

Exhibit A

**CITY OF ANTIOCH  
CITY COUNCIL POLICY FOR WIRELESS COMMUNICATIONS FACILITIES**

STANDARDS AND PROCEDURES FOR WIRELESS COMMUNICATIONS FACILITIES  
ADOPTED: June 11, 2019      RESOLUTION NO. 2019/99

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**I. PURPOSE AND INTENT**

- A. The City of Antioch intends this policy to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City’s territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City’s local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained on a case-by-case basis; (2) protecting the City’s visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure; (3) protecting and preserving the City’s environmental resources; and (4) promoting access to high-quality, advanced wireless services for the City’s residents, businesses and visitors.
- B. This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among

providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

## II. GENERAL DEFINITIONS

- A. **“antenna”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.
- B. **“approval authority”** means the council, commission or official responsible to review permit applications and vested with the authority to approve or deny such applications. The approval authority for an administrative use permit or applications in connection with eligible facilities requests located outside the public rights-of-way shall be the Zoning Administrator. The approval authority for an administrative use permit or applications in connection with eligible facilities requests located within the public rights-of-way shall be the City Engineer. The approval authority for a use permit shall be the Zoning Administrator or Planning Commission, as provided in this policy.
- C. **“arterial road”** means the same as defined in the Antioch General Plan, Circulation Element.
- D. **“batched application”** means more than one application submitted at the same time.
- E. **“collector road”** means the same as defined in the Antioch General Plan, Circulation Element.
- F. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.
- G. **“concealed”** or **“concealment”** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.

- H. **“CPCN”** means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 *et seq.*, as may be amended or superseded.
- I. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- J. **“decorative pole”** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.
- K. **“Director”** means the Community Development Director or his/her designee for applications in connection with wireless facilities located outside the public rights-of-way. Director means the Public Works Director or his/her designee for applications in connection with wireless facilities located within the public rights-of-way.
- L. **“FCC”** means the Federal Communications Commission or its duly appointed successor agency.
- M. **“FCC Shot Clock”** means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.
- N. **“local road”** means the same as defined in the Antioch General Plan, Circulation Element.
- O. **“macro wireless facility”** or **“macro wireless facilities”** means any wireless facility that is not a small wireless facility as defined by the FCC in 47 C.F.R. § 1.6002(*l*), as may be amended or superseded.
- P. **“OTARD”** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 *et seq.*, as may be amended or superseded, and which includes satellite television dishes not greater than one meter in diameter.
- Q. **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- R. **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- S. **“routine maintenance and repair”** means work performed solely to maintain or repair the existing transmission equipment approved in accordance with the

regulatory approvals or permits required at the time the subject wireless facility was constructed or modified. As an illustration, routine maintenance and repair includes fixing the internal components of damaged, inoperable or malfunctioning transmission equipment or replacing such equipment with new equipment of the same make, model and size of the equipment being replaced. Maintenance or repair that involves adding any new transmission equipment, increasing the size or dimensions of any existing transmission equipment, or implementing technology upgrades shall not be considered routine.

- T. **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended or superseded.
- U. **“small wireless facility”** or **“small wireless facilities”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.
- V. **“stealth”** means concealment techniques that completely screen all transmission equipment from public view and integrate the transmission equipment with the surrounding natural and/or built environment such that, given the particular context, the average, untrained observer does not recognize the existence of the wireless facility or concealment technique. These facilities are so integrated and well-hidden that the average, untrained observer would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (1) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (2) new architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials. Architectural features commonly used as stealth concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs, water tanks and flagpoles. Further, whether a wireless facility qualifies as a stealth facility depends on the context that exists at a given location and is evaluated on a case-by-case basis.
- W. **“structure”** (or **“support structure”**) means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded.
- X. **“temporary wireless facilities”** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels (**“COWs”**), sites-on-wheels (**“SOWs”**), cells-on-light-trucks (**“COLTs”**) or other similarly portable wireless facilities not permanently affixed to site on which is located.
- Y. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), as may be amended or superseded, which defines that term as any structure built for

the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

### III. APPLICABILITY

- A. **Applicable Wireless Facilities.** Except as expressly provided otherwise in this policy, the provisions in this policy shall be applicable to all existing wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy wireless facilities within the City's jurisdictional and territorial boundaries on private property or within the public rights-of-way.
- B. **Exemptions.** Notwithstanding section III.A, the provisions in this policy will not be applicable to: (1) wireless facilities owned and operated by the City for public purposes; (2) wireless facilities installed on City-owned support structures or other personal property in the public rights-of-way pursuant to a valid license agreement with the City; (3) amateur radio facilities; (4) OTARD antennas; (5) wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D; and (6) routine maintenance and repair.
- C. **Special Provisions for Eligible Facilities Requests.** All requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be reviewed under the standards in section VI. A discretionary permit under section V or section VIII is not required for any request that qualifies for approval pursuant to Section 6409. To the extent that the applicant's request does not qualify for approval under Section 6409, the applicant may submit the same or a substantially similar application for a discretionary permit under section V or section VIII.
- D. **Special Provisions for Temporary Wireless Facilities.** All applications for temporary wireless facilities will be reviewed under the application procedures and standards in section VII. A discretionary permit under section V or section VIII is not required for any temporary wireless facility. To the extent that the application does not meet the required findings for a temporary wireless facility, the applicant may submit the same or a substantially similar application for a discretionary permit under section V or section VIII.

- E. **Special Provisions for Small Wireless Facilities.** All applications for small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(l), will be reviewed under the application procedures and standards in section VIII.

#### IV. APPLICATIONS AND SUBMITTAL PROCEDURES

- A. **Application Required.** The approval authority shall not approve any request to place, construct or modify any wireless facility except upon a complete and duly filed application consistent with this section IV and any other written rules the City or the Director may establish from time to time in any publicly-stated format. To the extent that any special application requirements or procedures in section VII or section VIII conflict with this section IV, the special application requirements or procedures in those sections will control.
  
- B. **Application Content.** Except as provided in section VIII, all applications for a use permit, administrative use permit or section 6409 approval (as that term is defined in section VI.B) must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. All applications for wireless facilities in the public rights-of-way shall also contain sufficient evidence (such as a valid CPCN) of the applicant's regulatory status as a telephone corporation under the California Public Utilities Code. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
  
- C. **Voluntary Pre-Submittal Conference.** The City strongly encourages, but does not require, applicants to schedule and attend a pre-submittal conference with the Director and other City staff. This voluntary, pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. Pre-submittal conferences are especially encouraged when an applicant

seeks to submit one or more batched applications so that the Director may advise the applicant about any staffing or scheduling issues that may hinder the City's ability to meet the presumptively reasonable timeframes under the FCC Shot Clock. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Planning Division shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the staff time and services rendered in the pre-submittal conference.

- D. **Submittal Appointments.** All applications must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, or up to five individual applications per appointment as a batch, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within ten working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.
- E. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Division within 90 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.
- F. **Additional Procedures.** The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the approval authority deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

**V. MACRO WIRELESS FACILITIES ON PRIVATE PROPERTY AND CITY-OWNED REAL PROPERTY**

**A. Required Permits.**

1. **Use Permit – Zoning Administrator Review.** A use permit and minor design review approval, subject to the Zoning Administrator’s prior review and approval that complies with all applicable development standards in section V.B is required for construction of any wireless facility proposed in a preferred location in section V.B.1.
2. **Use Permit – Planning Commission Review.** A use permit and design review approval, subject to the Planning Commission’s prior review and approval is required for:
  - a. any wireless facility proposed to be located in or within 250 feet, measured from the facility to the parcel line, from a single-family residential district or structure approved for a single-family residential use;
  - b. any wireless facility proposed to be located in a discouraged location under section V.B.2;
  - c. any wireless facility that requires a limited exception pursuant to section V.D.3;
  - d. any wireless facility subject to an administrative review process but that has been referred to the Planning Commission by the Zoning Administrator; and
  - e. any wireless facility not identified as subject to the Zoning Administrator review process in section V.A.1.
3. **Referral to Planning Commission.** Notwithstanding any other provision in this section V.A, the Zoning Administrator may refer any application for a use permit to the Planning Commission when the Zoning Administrator determines that the application raises a significant policy or design issue.
4. **Other Permits and Regulatory Approvals.** In addition to any use permit or other approval required under this section V.A, the applicant must also obtain all other permits and approvals as may be required by any other federal, state or local government agencies, which includes, without limitation, any other permits and/or approvals issued by other City departments or divisions. Furthermore, any permit or approval granted under this section V (or deemed granted or deemed approved by law) shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals.



**B. Development Standards.**

1. **Preferred Locations.** When evaluating compliance with this section V, the approval authority will take into account whether any or more preferred locations are technically feasible and potentially available. All applicants for a use permit must propose new wireless facilities according to the following preferences, ordered from most preferred to least preferred:
  - a. parcels within industrial districts or approved for an industrial use;
  - b. parcels within public/institutional districts or approved for a public/institutional use;
  - c. parcels within commercial districts or approved for a commercial use.
  
2. **Discouraged Locations.** The City strongly discourages new wireless facilities in the following locations, ordered from most discouraged to least discouraged, when a technically feasible and potentially available alternative in a “preferred” location exists. Any application for a new wireless facility in the following “discouraged” locations shall not be approved without a limited exception granted by the review authority pursuant to section V.D.3.
  - a. parcels within single-family residential districts or approved for a single-family residential use;
  - b. locations within the Downtown Specific Plan area;
  - c. open spaces not owned or controlled by the City.
  
3. **General Design Standards.** All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not covered under Section 6409 must conform to the generally applicable design regulations in this section V.B.3.
  - a. **Concealment.** Wireless facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.
  - b. **Overall Height.** Wireless facilities on private property may not exceed the applicable height limit for structures in the applicable zoning district or

overlay zone; provided, however, that a stealth wireless facility in a preferred location may exceed the applicable height limit by not more than ten (10) feet. If the subject zoning district or overlay zone does not have a height limit, the height of wireless facilities must be consistent with the nearest adjacent structures, but not to exceed 50 feet.

- c. **Setbacks.** Wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning district.
- d. **Noise.** Wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Antioch Municipal Code § 9-5.1901, and shall not exceed, either individually or cumulatively, the applicable ambient noise limit. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment (such as backup power generators) reasonably likely to exceed the applicable limit. In the event a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part, backup power generators may exceed the applicable noise control standards and regulations to the extent reasonably necessary to operate the facility until the declared emergency is lifted or power is restored to the affected facility.
- e. **Lights.** Wireless facilities may not include exterior lights other than (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible.
- f. **Landscape Features.** All wireless facilities must include landscape features and a landscape plan when proposed to be placed in a landscaped area or required by the approval authority for screening and/or concealment purposes. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with Antioch Municipal Code § 9-5.1001 *et seq.* The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this policy.
- g. **Site Security Measures.** Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site

security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash enclosure or corral. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or built environment. The approval authority shall not approve chain link (unless located in industrial zoning districts and not visible from the public right-of-way), barbed wire, razor ribbon, electrified fences or any similar security measures. The approval authority may permit mini-mesh fences to the extent that they would not be visible from the public right-of-way.

- h. **Backup Power Sources.** The approval authority may approve backup power sources and/or generators on a case-by-case basis. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet, measured from the facility to the parcel line, from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
- i. **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
- j. **Future Collocations and Equipment.** To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
- k. **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost; provided, however, that the approval authority may waive this requirement to the extent the approval of new overhead lines or service drops would amount to a *de minimis* visual change. Microwave

or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

- I. **Parking; Access.** Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use and meet Contra Costa County Fire Protection District requirements.

4. **Towers and Freestanding Wireless Facilities.**

- a. **Tower-Mounted Equipment—In General.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.
- b. **Ground-Mounted Equipment—In General.** All ground-mounted equipment must be concealed underground, within an existing or new structure or other enclosure(s) subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.
- c. **Concealment—In General.** All tower-mounted wireless facilities must be designed to conceal equipment to the extent appropriate for the proposed location through use of faux-architectural or faux-natural features including, without limitation, monopines and faux trees, clock towers, lighthouses, water tanks, flag poles, field light standards, shopping center signs and monuments. All faux-architectural or faux-natural features shall be subject to the approval authority's discretion for compatibility with the surrounding built and/or natural environment. The approval authority will consider criteria which includes, without limitation, (i) architectural compatibility with the underlying support structure; (ii) quality and texture of the construction materials; (iii) natural and/or realistic color and finishes; (iv) proportion and scale with surrounding environment and/or underlying support structure; and (v) the extent to which the proposed concealment accurately, realistically and/or naturally mimics the subject design feature.

d. **Monopines and Faux Trees.**

- i. **Shape and Branching.** Monopines shall be gradually tapered from bottom to top to resemble the natural conical pine-tree shape, with shorter branches at the top and wider branches at the bottom. All monopines shall include a “crown” or “topper” installed above the monopole to create a natural point at the top. Branches shall begin at no greater than 15 feet above ground level and maintain at least 3.5 branches per vertical foot when averaged between the bottom-most branch and the highest point on the monopole (excluding any “crown” or “topper” installed above the monopole). The approval authority may consider other faux tree designs including without limitation mono-eucalyptus trees, monopalms and monocypress trees. The canopy for the faux tree species must be naturally tapered to mimic the particular species. The canopy must completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment by at least 18 inches.
- ii. **Bark Cladding.** The entire monopole shall be fitted with faux-tree bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural tree bark for the particular species.
- iii. **Equipment Concealment.** All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the monopine or other tree species must be painted or colored with a flat greens, browns or other appropriate earth tones to blend into the faux branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux-pine or broadleaf “sock” with faux-pine needles or other faux-foliage. No tower-mounted equipment shall be permitted to protrude beyond the branch canopy such that it would materially alter the tapered tree shape.
- iv. **Concealment Material Selection and Approval.** All materials and finishes used to conceal the monopine shall be subject to prior approval by the Planning Division. Applicants shall use only high-quality materials to conceal the wireless facility. The applicant shall use color-extruded plastics for elements such as the faux-foliage and faux-bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.

5. **Building-Mounted Wireless Facilities.**

- a. **Preferred Concealment Techniques.** All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at

ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose 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, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

- b. **Facade-Mounted Equipment.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this subsection. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.
- c. **Rooftop-Mounted Equipment.** All rooftop-mounted equipment must be screened from public view from the nearest right-of-way with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

**C. Notices.**

- 1. **General Notice Requirements.** Except as provided in section V.C.2, public notice in accordance with Antioch Municipal Code § 9-5.2702 shall be given for all applications for a use permit governed under this section V.
- 2. **Deemed-Approval Notice.** Not more than 30 days before the applicable FCC Shot Clock expires, and in addition to any public notice required prior to a decision, an applicant for a use permit must provide a posted notice, no smaller than 24" x 36", at the project site in a conspicuous location that contains (1) a statement the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the City approves or denies the application or the applicant voluntarily agrees to toll the timeframe for review within the next 30 days; (2) a general description for the proposed project; (3) the applicant's name and contact information as provided on the application

submitted to the City; and (4) contact information for the Planning Division. The public notice required under this section V.C.2 will be deemed given when the applicant delivers written notice to the Planning Division that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this policy, the approval authority shall be permitted to act on an application for a use permit at any time so long as any applicable prior public notice in this section V.C.1 has occurred.

3. **Decision Notice.** Within five calendar days after the approval authority acts on a use permit application governed under this policy or before the FCC Shot Clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (1) the reasons for the decision and (2) instructions for how and when to file an appeal.

**D. Decisions and Appeals.**

1. **Required Findings.** The approval authority may approve or conditionally approve an application for a use permit submitted under this section V when the approval authority finds all of the following:
  - a. the approval authority can make all the findings required for a use permit in accordance with Antioch Municipal Code § 9-5.2703; and
  - b. the proposed wireless facility complies with all applicable development standards in section V.B; and
  - c. the applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
  - d. the applicant has proposed to place the wireless facility in the most-preferred location or, if the wireless facility is not proposed in the most-preferred location, the applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations through a meaningful comparative analysis; and
  - e. the applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative designs identified in the administrative record are either technically infeasible or unavailable.
2. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this policy is intended to limit the approval authority's ability to conditionally approve or deny without

prejudice any use permit application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the General Plan and any specific plan, the Antioch Municipal Code and/or this policy.

3. **Limited Exception.** In the event that an applicant claims that strict compliance with the development standards in section V.B would effectively prohibit the applicant's ability to provide personal wireless services, the Planning Commission may grant a limited exception from such requirements in accordance with this section V.D.3.

a. **Required Findings for a Limited Exception.** The Planning Commission shall not grant any limited exception unless the applicant shows that:

- i. the proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and
- ii. the applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- iii. the applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this policy; and
- iv. the applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- v. the applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

b. **Scope.** Any limited exception shall be narrowly tailored to ensure that any deviations from the development standards in section V.B are no greater than necessary to avoid an effective prohibition of the applicant's personal



wireless services. Limited exceptions shall be based on the facts and circumstances of the applicant, its demonstrated technical service objectives at the time the exception is granted and the proposed wireless facility, and shall not be deemed to establish any precedent for similar deviations for the same or any other applicant, location or wireless facility.

4. **Appeals.** Any interested person or entity may appeal any decision by the approval authority in accordance with the provisions in Antioch Municipal Code § 9-5.2705; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines.

E. **Standard Conditions.** In addition to all other conditions adopted by the approval authority, all use permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section V.E. The approval authority (or the appellate authority) shall have discretion to modify or amend any standard conditions of approval on a case-by-case basis as may be necessary or appropriate to protect and promote the public health, safety and welfare, allow for the proper operation of the approved wireless facility, maintain compliance with applicable laws and/or to advance the goals or policies in the General Plan and any specific plan, the Antioch Municipal Code and/or this policy.

1. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division required to commence construction in connection with this permit, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the “**Approved Plans**”). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director’s prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
2. **Build-Out Period.** This permit will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Zoning Administrator may grant one written extension to a date certain, but not to exceed one (1) additional year, when the permittee shows good cause to extend the limitations

period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

3. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
4. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation.
5. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director or the Director’s designee may issue a stop work order for any activities that violates this condition in whole or in part.
6. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City’s officers, officials, staff or other designees may enter onto

the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

7. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
8. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.
9. **Permit Revocation.** In accordance with Antioch Municipal Code § 9-5.2707.1, the approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval

conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

10. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
  
11. **Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

## VI. ELIGIBLE FACILITIES REQUESTS

### A. Special Definitions for Eligible Facilities Requests.

1. **“base station”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), as may be amended or superseded, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).
2. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site. As applicable to any eligible facilities request, the definition of collocation provided in this section controls over the definition of collocation provided in section II.
3. **“eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

4. **“eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which defines that term as any tower or base station as defined in 47 C.F.R. § 1.6100(b), provided that it is existing at the time the relevant application is filed with the State or local government under 47 C.F.R. § 1.6100.
5. **“existing”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
6. **“site”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
7. **“substantial change”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.
  - a. For towers outside the public rights-of-way, a substantial change occurs when:
    - i. the proposed collocation or modification increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet (whichever is greater); or
    - ii. the proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or

## ELIGIBLE FACILITIES REQUEST

- iv. the proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
  - b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
    - i. the proposed collocation or modification increases the height of the structure by more than 10% or more than 10 feet (whichever is greater); or
    - ii. the proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or
    - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or
    - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are more than ten percent (10%) larger in height or volume than any other ground cabinets associated with the structure; or
    - v. the proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
  - c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
    - i. the proposed collocation or modification would defeat the existing concealment elements of the support structure; or
    - ii. the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in 47 C.F.R. § 1.6100(b)(7)(i)-(iv).
- 8. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), as may be amended or superseded, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless

communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. **Required Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require an administrative use permit consistent with all valid and enforceable terms and conditions of the underlying permit or other prior regulatory authorization for the tower or base station (each amendment a “**section 6409 approval**”). Each section 6409 approval shall be subject to the Zoning Administrator’s approval, conditional approval or denial without prejudice pursuant to the standards and procedures in this section VI. However, the applicant may voluntarily elect to seek a discretionary permit subject to the general standards and procedures in section V or section VIII.

C. **Decisions and Appeals.**

1. **Administrative Review.** The approval authority shall review a complete and duly filed application for a section 6409 approval, and may act on such application without prior notice or a public hearing.
2. **Decision Notices.** Within five days after the approval authority acts on an application for a section 6409 approval or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall send a written notice to the applicant. In the event that the approval authority denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that denial will be without prejudice; and (3) instructions for how and when to file an appeal.
3. **Required Findings for Approval.** The approval authority may approve or conditionally approve an application for a section 6409 approval when the approval authority finds that the proposed project:
  - a. involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - b. does not substantially change the physical dimensions of the existing wireless tower or base station.
4. **Criteria for Denial without Prejudice.** Notwithstanding any other provision in this policy, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice any application for a section 6409 approval when the approval authority finds that the proposed project:
  - a. does not meet the findings required in section VI.C.3;



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- b. involves the replacement of the entire support structure; or
  - c. violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.
5. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this section VI is intended to limit the approval authority's authority to conditionally approve an application for a section 6409 approval to protect and promote the public health and safety.
6. **Appeals.** Any applicant may appeal the approval authority's written decision to deny without prejudice an application for section 6409 approval. The written appeal together with any applicable appeal fee must be tendered to the City Clerk within five working days from the approval authority's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager or the City Manager's designee (either party, the "**City Manager**") shall be the appellate authority for all appeals from the approval authority's written decision to deny without prejudice an application for section 6409 approval. The City Manager shall review the application *de novo* without notice or a public hearing; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this section VI and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.
- D. **Standard Conditions.** In addition to all other conditions adopted by the approval authority, all section 6409 approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section VI.D. The approval authority (or the appellate authority) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section VI.
1. **Permit Term.** The City's grant or grant by operation of law of a section 6409 approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or grant by operation of law of this section 6409 approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for this section 6409 approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station, and any renewals thereof. This condition shall not be applied or interpreted in any

way that would cause the term of the underlying permit for the modified facility to be less than 10 years in total length.

2. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any eligible facilities request(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved eligible facilities requests or the Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated eligible facilities request when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.
3. **City's Standing Reserved.** The City's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any eligible facilities request.
4. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division required to commence construction in connection with this section 6409 approval, the permittee must incorporate this section 6409 approval, all conditions associated with section 6409 approval and any approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in substantial compliance, as determined by the Director, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval. The Director may refer the request to the approval authority who may revoke the section 6409 approval if the approval authority finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended.
5. **Build-Out Period.** This section 6409 approval will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension to a date certain, but not to exceed one (1)

additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

6. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
7. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this section 6409 approval, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation.
8. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director or the Director’s designee may issue a stop work order for any activities that violates this condition in whole or in part.

9. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
  
10. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
  
11. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed, shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this section 6409 approval, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this section 6409 approval or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this section 6409 approval.

12. **Permit Revocation.** The Director may recall this section 6409 approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this section 6409 approval after notice and an opportunity to cure the violation is provided to the permittee. If the noncompliance continues after notice and reasonable opportunity to cure the noncompliance, the Zoning Administrator may revoke this section 6409 approval or amend these conditions as the Zoning Administrator deems necessary or appropriate to correct any such noncompliance.
13. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
14. **Abandoned Wireless Facilities.** The wireless facility authorized under this section 6409 approval shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

## VII. TEMPORARY WIRELESS FACILITIES

### A. Required Permits.

1. **Administrative Use Permit.** An administrative use permit, subject to the Zoning Administrator's prior review and approval in accordance with the procedures and standards in this section VII, is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to section VII.D.
2. **Other Permits and Regulatory Approvals.** In addition to any administrative use permit required under this section VII, the applicant must also obtain all other permits and approvals as may be required by any other federal, state or local government agencies, which includes, without limitation, any other permits and/or approvals issued by other City departments or divisions. Furthermore, any permit or approval granted under this section VII (or deemed granted or deemed approved by law) shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals.

- B. **Minimum Application Requirements.** Notwithstanding the provisions in section IV, applicants for a temporary wireless facility shall submit at a minimum: (1) an administrative use permit application on the most current form prepared by the Planning Division; (2) the applicable fee for the application; (3) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (4) an RF compliance report in accordance with the City's requirements; and (5) an insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and a carries at least \$1,000,000 in coverage per occurrence.

### C. Decisions and Appeals.

1. **Required Findings for Temporary Wireless Facilities.** The Zoning Administrator may approve or conditionally approve an administrative use permit for a temporary wireless facility only when the Zoning Administrator finds:
  - a. the proposed temporary wireless facility will not exceed the overall zone height limit of the zoning district in which it is located or 50 feet, whichever is less; and
  - b. the proposed temporary wireless facility complies with all setback requirements applicable to the proposed location; and

## TEMPORARY WIRELESS FACILITIES

- c. the proposed temporary wireless facility will not involve any excavation or ground disturbance; and
  - d. the proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which include without limitation maximum permissible exposure limits for human exposure to RF emissions established by the FCC; and
  - e. the proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location; and
  - f. the proposed temporary wireless facility will be identified with a sign that clearly identifies the (i) site operator, (ii) the operator's site identification name or number and (iii) a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas; and
  - g. the proposed temporary wireless facility will be removed within 30 days after the Zoning Administrator grants the administrative use permit, or such longer time as the Zoning Administrator finds reasonably related to the applicant's need or purpose for the temporary wireless facility (but in no case longer than one year); and
  - h. the applicant has not been denied an approval for any permanent wireless facility in substantially the same location within the previous 365 days.
2. **Appeals.** Any applicant may appeal the Zoning Administrator's written decision to deny an administrative use permit for a temporary wireless facility. The written appeal together with any applicable appeal fee must be tendered to the City within five working days from the Zoning Administrator's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager or the City Manager's designee (either party, the "**City Manager**") shall be the appellate authority. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

### D. **Emergency Temporary Wireless Facilities.**

1. **Authorization.** Temporary wireless facilities may be placed and operated within the City's jurisdictional and/or territorial boundaries without an administrative use permit only when a duly authorized federal, state, county or City agency or official declares an emergency within a region that includes the City in whole or in part.

## TEMPORARY WIRELESS FACILITIES

2. **Notice.** All temporary wireless facilities deployed in an emergency shall bear a sign that clearly identifies the site operator and the contact information for the person responsible for such temporary wireless facility. Any person or entity that places temporary wireless facilities pursuant to this section VII.D must send a written notice that identifies the approximate site location and person responsible for its operation to the Director as soon as reasonably practicable. One notice may cover multiple temporary wireless facilities.
  
3. **Removal.** Any temporary wireless facilities placed pursuant to this section VII.D must be removed within 15 days after the date the emergency is lifted. The Director may authorize a longer timeframe for emergency temporary wireless facilities when the Director finds that (1) the temporary wireless facilities were deployed to temporarily replace permanent wireless facilities destroyed or otherwise rendered inoperable in connection with the emergency or (2) removal within the default timeframe would threaten public health, safety or welfare.



## VIII. SMALL WIRELESS FACILITIES

### A. Applicability.

1. **Applicable Wireless Facilities.** Except as expressly provided otherwise in this policy, the provisions in this section VIII shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way or on private property.
2. **Other Infrastructure Deployments.** To the extent that other infrastructure deployments, including without limitation any deployments that require approval pursuant to Antioch Municipal Code Title 7, involve the same or substantially similar structures, apparatus, antennas, equipment, fixtures, cabinets, cables or improvements, the department or official responsible to review and approve or deny requests for authorization in connection with such other infrastructure deployment shall apply the provisions in this section VIII unless specifically prohibited by applicable law.

### B. Required Permits and Approvals.

1. **Administrative Use Permit.** An administrative use permit subject to the approval authority's prior review and approval, is required for any small wireless facility proposed on an existing, new or replacement support structure.
2. **Request for Approval Pursuant to Section 6409.** Notwithstanding anything in the policy to the contrary, requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 (47 U.S.C. Section 1455(a)) will be subject to the provisions in section VI, as may be amended or superseded.
3. **Other Permits and Approvals.** In addition to an administrative use permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid administrative use permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such administrative use permit may be denied without prejudice. Furthermore, any permit or approval granted under this section VIII shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

C. **Small Wireless Facility Permit Application Requirements.**

1. **Small Wireless Facility Permit Application Contents.** All applications for an administrative use permit must include all the information and materials required in this subsection C.1, unless exempted by the approval authority.
  - a. **Application Form.** The applicant shall submit a complete, duly executed administrative use permit application on the then-current form prepared by either the Planning Manager or his/her designee (if for a small wireless facility located outside the public rights-of-way) or the Public Works Director (if for a small wireless facility located within the public rights-of-way).
  - b. **Application Fee.** The applicant shall submit the applicable administrative use permit application fee established by City Council resolution. Batched applications must include the applicable permit application fee for each small wireless facility in the batch. If no administrative use permit application fee applicable to small wireless facilities has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application.
  - c. **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 50 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
  - d. **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole or support structure has the

structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, and any safety and construction standards required by the utility.

- e. **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.
- f. **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- g. **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a “small wireless facility” as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for an administrative use permit as provided in subsection E.3.
- h. **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population

limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

- i. **Public Notices.** The applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within a 300 foot radius of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
- j. **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.
- k. **Site Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit a partially-executed site agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
- l. **Title Report and Property Owner's Authorization.** For any small wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept an administrative use permit in connection with the subject property.
- m. **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits as provided in Antioch Municipal Code § 9-5.1901.

2. **Additional Requirements.** The City Council authorizes the approval authority to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this section VIII. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice.

**D. Small Wireless Facility Permit Application Submittal and Completeness Review.**

1. **Application Completeness Review.** Within 10 calendar days after the approval authority receives a duly filed administrative use permit application, the approval authority shall review the application for completeness and, if any application does not contain all the materials required in subsection C.1 or any other publicly stated requirements, send a written notice to the applicant that identifies the missing or incomplete requirements.
2. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the approval authority within 60 calendar days after the approval authority deems the application incomplete in a written notice to the applicant. As used in this subsection D.2, a “substantive response” must include the materials identified as incomplete in the approval authority’s notice.

**E. Approvals and Denials; Notices.**

1. **Public Notice.** Prior to any approval, conditional approval or denial, public notice shall be mailed to all properties and record owners of properties within a 300 foot radius from the project site. The notice must contain: (1) a general project description; (2) the applicant’s identification and contact information as provided on the application submitted to the City; (3) contact information for the approval authority; (4) a statement that the approval authority will act on the application without a public hearing but will accept written public comments that evaluate the application for compliance with the standards in this section VIII; and (5) a statement that the FCC requires the City to act on administrative use permit applications for small wireless facilities, which includes any administrative appeals, in 60 days for attachments to existing structures and 90 days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review.
2. **Administrative Review.** Not less than 10 calendar days after the public notice required in subsection E.1, the approval authority shall approve, conditionally

approve or deny a complete and duly filed administrative use permit application without a public hearing.

3. **Required Findings.** The approval authority may approve or conditionally approve a complete and duly filed application for an administrative use permit for small wireless facilities when the approval authority finds:
  - a. the proposed project meets the definition for a “small wireless facility” as defined by the FCC;
  - b. the proposed project would be in the most preferred location within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 250 feet would be technically infeasible;
  - c. the proposed project would not be located on a prohibited support structure identified in this section VIII;
  - d. the proposed project would be on the most preferred support structure within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 250 feet would be technically infeasible;
  - e. the proposed project complies with all applicable design standards in this section VIII;
  - f. the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
  - g. all public notices required for the application have been given.
4. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this section VIII is intended to limit the approval authority’s ability to conditionally approve or deny without prejudice any administrative use permit application as may be necessary or appropriate to ensure compliance with this section VIII.
5. **Decision Notices.** Within five calendar days after the approval authority acts on an administrative use permit application or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall notify the applicant by written notice. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.

6. **Appeals.** Any decision by the approval authority shall be final and not subject to any administrative appeals.

**F. Standard Conditions of Approval.**

1. **General Conditions.** In addition to all other conditions adopted by the approval authority for an administrative use permit, all administrative use permits issued under this section VIII shall be automatically subject to the conditions in this subsection F.1.
  - a. **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
  - b. **Build-Out Period.** This permit will automatically expire six (6) months from the approval date (the “build-out period”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the small wireless facility or its use. If this build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
  - c. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
  - d. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“laws”) applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is

intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation.

- e. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the City of Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The approval authority may issue a stop work order for any activities that violates this condition in whole or in part.
- f. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- g. **Permittee's Contact Information.** Within 10 days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.



- h. **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.
- i. **Permit Revocation.** Any permit granted under this section VIII may be revoked in accordance with the provisions and procedures in this condition. The approval authority may initiate revocation proceedings when the approval authority has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before the approval authority may conduct a public hearing to revoke any permit granted under this section VIII, the approval authority must issue a written notice to the permittee that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this section VIII may be revoked only by the City Council after a duly notice public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit

shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the approval authority shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- j. **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “records”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City’s regular files will control over any conflicts between such City-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- k. **Abandoned Wireless Facilities.** The small wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa

Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

- i. **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
  
- m. **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.
  
- 2. **Conditions for Small Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in subsection F.1, all administrative use permits for small wireless facilities in the public rights-of-way issued under this section VIII shall be automatically subject to the conditions in this subsection F.2.
  - a. **Future Undergrounding Programs.** If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on wood utility poles that will be

removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.

- b. **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- c. **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this permit. If the Public Works Director determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

**G. Location Requirements.**

1. **Preface to Location Requirements.** This subsection G.1 provides guidance as to how to interpret and apply the location requirements in this section VIII. To better assist applicants and decisionmakers understand and respond to the community's aesthetic preferences and values, subsections G.2-G.5 set out listed preferences for locations and support structures to be used in connection with small wireless facilities in ordered hierarchies. Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 250 feet from the proposed site; or (2) any more preferred locations or structures within 250 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection G.6 identifies "prohibited" support structures on which the City shall not approve any administrative use permit application for any competitor or potential competitor.
  
2. **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
  - a. locations within commercial or industrial districts on or along arterial roads;
  - b. locations within commercial or industrial districts on or along collector roads;
  - c. locations within commercial or industrial districts on or along local roads;
  - d. locations within public/institutional districts on or along arterial roads;
  - e. locations within public/institutional districts on or along collector roads;
  - f. locations within public/institutional districts on or along local roads;
  - g. locations within residential districts on or along arterial roads;
  - h. locations within residential districts on or along collector roads;
  - i. locations within residential districts on or along local roads;
  - j. any location within any district within 250 feet, measured from the facility to the parcel line, from a single-family residential district or structure approved for a single-family residential use.
  
3. **Locations Outside the Public Rights-of-Way.** The City prefers small wireless facilities outside the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
  - a. parcels within industrial districts or approved for an industrial use;

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- b. parcels within public/institutional districts or approved for a public/institutional use;
  - c. parcels within commercial districts or approved for a commercial use.
4. **Support Structures in the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
- a. existing or replacement streetlight poles;
  - b. existing or replacement wood utility poles;
  - c. new, non-replacement streetlight poles;
  - d. new, non-replacement poles for small wireless facilities.
5. **Support Structures Outside the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures outside the public rights-of-way, ordered from most preferred to least preferred, as follows:
- a. existing buildings or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
  - b. other existing buildings or non-tower structures;
  - c. existing or replacement poles or towers;
  - d. new, non-replacement towers for small wireless facilities.
6. **Prohibited Support Structures.** The City prohibits small wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not:
- a. decorative poles;
  - b. traffic signals, signs, poles, cabinets and related devices;
  - c. any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the administrative use permit application;
  - d. new, non-replacement wood poles.

## H. **Design Standards.**

1. **General Standards.**

- a. **Noise.** Small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Antioch Municipal Code § 9-5.1901, as may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit.
- b. **Lights.** Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection 1.b shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this section VIII.
- c. **Landscape Features.** Small wireless facilities shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance Antioch Municipal Code § 9-5.1001 *et seq.*, as may be amended or superseded.
- d. **Site Security Measures.** Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The approval authority shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- e. **Signage; Advertisements.** All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.

- f. **Compliance with Health and Safety Regulations.** All small wireless facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions.

2. **Small Wireless Facilities in the Public Right-of-Way.**

- a. **Overall Height.** Small wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus five feet or (B) five feet above the existing support structure.

- b. **Antennas.**

- i. **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure. Applications that involve unshrouded antennas must demonstrate that it would be technically infeasible to shroud the antennas as supported by clear and convincing evidence in the written record.

- ii. **Antenna Volume.** Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.

- c. **Accessory Equipment.**

- i. **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) underground in any area in which the existing utilities are primarily located underground; (ii) on the pole or support structure; or (iii) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.

- ii. **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade



when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

- iii. **Pole-Mounted Accessory Equipment.** All accessory equipment installed, attached or mounted directly to a utility pole or support structure must comply with the provisions of this subsection c.iii. All pole-mounted accessory equipment must be installed in a single equipment shroud, cage or cabinet unless the applicant demonstrates that it would be technically infeasible as supported by clear and convincing evidence in the written record. All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.
- iv. **Base-Mounted Accessory Equipment.** All accessory equipment installed within a shroud, pedestal or other enclosure that is incorporated with the base of the pole, rather than as a separate, detached element, must comply with the provisions of this subsection c.iv. All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- v. **Ground-Mounted Accessory Equipment.** On collector roads and local roads, the City prefers ground-mounted accessory equipment to be concealed as follows: (A) within a landscaped parkway, median or similar location, behind or among new/existing landscape features and painted or wrapped in flat natural colors to blend with the landscape features; and (B) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks. On arterial roads outside underground districts, proposed ground-mounted accessory equipment should be completely shrouded or

placed in a cabinet substantially similar in appearance to existing ground-mounted accessory equipment cabinets.

- vi. **Accessory Equipment Volume.** All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.
  
- d. **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.
  
- e. **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas at the top of the pole unless the applicant demonstrates that mounting the antennas at the top of the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. Applicants that propose to install small wireless facilities on a replacement wood utility pole must remove and replace the existing wood utility pole with one that is substantially similar in height and diameter unless the applicant demonstrates that a substantially similar replacement pole would be technically infeasible or violate applicable public safety regulations as supported by clear and convincing evidence in the written record.
  
- f. **New, Non-Replacement Poles.** Applicants that propose to install small wireless facilities on a new, non-replacement pole must install a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a

metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.

- g. **Strand-Mounted Wireless Facilities.** All small wireless facilities installed on aerial cable strand between two utility poles shall comply with this subsection. No more than one strand-mounted wireless facility may be installed on any single span between two poles. The approval authority shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facility unless such equipment is a remote power source that delivers power to a cluster of strand-mounted wireless facilities. The remote power source shall not be located along residential frontage and must be fully concealed within landscaping or located along an arterial road. All equipment and other improvements associated with a strand-mounted wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one (1) cubic foot in total volume. All strand-mounted equipment shall be finished in a non-reflective grey color. Any accessory equipment mounted on the pole shall be painted and textured to match the underlying pole. “Snow shoes” and other spooled fiber or cables are prohibited.
- h. **Encroachments over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner’s express written consent.
- i. **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.
- j. **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress

and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.

- k. **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. In areas with existing overhead lines, new overhead utility lines or service drops are permitted provided that new communication lines shall be “overlashed” with existing communication lines to the extent feasible. In all other areas, the approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- l. **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- m. **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The approval authority shall not approve a separate ground-mounted electric meter pedestal.
- n. **Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.

3. **Small Wireless Facilities Outside the Public Right-of-Way.**

- a. **Overall Height.** Small wireless facilities on private property may not exceed the applicable height limit for structures in the applicable zoning district or overlay zone. If the subject zoning district or overlay zone does not have a height limit, the overall height may not exceed 35 feet.
- b. **Setbacks.** Small wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning district.

- c. **Backup Power Sources.** The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
- d. **Parking; Access.** Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must be the minimum size necessary to reasonably accommodate the proposed use.
- e. **Towers, Poles and Other Freestanding Small Wireless Facilities.** All new towers, poles or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole height shall not exceed thirty-five (35) feet or the height limit for the applicable zoning district or overlay zone, whichever is less. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed twenty (20) inches.

4. **Building-Mounted Small Wireless Facilities.**

- a. **Preferred Concealment Techniques.** All applicants must propose new non-tower small wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).
- b. **Facade-Mounted Equipment.** When small wireless facilities cannot be placed behind existing parapet walls or other existing screening elements,

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the approval authority may approve facade-mounted equipment in accordance with this subsection 4.b. All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The approval authority may not approve “pop-out” screen boxes. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.