

WIRELESS COMMUNICATIONS FACILITIES

MACRO WIRELESS FACILITY

USE PERMIT AND DESIGN REVIEW APPLICATION



WHAT IS A MACRO FACILITY?

A macro facility request is a request to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy a cell facility within the City of Antioch that does not constitute a small cell facility or 6409 request. Depending on the design and location a macro facility will be subject to either Zoning Administrator review or Planning Commission review.

- Use Permit – Zoning Administrator Review. A use permit and minor design review approval is required for construction of any wireless facility proposed in a preferred location in section V.B.1 of the City Council Policy, subject to the Zoning Administrator’s prior review and approval that facility complies with all applicable development standards in section V.B of the City Council Policy for Wireless Communications Facilities.
- 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:
 - 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;
 - any wireless facility proposed to be located in a discouraged location under section V.B.2 of the City Council Policy;
 - any wireless facility that requires a limited exception pursuant to section V.D.3 of the City Council Policy;
 - any wireless facility subject to an administrative review process but that has been referred to the Planning Commission by the Zoning Administrator; and
 - any wireless facility not identified as subject to the Zoning Administrator review process.

PROCESS

The process for applying for either the Zoning Administrator review or Planning Commission review follow the same steps, which are outlined below:

Step 1 - Project Consideration

A prospective applicant should review the City Council Policy for Wireless Communications Facilities requirements. The Policy can be found at: www.antiochplanning.com.

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Step 2 – Voluntary Pre-Application Conference

The City strongly encourages, but does not require, applicants to schedule and attend a pre-application conference with 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 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.

A pre-application conference can be scheduled by contacting the Planning Division at (925) 779.6159.

Step 3 – Submit your Application

All applications must be submitted to the City at a pre-scheduled appointment with Planning staff. 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. If any application is received without an appointment, whether delivered in-person, by mail, or other means, it will not be considered filed, unless a written exemption from the Community Development Director was received.

Please call (925) 779-6159 to schedule an appointment.

Step 4—Processing the Application

- ✓ Staff will check your application for completeness against the requirements contained in the following pages. You will receive either a complete or incomplete letter from staff. An "incomplete" letter will provide documentation of items that must be submitted/resubmitted prior to your project being deemed complete.

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- ✓ Environmental review will start once the application is complete. State Law requires that all applications processed by the City be in compliance with the California Environmental Quality Act, known as CEQA. Your assigned staff member gave you preliminary information about what type of CEQA document is expected to be required for your project if not exempt.
- ✓ Your plans will be routed to departments and divisions within the City and to applicable outside agencies for review and comment. Your assigned staff member will contact you with a summary of the comments that are received.
- ✓ Your plans may be peer-reviewed by a firm selected from the City's pre-approved list of contractors. The costs for peer review are paid by the applicant up front. Your assigned staff member will contact you with a summary of the comments that are received.

At this point, depending on the comments, your project will either require adjustments or responses to comments or will be ready to be scheduled for a hearing.

Step 5 – Public Noticing and Hearings

Use Permit review requires a public hearing. Property owners within 300 feet will be notified of the hearing, and the notice will also be published in the newspaper.

Additionally, 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 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. The City shall be permitted to act on an application for a use permit at any time so long as any applicable prior public notice has occurred.

At the hearing staff will present a summary of your project and the recommendation. Staff will take clarification questions from the hearing body. The selected project spokesperson will then have 10 minutes to speak. This can be the property/business owner, design professional, or any other person best suited to explain your proposal and answer questions. All other persons wishing to speak regarding your item will then have an opportunity to speak. This includes members of the public who may be for or against your project. Once all speakers are heard, the project representative will have an opportunity for a five-minute rebuttal. **Prior to your hearing, you are strongly encouraged to read and understand all conditions staff has proposed for your project.** These conditions may have significant impacts on project cost and timeliness.

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After the public has spoken on the item, the public hearing will be closed, and the hearing body will discuss the item. A decision will be made to do one of the following:

1. Approve or conditionally approve the project.
2. Postpone action pending receipt of additional information or amended plans.
3. Deny the application.

Right to Appeal

The decision on your project can be appealed within five working days of the hearing. The specific deadline for appeal will be on the hearing agenda. Appeals may be filed by the project proponent or a member of the public. Appeals must be submitted in writing to the City Clerk with the applicable fee. Appeals of Planning Commission items will be heard by the City Council and appeals of Zoning Administrator items will be heard by the Planning Commission. Appeals from an approval cannot be permitted when based solely on the environmental effects from the radio frequency emissions that are compliant with applicable FCC regulations and guidelines.

APPLICATION SUBMITTAL CHECKLIST

- ☐ **SIGNATURES.** Signed Development Application and Statement of Understanding (for deposits).
- ☐ **FEE.**
 - The fee for a Zoning Administrator Review is \$2,943.00
 - The application deposit for a Planning Commission level review or a facility on publicly owned property, regardless of the level of review, is \$2,000.00. Actual costs will be billed monthly for staff time at the fully allocated hourly rates.
- ☐ **PROJECT PLANS.** Staff may request additional plan sets if necessary. Additional copies of plan sets will be required if the project is appealed.) The following numbers of plan sets are required:
 - One set of plans shall be submitted on a CD or flash drive in pdf format
 - 1 set full size 24" x 36"
 - 3 sets reduced to 11" x 17"
 - Submit 100% zoning drawings, 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 drawings must:
 - Identify all structures within 50 feet from the proposed project site and call out such structures' overall height above ground level;

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- 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
 - 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.
- **COVERAGE MAPS.** Submit coverage maps and comparative analyses that show alternative designs are technically infeasible or unavailable.
- **PHOTOS AND PHOTO SIMULATIONS.** Submit site photographs and photo simulations that show the existing location and proposed 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.
- **PROJECT NARRATIVE AND JUSTIFICATION.** Submit a written statement that explains in plain factual detail the proposed project and explain if the project is located in a preferred location and if a limited exception is required.
- **RF COMPLIANCE REPORT.** Submit an RF exposure compliance report that certifies that the proposed facility will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer. 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.
- **PUBLIC NOTICES.** Submit a mailing list and envelopes, stamped (not metered) and addressed, for all properties and record owners of properties within a 300-foot radius of the project location. The return address must be left blank for City staff to put a return address. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
- **REGULATORY AUTHORIZATION.** Submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the facility proposed in the application.
- **TITLE REPORT.** For any facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit a title report issued within 30 days from the date the applicant filed the application.

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- ☐ **ACOUSTIC ANALYSIS.** Submit an acoustic analysis prepared and certified by an engineer for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The 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.
- ☐ **ELECTRONIC FILES.** Submit a CD or thumb drive containing a .pdf version of all documents submitted with this application.

Attachments

- A. Application Form
- B. Statement of Understanding

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



Site Location	
Assessor's Parcel No. (s)	
Total Acreage	
Brief Description of Request:	

PROPERTY OWNER OF RECORD	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

APPLICANT	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

AGENT/DESIGNER

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



Name	
Company Name	
Address	
Phone #	
Email	
Signature	

ANY OTHER PERSON THAT YOU WOULD LIKE THE CITY TO NOTIFY OF THE PUBLIC HEARING	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

FOR OFFICE USE ONLY	
Date Received:	File No.:
Title:	Account No.:
Type of Application	Notes:

PLEASE SIGN AND RETURN WITH YOUR APPLICATION

STATEMENT OF UNDERSTANDING

In signing this Statement of Understanding in conjunction with the attached application to the City of Antioch, Department of Community Development for Project:

I understand that charges for materials and staff time spent processing this application will be billed monthly and is based on an hourly rate as identified in the current fiscal year fee schedule. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, e-mail, and staff report preparation. Further, I understand that my initial deposit is not a fee and actual charges may be in excess of the deposit. The deposit will be returned to me at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Failure to pay invoices on a monthly basis may also result in an application being deemed incomplete; postponement of hearings or meetings; and/or inability to obtain a building permit.

I assume full responsibility for all costs incurred by the City in processing this application.

Further, I understand that approval of my project is NOT guaranteed and may be denied. In the case of a denial, I understand that I am still responsible for all costs incurred by the City in processing this application.

I hereby authorize employees, officials and agents of the City of Antioch to enter upon the subject property, as necessary, to inspect the premises and process this application.

DATE: _____

NAME: _____

SIGNATURE: _____

.....

Property owner signature for authorization to enter property and process the application. This is required only if the applicant is not the property owner.

DATE: _____

NAME: _____

SIGNATURE: _____