**155.348.030 – Definitions**

- (A) **Terms Defined.** Terms used in this section are defined as follows:
- (1) **Antenna.** Means the same as defined by the FCC in 47 CFR 1.6002(b), as may be amended, which defines the term as an apparatus designed for the purpose of emitting radio frequency radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services.
  - (2) **Collocation.** Means the same as defined by the FCC in 47 CFR 1.6002(g), as may be amended, which defines the term as (1) mounting or installing an antenna facility on a pre-existing structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. For eligible facility requests, the definition of collocation is defined in 47 CFR 1.6100(b)(2).
  - (3) **Eligible Facilities Request.** Means the same as defined by the FCC in 47 CFR 1.6100(b)(3), as may be amended, which defines the term as any request for modification to an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (1) collocation of new transmission equipment, (2) removal of transmission equipment, or (3) replacement of transmission equipment; as specified in 47 United States Code (U.S.C.) 1455(a), 47 CFR 1.40001, or any other subsequent applicable federal law.
  - (4) **Freestanding Wireless Facility.** A wireless telecommunication facility that is a self-supported structure constructed primarily to support antennas and associated

equipment for wireless service and not mounted on or attached to any existing building or other existing structure. This type of facility specifically includes, but is not limited to, towers.

- (5) **Personal Wireless Services.** Means the same as defined in 47 U.S.C. 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
  - (6) **Responsible Party.** The wireless facility permit holder and any successor in interest, and, to the extent of their respective control, the owner of the property on which the wireless facility is located.
  - (7) **Service Provider.** A wireless communications provider, company, or organization, or the agent of a company or organization that provides wireless communications services.
  - (8) **Significant Gap.** A gap in the service provider's own wireless telecommunications service coverage or capacity, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
  - (9) **Small Cell Wireless Facility.** Means a facility that meets each of the conditions specified in 47 CFR 1.6002(l).
  - (10) **Structure-Mounted Wireless Facility.** A wireless telecommunications facility that is mounted on, attached to, or integrated into an existing building or other existing structure that was not constructed primarily to support wireless telecommunications antennas or equipment. Structure-mounted wireless facilities include, but are not limited to, facilities mounted on buildings, architectural features, water tanks, silos, monuments, religious features, utility structures, or similar vertical structures.
  - (11) **Wireless Telecommunication Facility.** A structure, antenna or related equipment that sends and/or receives radio frequency or other electromagnetic signals for the purpose of providing wireless communication services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, generators, cables, conduit, and other accessory development and support features; and screening and concealment elements. The terms "wireless facility" and "facility" as used in this section have the same meaning as "wireless telecommunication facility."
- (B) **Terms Not Defined.** Terms not defined in this section must be interpreted to give this section its most reasonable meaning and application, consistent with applicable state and federal law.

**155.348.040 – Permits/Approvals Required**

(A) **General.** Wireless facilities are grouped into three tiers, each with its own permit/approval requirement shown in Table 348-1.

**Table 348-1 Wireless Telecommunication Facilities Permit Requirements**

	Facility Type	Permits Required
<b>Tier 1</b>	A. Eligible facilities requests. B. Small cell wireless facilities on existing or replacement structures within the public right-of-way.	Zoning Clearance
<b>Tier 2</b>	All new or modified facilities that are not Tier 1 or 3 Facilities.	Minor Use Permit
<b>Tier 3</b>	A. All new freestanding wireless facilities. B. Any wireless facility that requires a Special Exception (see 155.348.060). C. Any collocation or modification to an existing facility that: (1) defeats the existing concealment elements of the support structure; or (2) violates a prior condition of approval unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds in federal law.	Conditional Use Permit

(B) **Additional City Permits and Reviews.** In addition to any permit or approval required by this section, wireless facility projects may also require:

- (1) A building permit;
- (2) An encroachment permit for facilities (or temporary facility construction work) located within or extending over the public right-of-way.;
- (3) Historic preservation review under Municipal Code Chapter 158 for facilities resulting in exterior modification to a property listed on the Local Register of Historic Places; and/or
- (4) Environmental review under the California Environmental Quality Act.

(C) **Business License.** Each service provider with a wireless facility within the City must obtain and maintain a City business license.

(D) **Permit/Approval Procedures.**

- (1) **General.** Applications for permits required by this section must be filed and processed as required by 155.408 (Permit Procedures), except as otherwise specified in this section.
- (2) **Neighborhood Meeting Requirement.** For Tier 3 facilities, the applicant must host a neighborhood information meeting to receive public comment on the proposed facility before the Planning Commission Use Permit hearing.

- (a) **Timing and Location.**
    - 1. The City will deem the application complete only after the applicant has hosted the neighborhood information meeting.
    - 2. The meeting must be held within the City of Eureka during evening hours (6:00 pm to 9:00 pm) or on a weekend.
  - (b) **Notice Method.** At least 10 days prior to the neighborhood information meeting, the applicant must notify neighbors and the City by:
    - 1. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;
    - 2. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on or near the subject property; and
    - 3. Mailing notice to the City of Eureka Development Services Department.
  - (c) **Notice Contents.** The required public notice must:
    - 1. State the date, time, and location of the meeting;
    - 2. Describe the proposed facility, including its location, height, and design;
    - 3. Describe the meeting purpose; and
    - 4. Provide a contact phone number and email address of the applicant or agent.
  - (d) **Meeting Materials and Agenda.** At the meeting the applicant must share the facility plans and answer questions about the proposed facility. The applicant must collect participant email addresses with a sign-in sheet.
  - (e) **Information to City.** When submitting a complete permit application for the facility, the applicant must include in the application materials the following information and materials:
    - 1. A copy of the mailing list used to provide notice of the neighborhood information meeting;
    - 2. A copy of the public notice mailed and posted for the meeting;
    - 3. A copy of the information presented and made available (in all formats) by the applicant at the meeting;
    - 4. A copy of all written correspondence received before or at the meeting;
    - 5. A summary of comments received at the meeting, and what, if any, changes were made to the application as a result of the meeting; and
    - 6. A list of names and email addresses of persons requesting to receive notice of the public hearing for the Use Permit.
- (3) **Public Notice and Hearing.** Table 348-2 shows the review authority and public notice and hearing requirements for the wireless facility permit tiers.

**Table 348-2: Wireless Facility Permitting**

Permit Tier	Review Authority	Public Notice	Public Hearing
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Tier 1	Director	Posted notice. [1]	None.
Tier 2	Director [2]	Notice of Pending Action. See 155.408.090. [3]	Only after receiving written request. See 155.408.090(C)
Tier 3	Planning Commission	Notice of Public Hearing. See 155.408.080. [3]	Required. See 155.408.100.
<p>[1] The applicant must post a conspicuous, publicly-visible notice on the subject property before or at the time of application filing. The notice must include a general description of the proposed development and, when available, the application number, and must remain posted until the City acts on the application. The notice must include the following statement: "Federal law may require City approval of this application."</p> <p>[2] The Director may refer Tier 2 applications to the Planning Commission for decision pursuant to 155.404, Table 404-1 (Review and Decision-Making Authority). In such cases, Tier 2 facilities follow the noticing and hearing requirements for Tier 3 applications.</p> <p>[3] For a proposed new facility greater than 60 feet in height within, or within 100 feet of, a residential zoning district, notice must be provided to all owners of real property within 500 feet of the project site.</p>			

- (4) **Processing Time.** Application processing time must be in conformance with the time periods and procedures established by applicable FCC decisions or rules, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time.
- (5) **Findings for Approval.** To approve a wireless facility, the review authority must make the following findings:
- (a) **Tier 1 Zoning Clearance:**
1. The project qualifies as a Tier 1 facility and complies with all applicable standards in this section.
- (b) **Tier 2 and 3 Use Permits:**
1. The findings in 155.412.120(F) (Findings for Approval).
  2. The facility complies with all applicable standards in this section.
  3. For a facility in a discouraged siting location as specified in 155.348.050(B), the applicant has demonstrated through a detailed alternatives analysis, prepared in a manner consistent with the City's wireless facility application submittal requirements, that there are no available and technically feasible alternative locations preferred by the City that would meet the provider's service objectives.
- (c) **Additional Findings for Tier 3 Conditional Use Permit when Special Exception Required:**
1. The Special Exception is necessary to address a significant gap in the provider's service coverage.
  2. The applicant has demonstrated through a detailed alternatives analysis, prepared in a manner consistent with the City's wireless facility application

submittal requirements, that there are no available, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites, facility types, siting techniques, and/or designs) that comply with the standard and meet service objectives.

3. The Special Exception is the minimum exception necessary to comply with applicable state or federal law.

**(6) Conditions of Approval.**

- (a) For a Tier 1 eligible facility request, conditions of approval must be limited to those conditions reasonably related to nondiscretionary codes such as Health and Safety, Building, and Structural codes.
- (b) For all other applications, the review authority may attach conditions of approval to permits for wireless facilities pursuant to 155.408.110 (Conditions of Approval).

**(7) Appeals.** Appeals of permit decisions on wireless facilities must be made in accordance with 155.416 (Appeals and Reviews), except as follows:

- (a) Appeals based on the environmental effects of radio frequency emissions will not be considered when the facility complies with FCC standards.
- (b) Appeals of decisions made by the Department or Director must be referred to the City Council, rather than the Planning Commission.

**155.348.050 – Standards**

**(A) Attachment to Existing Structures.** Wireless facilities must be located on existing wireless facilities, buildings, utility poles, flag poles, and other structures.

**(B) Discouraged Siting Locations.**

- (1) The City discourages the placement of new wireless facilities (not including collocation on an existing permitted wireless facility):
  - (a) Within, or within 100 feet of, a residential zoning district;
  - (b) Within a Local or National Historic District; and
  - (c) On historic structures listed on the National Register of Historic Places, California Register of Historical Resources, or City of Eureka Local Register of Historic Places.

**(C) Facility Concealment and Design Objectives.**

**(1) Citywide Design Principle.**

- (a) All wireless facilities must be designed to minimize visual impact and integrate with the surrounding built or natural environment.

- (b) Concealment and design techniques must emphasize compatibility with existing forms, materials, scale, and context, rather than reliance on artificial, novelty, or false representations of trees, architectural features, or other unrelated forms that result in visual incongruity or draw undue attention to the facility.
- (2) **Concealment by Locations.**
- (a) **Preferred Locations.** For facilities in preferred location [i.e., outside of a discouraged location identified in Paragraph (B) above], full concealment is not required provided the facility complies with applicable height, screening, and design standards and is visually compatible with the surrounding context.
  - (b) **Discouraged Locations.** Facilities in discouraged locations must incorporate concealment or screening sufficient to substantially reduce visibility from public frontages, prioritizing architectural integration with existing buildings or other structures. Artificial or novelty designs intended to mimic unrelated features are discouraged and must be approved only where demonstrated to result in equal or lesser visual impact.
- (3) **Exceptions.**
- (a) The review authority may approve alternative concealment or design approaches upon a finding that the proposal results in equal or lesser visual impact.
  - (b) The concealment standards in this subsection do not apply to facilities collocated on an existing facility that was permitted without concealment elements.
- (D) **Mechanical Equipment Screening.**
- (1) **Ground-Mounted Facilities.**
- (a) Ground-mounted facilities must be screened in compliance with 155.308.080.B (Ground-Mounted Equipment) and 155.320 (Fences and Walls).
  - (b) **Towers.** Because towers exceed the height of typical screening, only the base and associated ground equipment must be screened from public view to a minimum of 6 feet in height.
- (2) **Rooftop Facilities.**
- (a) Rooftop facilities must be screened consistent with 155.308.080(C) (Rooftop Equipment).
  - (b) Required rooftop screening must not exceed 12 feet above the roofline. Facilities extending above this height are not be required to be fully screened and must instead be designed to minimize visual impact through placement, color, and integration with the building.

- (E) **Coating.** Wireless facilities must be of a color approved by the review authority and nonreflective.
- (F) **Minimum Property Line Setbacks.**
  - (1) Wireless facilities outside of the public right-of-way must comply with all setback requirements in the applicable zoning district, except that freestanding wireless facilities must be setback a minimum of 20 feet from surrounding residentially-zoned lots.
  - (2) **Exception.** Setback exceptions listed in 155.308.030 (Setback Exceptions) may apply to components of the facility, such as at-grade flatwork.
- (G) **Vision Clearance Areas.** Wireless facilities must comply with standards in 155.308.040 (Vision Clearance Area).
- (H) **Outdoor Lighting.** Any wireless facility lighting must comply with standards in 155.308.050 (Outdoor Lighting).
- (I) **Support Structures.** Wireless facility support structures must be designed and maintained to safely support all existing and proposed facilities.
- (J) **Noise.** All wireless facilities, including all associated equipment (transmission equipment, air conditioners, generators, sump pumps, etc.) must be constructed and operated in compliance with the 2040 General Plan noise standards, unless stricter standards are applied through a condition of approval of the Use Permit.
- (K) **Access Control.** All wireless facilities must be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
- (L) **Power.** Generators may only be used as backup power and only operated during power outages and for testing and maintenance purposes.
- (M) **Underground Lines.** Base station equipment, power supply, and all associated wiring and cabling must be placed underground where feasible. Undergrounding is not required where the applicant demonstrates that underground installation infeasible due to existing site conditions, utility conflicts, environmental constraints, or other physical limitations.
- (N) **Signage.**
  - (1) A wireless facility may not display any signage, advertisements, or identifying logos unless required by law or permit condition.
  - (2) Notwithstanding Paragraph 1 above, each wireless facility must display a permanently installed identification plaque or marker, not exceeding 4 inches by 6 inches in size, containing the name of the responsible party and a 24-hour telephone number for a live contact person responsible for maintenance and emergency response. The plaque

must be maintained in a legible condition and updated within 30 days of any change in ownership or maintenance responsibility.

(O) **Additional Standards for Freestanding Facilities and Tower-Mounted Facilities.**

- (1) **Speculative Structures Prohibited.** Towers or other freestanding wireless facilities built on speculation without a wireless service provider tenant are prohibited.
- (2) **Designed for Future Collocation.** All new towers and other freestanding wireless facilities must be designed, installed, and maintained to accommodate future collocated facilities to the extent feasible, and must be made available for collocation.
- (3) **Height Limit.**
  - (a) **Maximum Height.** Freestanding wireless facilities must not exceed the maximum height specified below, by zoning district:
    1. Industrial Districts: 120 feet
    2. Mixed-Use Districts: 100 feet
    3. Public Districts: 100 feet
    4. All Other Districts: 60 feet
  - (b) **Co-Location Height Adjustment.** The maximum permitted height of a freestanding facility may be increased by up to 20 feet where necessary to accommodate co-location of additional antennas and equipment.
  - (c) **Discretionary Height Exception.** The review authority may approve a freestanding facility exceeding the maximum height permitted by this subsection upon a finding that the additional height is necessary to provide wireless service that cannot reasonably be achieved through a tower of permitted height or through co-location.
- (4) **Tower-mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants must mount non-antenna, tower-mounted equipment directly behind the antennas to the maximum extent feasible. Antenna and other visible equipment must be painted or otherwise coated to match the supporting structure.
- (5) **Landscaping.**
  - (a) Within, or within 100 feet of, a residential or mixed-use zoning district, an area at least 10 feet deep surrounding the facility enclosure must be landscaped with trees, shrubs, and ground cover to soften views of the equipment from adjoining properties and public rights-of-way.
  - (b) **Exceptions.** The review authority may waive or modify the landscaping requirement in Paragraph (a) above if topography, existing vegetation, or site conditions effectively achieve the same intent.

(P) **Additional Standards for Building-Mounted and Structure-Mounted Facilities.**

(1) **Height Limit.**

- (a) **Baseline Height Limit.** Structure-mounted wireless facilities shall not exceed the maximum height otherwise allowed for the building or structure on which the facility is mounted, except as expressly authorized by this division. For facilities mounted on buildings, the maximum building height permitted in the applicable zoning district shall apply.
- (b) **Ministerial Rooftop Extension.** Notwithstanding paragraph 1.a above, antennas and associated equipment mounted on a building may extend up to 12 feet above the highest point of the building, including parapet walls and architectural façades.
- (c) **Discretionary Height Exception.** The review authority may approve a structure-mounted wireless facility exceeding the height limits of this subsection upon a finding that the proposal results in equal or lesser visual impact and better integrates with the building or structure and surrounding context.

(2) **Stealth Preferences.** All structure-mounted facilities must be concealed to the maximum extent feasible according to the following preferences, ordered from most preferred to least preferred:

- (a) Completely concealed facilities located within or architecturally integrated into existing structures and not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with radio-frequency-transparent material and finished to mimic the replaced materials); then
- (b) Completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, and chimneys); then
- (c) Facade-mounted facilities incorporated into "pop-out" screen boxes designed to be architecturally consistent with the original support structure.

(3) **Equipment Location.** Associated equipment for structure-mounted wireless facilities must be located within the structure to the maximum extent feasible. Ground-mounted equipment serving structure-mounted facilities is discouraged and may be permitted only where the applicant demonstrates that internal or rooftop placement is not feasible.

(Q) **Additional Standards for Facilities in the Public Right-of-Way.**

- (1) **Franchise/Lease Compliance.** The facility must comply with any applicable franchise fees, lease agreements, or other requirements imposed by the City for use of the public right-of-way or City-owned property.

- (2) **Structural Certification.** The support structure must be certified by the public utility that owns the structure or an independent licensed structural engineer as being structurally capable of supporting all existing and proposed equipment in accordance with applicable building and safety codes.
- (3) **New Structure Prohibition.** The facility must be attached to an existing structure or to a replacement structure. To qualify as a replacement structure, a structure must be no more than 10 feet taller than and sited within ten feet of the existing structure to be replaced and must match the design (e.g., color, dimensions, style, materials) of the structure to be replaced.
- (4) **Public Access and Safety.** The facility must not impede or obstruct public circulation, access, or visibility along the public right-of-way.
- (5) **Landscaping.** The facility must not displace any existing tree or landscape feature. The review authority may require additional landscape features for facilities proposed in a landscaped area in the right-of-way to screen from public view.
- (6) **Structure-Mounted Facilities.** All wireless facilities mounted to structures within the public right-of-way must comply with the following design standards:
  - (a) The facility must be engineered, designed, finished, and installed to match or be visually compatible with the support structure and must not appear as a separate or distinct wireless facility.
  - (b) Antennas must be shrouded or otherwise concealed within a cylindrical or similarly streamlined enclosure compatible with the support structure.
  - (c) Antennas must be mounted on the top of the support structure, aligned with the vertical axis of the structure, and appear as a vertical extension of the structure.
  - (d) Antennas must not extend more than 10 feet above the top of the support structure.
  - (e) Antennas, including the mounting structure or shroud, must not exceed 36 inches in outside diameter.
  - (f) All non-antenna equipment associated with a structure-mounted facility equipment must be located in the least visually intrusive manner feasible, consistent with the following preference order (from most preferred to least preferred):
    1. Underground or within the support structure.
    2. Within an at-grade equipment cabinet.
    3. Enclosed in a cabinet at the base of the pole.
    4. Mounted on the support structure.
  - (g) Where non-antenna equipment is permitted, it must be sited and designed to minimize visual clutter by complying with all of the following:

1. Equipment must be installed as close to the support structure as technically and legally feasible.
  2. Equipment must be consolidated and stacked on the same side of the support structure to the extent feasible.
  3. All shrouds, risers, and conduit must be finished to match the support structure.
  4. Excess cabling must not be spooled, coiled, or stored outside of approved enclosures or shrouds.
- (h) Ground-mounted equipment cabinets may incorporate murals or other forms of public art in lieu of concealment subject to compliance with applicable public art or sign regulations.
- (7) **Exception.** The review authority may grant an exception from one or more standards if necessary to comply with CPUC General Order 95. The applicant bears the burden to demonstrate why such an exception should be granted.

#### **155.348.060 – Special Exceptions.**

- (A) **Request for Special Exception.** An applicant may request a Special Exception from one or more standards in 155.348.050 when strict compliance would prohibit or have the effect of prohibiting the provision of personal wireless services, or otherwise violate state or federal law.
- (B) **Relationship to Other Exceptions.** This Special Exception differs from the exceptions expressly built into individual standards, which are intended to provide limited flexibility for specific circumstances. While the built-in exceptions remain applicable by right, the Special Exception may only be granted pursuant to this section upon written findings of necessity under state or federal law.
- (C) **Use Permit Required.** Wireless facilities requiring a Special Exception qualify as Tier 3 facilities requiring a Conditional Use Permit.
- (D) **Basis for Approval.** For the Planning Commission to approve a Conditional Use Permit for a Special Exception, the additional findings in paragraphs b-d of 155.348.040(C)(5) must be made based on clear and convincing evidence from the applicant. The applicant always bears the burden to demonstrate why a Special Exception should be granted.

#### **155.348.070 – Operation and Maintenance**

- (A) **Approved Plans and Zoning Code Compliance.** All elements of the facility including landscaping, lighting, fencing, and signage must remain in compliance with approved plans and applicable code standards.

- (B) **Facility Maintenance.** All wireless facilities must be maintained in good condition, free of graffiti, peeling paint, broken/damaged equipment, corroded elements, and trash. All structures, antennas, mounts, and hardware must remain in compliance with applicable building, electrical, and safety codes.
- (C) **Noise.** Testing and maintenance activities of wireless facilities which generate audible noise may only occur between the hours of 8 am and 5 pm weekdays (Monday through Friday, non-holiday) excluding emergency repairs unless reduced or extended hours of operation are a condition of a Use Permit or other City approval.
- (D) **Operational Condition.** Facilities must remain in operational condition unless decommissioned and removed.
- (E) **FCC Radio Frequency Compliance.** All facilities must comply with all radio frequency emissions standards and regulations of the FCC. The Department may require documentation or certification of compliance upon facility application, construction, material modification, or credible evidence of noncompliance.
- (F) **Compliance with Federal and State Law.**
  - (1) Wireless facilities must comply with applicable federal and state laws and regulations.
  - (2) If such laws and regulations change, the responsible party must bring its facilities into compliance with the changed laws and regulations.
  - (3) Failure to comply with federal and state law constitutes a violation of this section and may be enforced subject to the procedures, remedies, and penalties in 155.428 (Enforcement).

#### **155.348.080 – Transfer of Permit/Ownership**

- (A) **Notice.** Within 30 days following the transfer or assignment of a permit or ownership interest in a wireless facility, the successor in interest must submit written notice to the Department identifying the new responsible party and providing updated contact information (including a phone number, mailing address, and email).
- (B) **Responsibilities.** In the event of a transfer or assignment of a wireless facility permit or ownership interest, the successor in interest must be bound by and responsible for compliance with all permit conditions, requirements, and obligations, to the same extent as the original permit holder.

#### **155.348.090 – Abandonment and Removal**

- (A) **Facility Removal.** Wireless facilities must be removed within 90 days of abandonment or termination of use. Any associated support structure that was installed or constructed primarily to support the antenna and other associated equipment, such as a tower, must also be removed and the site restored to its preconstruction condition. Support structures

that serve other principal functions, such as buildings or utility poles, are not required to be removed.

- (B) **Verification of Abandonment.** Upon written notification by the Department that the wireless facility appears abandoned, the responsible party must:
  - (1) Remove the wireless facility within 90 days; or
  - (2) Provide satisfactory evidence to the Department that the facility has not been abandoned.
- (C) **Exception.** The Director may grant a single exception to this subsection of up to twelve months if the responsible party demonstrates that the wireless facility is being actively marketed for continued use as a wireless facility site.
- (D) **Responsibility for Costs.** The removal of the facility must be at the responsible party's sole expense.

#### **155.348.100 – Relocating or Removing Facilities in the Right-of-Way**

- (A) The City Engineer may require a responsible party to relocate or remove a facility in the public right-of-way as the City deems necessary to:
  - (1) Maintain, improve, modify, or vacate the public right-of-way;
  - (2) Protect the public health, safety and welfare; or
  - (3) Remove a utility pole when wired utilities are relocated or placed underground. If the facility is located on a pole scheduled for removal, the responsible party must relocate or remove the facility so that the pole can be removed at the same time as adjoining poles.
- (B) The City Engineer must provide the responsible party with adequate written notice identifying a specified date by which the facility must be relocated or removed.
- (C) The relocation or removal of the facility must be at the responsible party's sole cost and expense.

Adopted Version - Proposed for Repeal  
**CHAPTER 159: WIRELESS TELECOMMUNICATIONS FACILITIES**

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Section:

***General Provisions***

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- 159.025 Action on conditional use permit
- 159.026 Required findings
- 159.027 Lapse of permit
- 159.028 Penalties

**GENERAL PROVISIONS**

**§ 159.001 PURPOSE.**

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development and operation of wireless telecommunications facilities. The regulations contained herein are intended to protect and promote the public health, safety, community welfare and the aesthetic quality of the city while at the same time providing reasonable opportunities for providers of wireless telecommunications services to provide such services in a safe, effective and efficient manner.

(Ord. 757-C.S., passed 10-19-10)

**§ 159.002 FINDINGS.**

(A) *Community benefit.* The city believes that access to wireless telecommunication is an essential service and should be made available to all persons, agencies, organizations and businesses desiring such service.

(B) *Community welfare.* The city acknowledges that there are concerns over the exposure of people and animals to electromagnetic and radio frequency radiation. The city also acknowledges that regulations promulgated by the Federal Communications Commission limit the city's ability to regulate the electromagnetic and radio frequency radiation emitted by wireless telecommunication facilities.

(Ord. 757-C.S., passed 10-19-10)

**§ 159.003 OBJECTIVES.**

(A) The objectives of this chapter are to:

(1) Encourage and promote the location of new wireless telecommunications facilities in areas that are not zoned for residential use;

- (2) Provide for the appropriate location and development of wireless telecommunication facilities;
- (3) Protect the city's built and natural environment by promoting compatible design standards for wireless telecommunications facilities;
- (4) Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (5) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of wireless telecommunications tower structures and antennas;
- (6) Maximize use of existing wireless telecommunication towers and alternative structures so as to minimize the need to construct new towers and minimize the total number of towers throughout the city.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.004 APPLICABILITY.**

All wireless telecommunication facilities located in the city are controlled by the provisions of this chapter. A tower or other wireless telecommunication support structure built on speculation and for which there is no wireless tenant is prohibited within city limits.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.005 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LOCAL HISTORIC DISTRICT.** An historic district listed on the city's Local Register of Historic Places.

**NATIONAL HISTORIC DISTRICT.** An historic district listed on the National Register of Historic Places.

**PUBLIC UTILITY.** An organization that provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

**SATELLITE TELECOMMUNICATION FACILITY.** Government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

**WIRED TELECOMMUNICATION FACILITY.** Telecommunications services such as wired (land line) telephone, digital subscriber line (DSL) internet, and cable TV and internet services where TV, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

**WIRELESS TELECOMMUNICATION FACILITY.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. **WIRELESS TELECOMMUNICATION FACILITY** includes the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. **WIRELESS TELECOMMUNICATION FACILITY** includes "satellite telecommunication facility." **WIRELESS TELECOMMUNICATION FACILITY** does not include "wired telecommunication facility," or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

**WIRELESS TELECOMMUNICATION FACILITY PERMIT.** An administrative permit issued by the Director of Community Development or the Planning Commission.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.006 DEVELOPMENT STANDARDS.**

(A) *Residential neighborhoods.* It is strongly preferred that the location of new wireless telecommunication facilities be located outside of residential neighborhoods. In an R District, all new wireless telecommunications facilities, not including co-location with an existing permitted facility, shall submit with the conditional use permit application factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service.

(B) *Design standards.* All wireless telecommunication facilities are subject to the following design standards:

(1) Facilities shall be designed to be visually unobtrusive. Colors and designs should be compatible with the existing improvements on or adjacent to the site;

(2) In an R District or within 100 feet of an R District, or in the HM District within 150 feet of an R District, facilities located shall be camouflaged or of an innovative design to minimize negative visual impacts of the facility on the surrounding residential neighborhood;

(3) Screening and landscaping:

(a) In an R, OR, or C District, or within 100 feet of an R District, or in the HM District within 150 feet of an R District, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility, and an area ten

feet in depth adjoining the facility shall be landscaped with plant materials including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening or landscaping unnecessary;

(b) In all other districts, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening unnecessary;

(c) Screening of the facility should take into account the existing improvements on or adjacent to the site, including landscaping, walls, fences, berms or other devices specifically designed to screen development.

(4) Facilities shall be sited to avoid or minimize obstruction of scenic views;

(5) Facilities shall not be of a bright, shiny or glare reflective finish;

(6) If feasible, the base station and all wires and cables necessary for the operation shall be placed underground; and

(7) If the base station is located within or on the roof of a building, it may be placed in any location not visible from the surrounding neighborhood, with any wires and cables attached to the base station screened from public view.

(C) *Noise.*

(1) For a wireless telecommunication facility in an R District, non-transportation noise levels generated by the proposed wireless telecommunication facility, measured immediately within the property line on which the facility is located, shall not exceed the following performance standards:

<b>Noise level descriptor</b>	<b>Daytime (7:00 a.m. to 10:00 p.m.)</b>	<b>Nighttime (10:00 p.m. to 7:00 a.m.)</b>
Hourly $L_{eq}$ , dB	50	45
Maximum level, dB	70	65
<i>Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</i>		

(2) For a wireless telecommunication facility located in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the noise performance standards listed above shall be measured at the boundary of the R District.

(D) *Height limits.* The maximum height of all structures and accessory structures shall be as prescribed for the district in which the facility is located. The maximum height of towers and other support structures for a wireless telecommunication facility and including the maximum height of all antennas, dishes, and the like shall be in accordance with the following schedule:

<b>District</b>	<b>Maximum Height (feet)</b>	
	<b>Free-standing</b>	<b>On top of building</b>
A	100	25 feet above the height of the building, not to exceed 100 feet
RS-6000	60	25 feet above the height of the building, not to exceed 60 feet
RS-12000	60	25 feet above the height of the building, not to exceed 60 feet
RM-2500	60	25 feet above the height of the building, not to exceed 60 feet
RM-1000	60	25 feet above the height of the building, not to exceed 100 feet
OR	60	25 feet above the height of the building, not to exceed 60 feet
HM	60	25 feet above the height of the building, not to exceed 100 feet
CN	60	25 feet above the height of the building, not to exceed 60 feet
CP	60	25 feet above the height of the building, not to exceed 100 feet
CC	60	25 feet above the height of the building, not to exceed 100 feet
CW	60	25 feet above the height of the building, not to exceed 60 feet
CS	100	25 feet above the height of the building, not to exceed 100 feet
ML	100	25 feet above the height of the building, not to exceed 100 feet
MG	150	25 feet above the height of the building, not to exceed 150 feet
MC	150	25 feet above the height of the building, not to exceed 150 feet
P	100	25 feet above the height of the building, not to exceed 100 feet

(E) *Minimum yards.* The minimum yards for all structures and accessory structures shall be as prescribed for the district in which the facility is located. The minimum yards for free standing towers and other free-standing support structures for a

wireless telecommunication facility shall be in accordance with the following schedule:

<b>District</b>	<b>Minimum yards (feet)</b>					
	<b>Within 100 feet of an R District</b>			<b>More than 100 feet from an R District</b>		
	<b>front</b>	<b>side</b>	<b>rear</b>	<b>front</b>	<b>side</b>	<b>rear</b>
A	30	30	30	30	30	30
RS-6000	25	25	25	-	-	-
RS-12000	25	25	25	-	-	-
RM-2500	20	20	20	-	-	-
RM-1000	20	20	20	-	-	-
OR	20	20	20	-	-	-
HM	20*	20*	20*	0*	0*	0*
CN	20	20	20	5	5	5
CP	50	50	50	50	50	50
CC	20	20	20	5	5	5
CW	20	20	20	5	5	5
CS	20	20	20	0	0	0
ML	20	20	20	0	0	0
MG	20	20	20	0	0	0
MC	20	20	20	0	0	0
P	20	20	20	0	0	0

\* in the HM District the distance from an R District is measured at 150 feet not 100 feet.

(F) *Utility poles.* Co-location of wireless telecommunication facility antennas on utility poles shall be subject to the same permit requirements for all other wireless telecommunication facilities, and shall be subject to the following standards:

- (1) The utility pole shall be located in a public right-of-way or in a utility easement and subject to any applicable franchise fees or lease agreements required by the city;
- (2) The antenna(s) shall not extend more than ten feet above the top of the utility pole;
- (3) If the utility pole must be replaced to accommodate the antenna(s), the replacement pole shall not be more than ten feet higher than the existing utility pole. If the replacement pole exceeds the height of the existing pole, the antenna(s) shall be mounted to the sides of the pole and shall not extend above the top of the replacement pole. Replacement of a utility pole shall be subject to a conditional use permit;
- (4) Antenna(s) including the mounting structure with an outside diameter between 24 inches and 36 inches shall be subject to a conditional use permit;
- (5) Antenna(s) including the mounting structure with an outside diameter greater than 36 inches are not permitted on utility poles;
- (6) If the antenna(s) and mounting structure are narrower than the top of the utility pole, stealth shielding of the antenna(s) shall be used to make the antenna(s) appear as a vertical extension of the utility pole;
- (7) Electrical equipment shall either be attached directly to the utility pole or placed underground. If the electrical equipment is attached to the pole, the box(es) shall not be larger than 36 inches in height, 12 inches deep and no wider than 20 inches. Not more than five such boxes shall be mounted on any one utility pole (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet above the ground. The power meter and network interface box may be installed below the ten-foot level;
- (8) Antenna(s) and electrical boxes shall be painted to match the utility pole to minimize visual impact;
- (9) Generators or noise-producing venting systems shall not be permitted;
- (10) Lighting for aircraft is prohibited except where required by federal law;
- (11) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground;
- (12) Prior to co-location the utility pole shall be certified by the utility company or an independent structural engineer as being structurally capable of supporting the existing and proposed equipment; and
- (13) If the wired utilities using the pole are relocated or placed underground, the telecommunications antennas and equipment shall be relocated so that the utility pole can be removed at the same time as adjoining poles.

(G) *Maintenance.* All wireless telecommunication facilities shall be maintained in a neat and orderly manner on a regular and as-needed basis. Maintenance shall include but not be limited to the following:

(1) Mowing, weeding, gardening and general maintenance of landscaping, and including replacement of diseased or dying plant material;

(2) Painting;

(3) Removal of debris, garbage and waste; and

(4) Graffiti removal.

(H) *Removal.* Wireless telecommunication towers or support structures shall be demolished, deconstructed or otherwise removed upon abandonment or termination of use, and all debris shall be recycled and/or disposed of in an appropriate manner. Removal shall be completed within 90 days of abandonment or termination of use. Upon notification by the city to the property owner that the tower or support structure appears abandoned, the property owner shall remove the tower or support structure within 90 days, or the property owner shall provide satisfactory evidence to the city that the tower or support structure has not been abandoned. Expenses incurred to demolish, deconstruct or otherwise remove wireless communication towers or support structures shall be fully paid by the company owning the tower or support structure and/or the property owner where the tower or support structure is located. Nothing in this provision shall have the effect nor shall it be construed to interfere with private contracts for facility uses in existence at the time of adoption of this chapter.

(Ord. 757-C.S., passed 10-19-10) Penalty, see § 159.028

## **WIRELESS TELECOMMUNICATION FACILITY PERMIT - REQUIREMENTS AND REGULATIONS**

### **§ 159.011 APPLICATION REQUIREMENTS; FEES.**

(A) Except as provided in this chapter, all wireless telecommunication facilities shall require a wireless telecommunication facility permit.

(B) All wireless telecommunication facilities shall be co-located with existing facilities, unless it is determined that co-location is not feasible.

(C) An application for a wireless telecommunication facility permit shall include the following:

(1) All application materials otherwise required for design review as prescribed in the Eureka Municipal Code;

(2) Scaled photo simulations, elevations and other visual or graphic illustrations necessary to determine the visual compatibility of the proposed project, including all equipment and antennae associated with future co-located telecommunications, with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood;

(3) A landscape plan that shows existing vegetation, vegetation to be removed and proposed landscaping by type, size and location with the expectation that maturity will occur in three to five years;

(4) A geographic service area map showing:

(a) The applicant's existing and anticipated future wireless telecommunications network within three miles in all directions of the proposed wireless telecommunication facility;

(b) The handoff sites within the area described in (a) above;

(c) The geographic area of the "cell" in which the proposed wireless telecommunication facility could be located to provide the new or expanded wireless service;

(d) All other existing facilities that could be used for co-location within three miles in all directions of the proposed wireless telecommunication facility.

(5) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility, written justification why co-location is not feasible shall be submitted. Feasibility shall include the following:

(a) Whether there are any existing facilities within the geographic area of the cell required for the proposed wireless telecommunication facility;

(b) If there are existing facilities within the geographic area of the cell for the proposed wireless telecommunication facility, feasibility shall consider whether:

1. The existing facility(ies) is of sufficient height to meet the needs of the proposed wireless telecommunication facility;

2. The existing tower(s) or support structure(s) have sufficient structural strength to support the proposed new wireless telecommunication antennas or antenna arrays and related equipment;

3. There is adequate vertical and horizontal distance available on the existing tower(s) or support structure(s) to accommodate the proposed wireless telecommunication antennas or antenna arrays and related equipment;

4. The proposed wireless telecommunication facility would cause adverse electromagnetic interference with the existing facility(ies);

5. There is adequate site area and/or building floor area at the existing facility(ies) to accommodate the proposed

wireless telecommunications ground equipment; and

6. The owner of the existing facility(ies) will consent to co-location.

(6) A Federal Communications Commission TOWAIR Determination that the antenna structure does not require registration, or an aircraft and airport safety analysis providing a copy of the Federal Aviation Administration approval letter that the project conforms to Federal Aviation Administration regulations (Form FAA 7460-1 "Notice of Proposed Construction or Alteration" and "The Determination of No Hazard to Air Navigation") and including specific safety requirements such as lighting, facility color, and the like;

(7) A structural analysis prepared by a qualified California licensed civil engineer showing that the proposed wireless telecommunication facility meets manufacturer's specifications and the requirements of the state's building code contained in Title 24 of the California Administrative Code, as may be amended from time to time, relating to structural design, wind, ice and snow loads;

(8) A public health report, prepared by a qualified radio frequency engineer written in plain English and in conformance with the Federal Communications Commission OET 65. The public health report shall state the maximum electromagnetic and radio frequency radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The public health report shall include the cumulative analysis of the electromagnetic and radio frequency radiation of all other existing and anticipated future wireless telecommunication facilities within 2,000 feet of the proposed facility;

(9) Noise and acoustical information for non-transportation noise sources, including the base transceiver station(s), equipment building(s) and associated equipment, such as cooling equipment and back-up generator(s) showing compliance with the development standards of § 159.006(A);

(10) Application fees as established by Resolution of the City Council.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.012 DESIGN REVIEW.**

(A) All wireless telecommunications facilities shall be subject to design review as prescribed in Chapters 155 and 156.

(B) The Design Review Committee may adopt pre-approved designs for wireless telecommunications facilities. For proposed wireless telecommunication facilities that use pre-approved designs the design review required by Chapters 155 and 156 may be approved by the Director of Community Development.

(Ord. 757-C.S., passed 10-19-10; Am. Ord. 885-C.S., passed 5-21-19)

#### **§ 159.013 ACTION ON WIRELESS TELECOMMUNICATION FACILITY PERMIT.**

(A) Action to approve or deny a wireless telecommunication facility permit shall be taken by the Director of Community Development. The action of the Director on the wireless telecommunication facility permit shall be after design review as prescribed in § 159.012.

(B) The Director of Community Development may at his or her discretion refer the wireless telecommunication facility permit to the Planning Commission for action.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.014 REQUIRED FINDINGS.**

(A) A wireless telecommunication facility permit may be granted only if the following findings are made:

(1) The proposed wireless telecommunication facility will not generate electromagnetic or radio frequency radiation in excess of the Federal Communications Commission adopted standards for human exposure; and

(2) The proposed wireless telecommunication facility will be compatible with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.015 HISTORIC RESOURCES.**

In addition to the wireless telecommunication facility permit, all wireless telecommunications facilities located within a Local or National Historic District or within 100 feet of a Local or National Historic District shall require a conditional use permit as prescribed in this chapter.

(Ord. 757-C.S., passed 10-19-10)

### **CONDITIONAL USE PERMIT - REQUIREMENTS AND REGULATIONS**

#### **§ 159.021 APPLICATION REQUIREMENTS; FEES.**

(A) Where a wireless telecommunication facility requires a conditional use permit, the conditional use permit shall also act

as the wireless telecommunication facility permit otherwise required by this chapter.

(B) An application for a conditional use permit for a wireless telecommunication facility shall include the following:

- (1) All application materials otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;
- (2) All materials listed as required for a wireless telecommunications facility permit application as prescribed in this chapter;

(3) In an R District, all new wireless telecommunications facilities, not including co-location with an existing permitted facility, factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service; and

(4) Application fees as established by Resolution of the City Council.

(C) In addition to the conditional use permit a wireless telecommunication facility located in the coastal zone shall only be allowed upon the granting of a coastal development permit as required pursuant to the Eureka Municipal Code.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.022 EDUCATION/OUTREACH.**

(A) Within 60 days of submittal of a complete application for a conditional use permit to locate a wireless telecommunication facility in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the applicant shall host a neighborhood education and informational meeting at which, at a minimum, a summary of the information provided with the conditional use permit application shall be presented and made available to attendees in electronic and/or hard copy.

(B) The education and informational meeting shall be noticed by the applicant in conformance with §159.023. The notice shall be printed on brightly-colored (preferably fluorescent) heavy stock post cards. Additionally, a sign of a minimum size of two and one half feet tall by three feet wide of a visible color other than yellow advertising the education and informational meeting shall be posted in a conspicuous place on or near the location of the proposed wireless telecommunication facility. The sign shall state the date, time and location of the education and informational meeting, the location of the proposed wireless telecommunication facility, and a contact phone number of the applicant or agent.

(C) The applicant shall prepare and submit to the Community Development Department within 21 days of the education and informational meeting, at a minimum, the following:

- (1) A copy of the information presented and made available (in all formats) by the applicant at the meeting;
- (2) A summary of the issues and concerns, if any, that were presented either verbally or in writing at the meeting along with proposed mitigation to address them;
- (3) A copy of all written correspondence received at the meeting;
- (4) Information and/or documentation prepared by the applicant addressing each of the issues and/or concerns, if any, expressed at the meeting; and
- (5) A list of names and email addresses of persons requesting to receive notice of the public hearing for the conditional use permit.

(Ord. 757-C.S., passed 10-19-10) Penalty, see § 159.028

#### **§ 159.023 NOTICING.**

(A) All noticing for hearings on a conditional use permit application for a wireless telecommunications facility shall be as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(B) For a proposed wireless telecommunication facility greater than 60 feet in height in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, notice shall also be provided to all owners and tenants of real property within 500 feet of the site proposed for the wireless telecommunication facility.

(Ord. 757-C.S., passed 10-19-10)

#### **§ 159.024 DESIGN REVIEW.**

(A) All wireless telecommunications facilities shall be subject to design review.

(B) No conditional use permit for a wireless telecommunications facility shall be approved until the design review required by this chapter is approved by the Planning Commission.

(Ord. 757-C.S., passed 10-19-10; Am. Ord. 885-C.S., passed 5-21-19)

#### **§ 159.025 ACTION ON CONDITIONAL USE PERMIT.**

All conditional use permits for a wireless telecommunication facility shall be acted upon as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code.

(Ord. 757-C.S., passed 10-19-10)

**§ 159.026 REQUIRED FINDINGS.**

(A) A conditional use permit for a wireless telecommunication facility may be granted only if the following findings are made:

- (1) All findings otherwise required for a conditional use permit pursuant to the Eureka Municipal Code; and
- (2) All findings required for a wireless telecommunication facility permit as prescribed in §159.014.

(Ord. 757-C.S., passed 10-19-10) Penalty, see § 159.028

**§ 159.027 LAPSE OF PERMIT.**

Lapse of a conditional use permit for a wireless telecommunications facility shall be the same as the lapse of all other conditional use permits as prescribed in the Eureka Municipal Code.

(Ord. 757-C.S., passed 10-19-10)

**§ 159.028 PENALTIES.**

(A) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or the provisions of any code adopted by reference by this code, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this code which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

(1) The City Attorney files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(B) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code, or the provisions of any code adopted by reference by this code, shall be deemed a public nuisance and may be summarily abated by this city, and each day such condition continues shall be regarded as a new and separate offense.

(Ord. 757-C.S., passed 10-19-10)

# Summary of Changes to Wireless Telecommunication Facility Regulations

Topic	Proposed Numeration	Existing Numeration	Overall Change
<b>Introductory Provisions</b>			
<b>Purpose/ Intent</b>	155.348.010	159.001-.003	<p><b>Rewritten/Expanded.</b> The intent provisions of both the existing and proposed regulations address many of the same core objectives, including protecting visual quality, neighborhood character, and public safety; minimizing the need for new towers by maximizing collocation on existing towers and other structures; acknowledging the community benefit of wireless facilities; and allowing for the efficient and effective deployment of wireless services. The proposed regulations expand on these objectives by expressly identifying impacts on wildlife, public views, and historic character as considerations to be minimized through facility siting and design.</p> <p>Both the existing and proposed regulations acknowledge that the City may not regulate wireless facilities based on the environmental effects of radio frequency emissions where such emissions comply with applicable Federal Communications Commission (FCC) standards. The proposed regulations further add a dedicated legislative intent division addressing additional federal preemption principles not expressly articulated in Chapter 159, including prohibitions on regulations that would effectively prohibit personal wireless services or discriminate among providers of functionally equivalent services.</p>
<b>Applicability</b>	155.348.020.A	159.004	<p><b>Clarified (No Substantive Change).</b> The existing applicability provision states that all wireless telecommunication facilities within the City of Eureka are subject to the wireless facility regulations. The proposed applicability section clarifies that this includes all new and modified wireless facilities citywide, regardless of zoning district or whether the facility is located on public or private property.</p>

Topic	Proposed Numeration	Existing Numeration	Overall Change
Exempt Facilities	155.348.020B	No equivalent	<p><b>New.</b> The proposed regulations introduce an explicit exemptions division identifying facility types that are not subject to local wireless regulations, including amateur radio facilities; direct-to-home satellite dishes and other over-the-air reception devices; certain governmental facilities; wireless facilities identified by the FCC or CPUC as exempt from local regulation; and temporary facilities used for emergency response or large-scale events. The existing regulations do not include a standalone exemptions section, although the existing definition of “wireless telecommunication facility” explicitly excludes certain facilities that do not require a FCC license, including direct-to-home satellite television facilities.</p>
Definitions	155.348.030	159.005	<p><b>Rewritten/Updated.</b> The existing definitions section includes seven defined terms, while the proposed regulations include eleven. The only term carried forward between the two is <i>wireless telecommunication facility</i>, and its definition is updated in the proposed code. The proposed definitions add key federal regulatory terms used throughout 155.348 (e.g., <i>antenna</i>, <i>collocation</i>, <i>eligible facilities request</i>, and <i>small cell</i>), aligning local terminology with applicable federal regulations and case law through direct reference. The proposed regulations also add definitions distinguishing between collocation on a freestanding wireless facility (e.g., a cell tower) and facilities mounted on or attached to an existing structure not constructed primarily to support wireless equipment. In addition, <i>responsible party</i> is defined and used throughout the proposed regulations to address the often unclear and changing ownership of wireless facilities and associated responsibilities.</p>
<b>Permitting Framework</b>			
Permit Types and Triggers	155.348.040A	159.006.A, 159.006.F, 159.011.A, 159.012, 159.015, 159.021.A, 159.024	<p><b>Major Restructuring/Substantive Change.</b> The existing regulations embed permitting requirements across multiple sections and rely on either a Wireless Telecommunication Facility Permit (an administrative staff-level approval) or a Conditional Use Permit (a discretionary approval with a noticed public hearing). The proposed regulations consolidate permitting into a single subsection with a table establishing three permit tiers: Zoning Clearance (administrative), Minor Use Permit (discretionary without a hearing unless requested), and Conditional Use Permit (discretionary with hearing).</p>

Topic	Proposed Numeration	Existing Numeration	Overall Change
			<p>Under the existing framework, new facilities within or near residential zoning districts and all facilities within or near historic districts require a Conditional Use Permit, while all other facilities qualify for the ministerial Wireless Telecommunications Facility permit. In contrast, the proposed framework processes facilities qualifying as eligible facilities requests or small cell wireless facilities ministerially, consistent with federal law, while all other facilities require discretionary use permits. Conditional Use Permits are required for all new freestanding wireless facilities, facilities requesting deviations from objective standards, and collocations or modifications that defeat concealment elements or violate prior conditions of approval (i.e., substantial changes under federal case law). Siting within or near residential zoning districts and historic districts remains discouraged through an additional use permit finding that no feasible alternative locations preferred by the City would meet service objectives.</p> <p>Finally, the existing regulations require discretionary Design Review for all wireless facilities, applying findings developed for building façades that are not well-suited to wireless infrastructure. The proposed regulations remove the standalone Design Review requirement and instead rely on the use permit findings which are more appropriate for wireless facilities, focusing on site suitability, compatibility with surrounding uses and zoning, adequacy of services and infrastructure, and protection of public health, safety, and welfare.</p>
Additional Approvals Required	155.348.040.B and C	No equivalent	<p><b>Clarified (No Substantive Change).</b> The proposed regulations expressly identify other required approvals (e.g., building permits, encroachment permits, historic preservation review, and CEQA review) and clarify that each wireless service provider must maintain a City business license; these requirements apply today (through other sections of the municipal code) but are not stated in the existing Chapter 159.</p>
Application Requirements	155.348.040.D.1	159.011	<p><b>Removed/Streamlined.</b> The proposed regulations rely on the Inland Zoning Code's general permit procedures (EMC §155.408) rather than codifying detailed application submittal lists, which shortens the code, avoids duplicative or quickly outdated requirements, and allows the City to update application materials administratively as</p>

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			technology, regulations, and industry practices change, without requiring a zoning code amendment.
Neighborhood Meeting Requirement	155.348.040.D.2	159.022	<p><b>Modified/Expanded.</b> The proposed regulations retain a neighborhood information meeting requirement but substantially restructure when it is required. Under the existing code, the meeting is required for facilities located within or near residential zoning districts and must occur within 60 days after submittal of a complete application. The proposed regulations instead require a neighborhood information meeting for Tier 3 facilities (e.g., freestanding facilities, deviations from standards, and concealment-defeating modifications), regardless of zoning district, and require the meeting to occur prior to application completeness. This change is intended to ensure that community input is received early enough to meaningfully inform project design, siting, and concealment, allowing applications to evolve in response to feedback rather than serving as a post-submittal informational exercise.</p> <p>The proposed regulations largely carry forward the existing outreach framework: public notice, presentation of project information, opportunity for public comment, and submittal of meeting materials and a comment summary to the City. Targeted refinements include specifying that meetings be held within the City during evening hours or on a weekend; clarifying that notice content include basic facility characteristics such as height and design in addition to location; expressly requiring a meeting sign-in sheet; and requiring submittal of a copy of the public notice and associated mailing list to the City. Together, these refinements improve clarity, accessibility, enforceability, and administrative consistency while preserving the core structure of the existing outreach process.</p>
Permit Noticing and Hearing	155.348.040.D.3	159.023	<p><b>Clarified/Expanded.</b> Under both the existing and proposed regulations, staff-level administrative approvals do not require public noticing or a hearing, except that the proposed regulations add a requirement to post a conspicuous, publicly-visible notice on the subject property at or before application filing. For discretionary use permits, both the existing and proposed regulations rely on general use permit noticing procedures (including notice to property owners within a 300-foot radius) and require expanded 500-foot noticing for taller facilities located within or near residential zoning districts.</p>

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Processing Time Limits	155.348.040.D.4	No equivalent	<p><b>New.</b> The proposed regulations add an explicit processing time provision acknowledging that application review timelines are governed by applicable FCC decisions and rules. Rather than codifying specific time limits that may change over time, the provision incorporates federal requirements by reference.</p>
Findings of Approval	155.348.040.D.5	159.014; 159.026	<p><b>Rewritten/Clarified/Expanded.</b></p> <p><u>Administrative approvals (existing Wireless Telecommunication Facility Permit / proposed Tier 1 Zoning Clearance).</u> Under the existing regulations, Wireless Telecommunication Facility permits are approved administratively but rely on a neighborhood compatibility finding, which is inherently subjective and inconsistent with a ministerial approval process. The proposed regulations establish Tier 1 approvals as a truly ministerial process, limited to objective findings that the facility qualifies as a Tier 1 facility and complies with all applicable standards, consistent with federal limits on the review of eligible facilities requests and certain small cell facilities. Rather than requiring an explicit finding of FCC radio frequency emissions compliance, the proposed regulations require a broader finding that the facility complies with all applicable objective standards, which include the emissions limitation.</p> <p><u>Discretionary approvals (existing Conditional Use Permit / proposed Tier 2 and Tier 3 Use Permits).</u> Under both the existing and proposed regulations, discretionary approvals rely on the standard use permit findings in the Zoning Code. Rather than requiring an explicit finding of FCC radio frequency emissions compliance, the proposed regulations require a broader finding that the facility complies with all applicable objective standards, which include the emissions limitation. The proposed regulations also expressly require a finding that no feasible alternative location exists when a facility is proposed in a discouraged siting location (e.g. within or near residential zoning districts and historic districts and on listed historic properties). This alternatives analysis requirement for discouraged locations exists in the current code as well, but is addressed through development standards and application submittal requirements rather than as a finding of approval.</p>

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<b>Special Exceptions</b>	155.348.040.D.5. c and 155.348.060	No equivalent	<b>New.</b> The proposed regulations add a formal Special Exception process to address situations where, under federal law, the City must allow deviation from one or more objective standards to avoid prohibiting service. The new provisions establish a clear, evidence-based framework consistent with federal law and case law requiring applicants to demonstrate, through specific findings, that a deviation is necessary to address a significant service gap, that no feasible or environmentally equivalent or superior alternatives exist, and that the requested exception is the minimum deviation required by state or federal law.
<b>Conditions of Approval</b>	155.348.040.D.6	No equivalent	<b>New.</b> The proposed regulations expressly limit conditions of approval for eligible facility requests to nondiscretionary health and safety–related codes, consistent with federal law, while retaining broader conditioning authority for discretionary permits through reference to 155.408 (Permit Procedures).
<b>Appeals</b>	155.348.040.D.7	No equivalent	<b>New/Clarified.</b> The existing regulations do not address appeals for Wireless Telecommunication Facility permits, leaving a procedural gap for staff-level approvals. The proposed regulations add an explicit reference to EMC 155.416 (Appeals and Reviews) to clarify how wireless facility permit decisions may be appealed. The proposed regulations also include federally-required limitations on appeals, clarifying that appeals may not be based on the environmental effects of radio frequency emissions where a facility complies with FCC standards and directing appeals of staff-level decisions directly to the City Council, rather than first to the Planning Commission, to help ensure compliance with federally mandated processing timelines.
<b>Development Standards</b>			
<b>Collocation</b>	155.348.050A	159.011.B	<b>Expanded.</b> The existing regulations require collocation on existing wireless facilities, if feasible. The proposed regulations reframe this requirement to prioritize attachment to any existing structure (including buildings, utility poles, and similar features), rather than focusing solely on collocation on existing wireless facilities, and remove the open-ended feasibility caveat. Under the proposed framework, facilities that are not collocated on or

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			attached to an existing structure are classified as Tier 3 projects requiring a Conditional Use Permit and Special Exception.
Discouraged Siting Locations	155.348.050B	159.003.A.1; 159.006.A; 159.015	<b>Clarified/Reframed (Targeted Substantive Change).</b> Both the existing and proposed regulations discourage siting of new wireless facilities in sensitive locations, including residential areas and historic districts, through a combination of heightened permit requirements, alternatives analysis, and increased concealment expectations. The proposed code also expands the list of discouraged locations to include individually-listed historic properties on the National, California, or Local Registers. Rather than relying on location-specific provisions embedded in different sections of the code, the proposed framework consolidates these requirements into a clearer, tiered siting and findings structure that preserves existing policy intent, strengthens historic resource protection, and aligns siting decisions with the City's updated permitting and federal preemption framework.
Facility Concealment and Design Objectives	155.348.050C	159.006.B.1,2	<b>Clarified/Reframed (Targeted Substantive Change).</b> Both the existing and proposed regulations emphasize minimizing visual impacts and ensuring compatibility of wireless facilities with surrounding development. Under the existing code, all facilities are required to be visually unobtrusive, with additional concealment requirements applied primarily in residential zoning districts or near residential areas, where facilities must be "camouflaged or of an innovative design" to reduce visual impacts. The proposed regulations retain this core approach but clarify and refine how concealment expectations apply. Visual compatibility remains a citywide requirement, while enhanced concealment is required in identified discouraged locations, which now include not only residential areas but also historic districts and individually-listed historic properties. In addition, the proposed regulations provide clearer guidance on acceptable concealment techniques by prioritizing architectural integration and compatibility with existing forms, materials, and scale, and by discouraging reliance on artificial or novelty designs that, based on real-world experience, can be more visually conspicuous than simpler, context-appropriate solutions.

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<p><b>Mechanical Equipment Screening &amp; Landscaping</b></p>	<p>155.348.050D and 155.348.050.O.5</p>	<p>159.006.B.3 and B.7</p>	<p><b>Reorganized/Rewritten (Minimal Substantive Change).</b> The proposed regulations retain the existing approach of requiring screening for ground-mounted and rooftop wireless equipment, including a 10-foot-wide landscaped buffer with trees for freestanding facilities located within or within 100 feet of a residential or mixed-use zoning district. The proposed regulations also continue to allow waivers or modifications from the landscaping requirement where existing topography, vegetation, or site conditions achieve the same intent. Rather than maintaining wireless-specific screening rules, the proposed regulations cross-reference the new generally applicable mechanical equipment screening standards for both ground-mounted and rooftop facilities in 155.308 (General Standards). Because wireless facilities may include tall rooftop installations, the proposed regulations limit required rooftop screening to the first 12 feet above the roofline, rather than requiring full screening to the highest point of the equipment, to ensure screening remains proportional and does not result in excessive or impractical structures. In addition, while the existing code implicitly limits screening of tall towers, the proposed regulations expressly clarify that because towers exceed the height of typical screening, only the base and associated ground equipment must be screened, to a minimum height of six feet.</p>
<p><b>Coating</b></p>	<p>155.348.050E</p>	<p>159.006.B.1 and B.5</p>	<p><b>Rewritten (Minimal Substantive Change).</b> Both the existing and proposed regulations address facility color and finish as part of visual impact review and require wireless facilities to be nonreflective.</p>
<p><b>Minimum Property Line Setbacks</b></p>	<p>155.348.050F</p>	<p>159.006.E</p>	<p><b>Reorganized/Rewritten (Minimal Substantive Change).</b> The proposed regulations retain the core intent of the existing minimum property line setback provisions by continuing to require increased separation between freestanding wireless facilities and adjacent residentially-zoned lots. Under the existing code, this requirement is implemented through a detailed, district-by-district “Minimum Yard” table that generally resulted in minimum 20-foot setbacks for freestanding towers and support structures when located within or near residential zoning districts, with more limited setbacks elsewhere. The proposed regulations simplify and consolidate this approach by requiring wireless facilities to comply with the underlying zoning district setbacks, while expressly applying a uniform minimum 20-foot setback from residentially-zoned lots to freestanding wireless facilities. The</p>

Topic	Proposed Numeration	Existing Numeration	Overall Change
			<p>proposed code also clarifies that standard setback exceptions in 155.308 (General Standards) may apply to minor facility components, such as at-grade flatwork.</p>
Outdoor Lighting	155. 348.050.H	159.006.F.10	<p><b>Expanded.</b> The existing regulations prohibit aircraft lighting on wireless facilities co-located on utility poles except where required by federal law, but do not otherwise regulate lighting on wireless facilities. In contrast, the proposed code subjects all wireless facilities to the City's existing outdoor lighting standards (156.308.050), which include, among other provisions, a 16-foot height limit on light fixtures and restrictions on light direction, shielding, spillover, and color temperature. Situations requiring additional lighting for aircraft safety may still be addressed through the proposed Special Exception provisions which allow deviation from any standard if required by state or federal law.</p>
Structural Safety	155. 348.050.I	159.011.C.7	<p><b>Reorganized/Rewritten (Minimal Substantive Change).</b> The proposed regulations retain the existing requirement that wireless facility support structures be designed to safely accommodate all equipment and loads, but relocate this requirement from the application submittal section to the generally applicable development standards.</p>
Noise	155.348.050.J	159.006.C	<p><b>Clarified/Reorganized (Minimal Substantive Change).</b> The proposed regulations retain noise limits for wireless facilities that are substantively similar to those in the existing code. Rather than maintaining a wireless-specific noise table, the proposed regulations cross-reference the City's adopted 2040 General Plan Noise Element, which includes noise level performance standards for stationary noise sources (Table N-4). The General Plan standards include comparable daytime and nighttime thresholds and the same provision for reduced limits for tonal or impulsive noise. Key differences are that the General Plan's noise thresholds apply citywide (rather than just in residential zoning districts) and are measured from sensitive receptors (rather than property lines). The proposed regulations also expressly allow stricter noise limits to be imposed through use permit conditions. This approach ensures consistency with the City's General Plan Noise Element and avoids duplicative standards.</p>

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Underground Lines	155.348.050.M	159.006.B.6	<b>Clarified (Minimal Substantive Change).</b> The proposed regulations carry forward the existing requirement for undergrounding base station equipment, wiring, and cabling if feasible, adding new clarification on how feasibility is evaluated.
Additional Generally Applicable Standards: Vision Clearance Areas; Access Control; Power; Signage	155.348.050.G, K, L, and N	No equivalent	<b>New.</b> The proposed regulations add several generally-applicable operational and safety standards that do not have direct equivalents in the existing code. These include requirements for access control to minimize unauthorized climbing, vandalism, graffiti, hazardous conditions, and attractive nuisances; limitations on generator use to backup power, testing, and maintenance only; compliance with adopted vision clearance area standards at intersections, driveways, and alleys to protect traffic and pedestrian safety; and signage restrictions prohibiting advertising or logos while requiring a small identification plaque for maintenance and emergency response. Together, these standards address routine safety, operational, and visual issues that are not clearly regulated under the existing wireless regulations.
Height Limit	155.348.050.O.3; 155.348.050.P.1	159.006.D	<b>Reorganized/Rewritten (Moderate Substantive Change).</b> The proposed regulations reorganize wireless height standards into two distinct categories—freestanding wireless facilities and building/ structure-mounted facilities—replacing the existing district-by-district height table with references to underlying zoning district height limits and broader zoning categories.  For freestanding wireless facilities, the proposed height limits are largely consistent with the existing code. The 60-foot limit in residential zoning districts and the 100-foot limit in public districts are retained; the existing 100- and 150-foot limits in light and heavy industrial districts are consolidated into a single 120-foot limit; and the existing 100-foot allowance in the CS district is expanded to apply to all mixed-use zoning districts (which are otherwise limited to 60 feet under the current code). The proposed regulations also add an explicit allowance for up to 20 feet of additional height to accommodate co-location, as well as a discretionary height exception where greater height is necessary to provide service that cannot reasonably be achieved through a compliant tower or co-location.

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			<p>For building- and structure-mounted facilities, the proposed regulations replace the existing allowance of up to 25 feet above a building, subject to the district height cap for wireless facilities, with an approach tied to the underlying building height limits. Under the existing code, rooftop installations are effectively prohibited where a building already meets the maximum height for wireless facilities in the zoning district. In contrast, the proposed regulations allow antennas and associated equipment to extend up to 12 feet above the roofline as a ministerial allowance, even where the building meets or exceeds the district building height limit (12 feet is a typical antenna height). Additional height may be approved through discretionary review based on an evaluation of visual integration and impact.</p> <p>The proposed framework recognizes that stricter height limits can have unintended visual consequences by limiting opportunities for collocation and reducing service coverage, necessitating additional freestanding facilities. By providing explicit allowances and exceptions for additional height where warranted, the proposed regulations are intended to allow decision-makers to weigh the tradeoffs between increased facility height and the potential to reduce the number of towers and support structures needed to provide wireless service. This approach supports the City's objectives of minimizing visual impacts, promoting collocation, and providing a clear, legally defensible process for approving additional height only where necessary to achieve those outcomes.</p>
Freestanding Structures - Speculative Structures	155.348.050.O.1	159.004	<p><b>Reorganized (No Substantive Change).</b> The proposed regulations retain the existing prohibition on speculative wireless towers constructed without a wireless service provider tenant, relocating it from the applicability section to the standards for freestanding wireless facilities for improved logical organization.</p>
Freestanding Structures - Collocation	155.348.050.O.2	No equivalent	<p><b>New.</b> While the existing regulations express a preference for collocating new facilities on existing facilities (159.011.B), they do not require new facilities to be designed to accommodate future collocation. In practice, wireless providers may be reluctant to accommodate competing providers absent a clear regulatory requirement. The proposed regulations address this gap by expressly requiring all new freestanding wireless facilities to be designed, installed, and maintained to accommodate future collocated antennas and</p>

Topic	Proposed Numeration	Existing Numeration	Overall Change
			equipment to the extent feasible, and to be made available for collocation. This requirement is intended to reduce the proliferation of towers over time and promote more efficient shared use of wireless infrastructure.
Freestanding Structures - Tower-Mounted Equipment	155.348.050.O.4	No equivalent	<b>New/Clarified.</b> The existing regulations require wireless facilities to be visually unobtrusive and use compatible colors and designs, but do not translate these general design objectives into specific standards for the placement or treatment of tower-mounted equipment. The proposed regulations fill this gap by introducing explicit requirements that tower-mounted equipment be mounted as close to the support structure as feasible, consolidated behind antennas where possible, and finished to match the supporting structure. These provisions formalize best practices intended to reduce visual clutter and minimize the visual profile of freestanding wireless facilities.
Building/Structure-Mounted Facilities – Stealth Preferences, Equipment Location	155.348.050.P.2, 3	No equivalent	<b>New/Clarified.</b> The existing regulations require wireless facilities to be visually unobtrusive but do not include specific standards for integrating antennas and equipment into buildings or other existing structures. The proposed regulations translate this general intent into clear, ordered stealth design preferences for building- and structure-mounted facilities, prioritizing full architectural concealment and minimizing visibility from public areas. The proposed regulations also clarify equipment placement expectations by requiring associated equipment to be located within the structure to the maximum extent feasible and discouraging ground-mounted equipment where internal or rooftop placement is feasible.
Facilities in the Public Right-of-Way	155.348.050.Q	159.006.F	<b>Reorganized/Expanded (Limited Substantive Change).</b> The existing regulations include detailed standards for wireless facilities co-located on utility poles in the public right-of-way, addressing height, diameter, equipment placement, undergrounding, structural certification, franchise compliance, and visual integration. The proposed regulations retain these core requirements but reorganize and expand them. The proposed regulations broaden the focus from utility poles to all right-of-way structures; clarify that facilities must be attached to existing or replacement structures rather than introducing new standalone structures; and add standards addressing public access and safety, protection of existing landscaping, and coordinated equipment placement to minimize visual clutter.

Topic	Proposed Numeration	Existing Numeration	Overall Change
			An explicit exception is included to allow deviations where necessary to comply with CPUC General Order 95.
<b>Ongoing Compliance, Transfer, and Decommissioning</b>			
Operation and Maintenance	155.348.070	159.006.G	<p><b>Expanded.</b> The proposed regulations carry forward the existing requirement that wireless facilities be maintained in a neat and orderly condition, including landscaping upkeep, painting, debris removal, and graffiti removal, while expanding these provisions to expressly set noise limitations for testing and maintenance activities, and to require ongoing compliance with approved plans, applicable zoning and building codes, and evolving state and federal law. The proposed code further clarifies that failure to comply with applicable federal or state law constitutes a violation of the Zoning Code, providing a clear local enforcement mechanism.</p> <p>While FCC radio frequency emissions compliance is addressed in the existing regulations through permit application requirements and approval findings, the proposed regulations relocate this requirement to the operation and maintenance section to emphasize that emissions compliance is an ongoing operational obligation. Consistent with this approach, the proposed code authorizes the City to require documentation of compliance not only at the time of application, but also during construction, following material modifications, or in response to credible evidence of noncompliance. Together, these changes clarify ongoing responsibilities and improve enforceability.</p>
Transfer of Permit/Ownership	155.348.080	No equivalent	<p><b>New.</b> The proposed regulations add explicit requirements governing the transfer of wireless facility permits and ownership interests. Because wireless facilities are frequently sold, leased, or otherwise transferred, and ownership and operational responsibility can be difficult to identify, the new provisions require timely notice to the City identifying the successor in interest and updated contact information. The regulations also clarify that all permit conditions, requirements, and obligations run with the facility and bind any successor, ensuring continuity of compliance, clear accountability, and effective enforcement over the life of the facility.</p>
Abandonment and Removal	155.348.090	159.006.H	<p><b>Clarified/Expanded.</b> The proposed regulations largely carry forward the existing abandonment and removal requirements, including the obligation to remove abandoned</p>

Topic	Proposed Numeration	Existing Numeration	Overall Change
			<p>wireless facilities within 90 days, the process for City notification and verification of abandonment, and responsibility for removal costs. The proposed code clarifies the scope of required removal by distinguishing between support structures installed primarily to support wireless facilities (which must be removed) and structures serving other principal functions, such as buildings or utility poles (which are not required to be removed).</p> <p>The proposed regulations also add a limited new exception allowing the Director to grant a one-time extension of up to 12 months where the responsible party demonstrates that the facility is being actively marketed for continued wireless use, providing modest flexibility while preserving the City's ability to ensure timely removal of abandoned facilities.</p>
<p><b>Relocating/ Removing Facilities in the Right-of- Way</b></p>	<p>155.348.100</p>	<p>159.006.F.13</p>	<p><b>Expanded/Clarified.</b> The existing regulations address relocation of wireless facilities in the limited context of utility poles scheduled for removal when wired utilities are undergrounded. The proposed regulations retain this requirement and also expressly authorize the City Engineer to require relocation or removal of wireless facilities in the public right-of-way whenever necessary to maintain, improve, modify, or vacate the right-of-way, or to protect public health, safety, and welfare. They also clarify that the City Engineer must provide adequate written notice, but that the relocation/removal will be at the permit holder's sole cost and expense. Together, these changes clarify the City's authority over its right-of-way and ensures that wireless facilities do not impede right-of-way management over time.</p>