



Design Review Subcommittee (DRSC)

Meeting Date: October 23, 2019

PLANNER: Katie Crockett, Associate Planner

SUBJECT: Zoning Amendment 19-189, Small Cell Ordinance, Citywide, review of proposed design and location standards for small wireless telecommunications facilities, which will be incorporated into the proposed ordinance to amend permitting requirements for small wireless telecommunications facilities.

BACKGROUND:

Small Cells

City staff has been working on an ordinance to modify the procedures, requirements, and design standards for small wireless telecommunication facilities (“small cells”) since the ordinance was initiated by the City Council in May.

Small cells are a relatively new type of cell site in San Clemente, with only a handful approved, but not constructed. They typically consist of one antenna and minimal associated equipment. Some examples of small cells are pictured below in Figure 1.

Figure 1 – Small Cell Site Examples



Historically, the City has reviewed and approved larger types of wireless telecommunications facilities, commonly referred to as “macro sites.” Macro sites typically consist of a cluster of cell antennas (approximately six to 12 antennas) mounted in a roof area of a multi-story building or a freestanding facility designed to look like a tree, such as a “monoeucalyptus” or “monopine.” These facilities typically have a large equipment enclosure at ground level containing several equipment cabinets, generator, and/or other

supporting equipment. Some examples of traditional macro cell sites are pictured below in Figure 2.

Figure 2 – Traditional Macro Sites in San Clemente



Current Process

The City requires a Conditional Use Permit (CUP) or City Antenna Permit (CAP) for wireless telecommunications facilities depending on where they are located and how the facility is designed. Both permits require a noticed public hearing and Design Review Subcommittee (DRSC) review. Both permits require a \$5,000 deposit. Wireless facilities permitted through a CAP must be consistent in placement and design with the City's 2008 Wireless Master Plan. For other wireless facilities, no specific locational or design criteria are identified and the criteria are entirely discretionary through the CUP process.

Other Applicable Regulations

The Telecommunications Act of 1996 governs local authority over decisions regarding the placement, construction, and modification of cell sites. It generally preempts local regulatory authority over wireless communications providers, but preserves local zoning authority over the placement, construction, and modification of cell sites, subject to some limitations. Over the years, the Federal Communications Commission (FCC) has adopted a number of rules and orders that further clarify the limitations placed on local governments with regard to our review of cell sites. A recent rule and order (FCC Rule and Order 18-133) enacted the following specific provisions:

1. Shotclock: The City must act within 60 days or 90 days of application submittal for a small cell, depending on whether the structure on which the cell site is installed is existing or new.

2. Fees: The City should not charge more than \$500 for an individual application for up to five small cells and \$100 for each additional site on the same application.
3. Design Regulations: The City can require design and location standards, so long as they do not prohibit service. Design regulations must be published in advance of application submittal.

PROJECT DESCRIPTION

The City's current process for permitting small cells requires a noticed public hearing, DRSC review, and a \$5,000 deposit. Given the shortened shotclocks and low fee requirements imposed by the FCC, modifications to the City's process is needed. Furthermore, because the City currently has no identified small cell locational or design standards, under the new FCC mandates, it is difficult for the City to require certain designs or restrict small cell placement. The proposed Ordinance would modify the City process for reviewing and permitting small cells, as well as establish objective locational and design criteria in the purview of the City's local zoning control.

Many jurisdictions across the country have adopted small cell regulations. Most jurisdictions utilize a list of "preferred locations" and/or design types. In these cases, if an applicant wishes to site a facility outside of the preferred locations or utilize a design that is not "preferred," the applicant must demonstrate that denial of such application would result in the effective prohibition of service, among other things. City staff drafted design and locational standards ("the draft Standards") for the City incorporating this model.

The draft Standards contain a list of preferred and discouraged locations and preferred design types (Attachment 1). Preferred locations include commercial and industrial properties and rights of way adjacent to commercial and industrial properties. Discouraged locations include proposed facilities within 100 feet of a residential property line, 500 feet from a school, and 300 feet from any other existing or proposed wireless telecommunications facility. Encouraged designs include streetlight and utility pole designs. Specifications include that, if possible, the equipment should all be mounted at the top of the pole, as preferred by the DRSC when it reviewed the small cell applications for AT&T. Design standards also include maximum height increases, other size standards, and that all ground-mounted equipment be underground if technically feasible.

Complete applications for small cells that meet all of the Standards would be approved. Applications that do not meet the Standards would be denied, unless the applicant requests an exception to one or more of the Standards. In requesting an exception, the applicant must prove that strict application of the Standards would effectively prohibit that wireless service provider from providing a particular service or level of service in the area and that the proposed facility is the least intrusive means of providing service.

CONCLUSION

The full draft ordinance will be brought forward for City Council consideration following consideration and recommendation by the Planning Commission. The Design and

Development Standards will be adopted by resolution of the City Council and incorporated by reference into the ordinance, making them easier to modify as technology, federal regulations, or best practices change. Staff recommends the DRSC review the draft Standards and provide comments and recommendations related to how they could better comply with the City's Design Standards and General Plan Policies.

Attachments:

1. Draft Small Cell Locational and Design Standards

**CITY OF SAN CLEMENTE (THE “CITY”)
DESIGN AND DEVELOPMENT STANDARDS (“STANDARDS”)
FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES**

SECTION 1. PURPOSE. The purpose of these Design and Development Standards are to establish aesthetic and development criteria for small wireless telecommunications facilities.

SECTION 2. AUTHORITY. Adoption of these Standards and modifications to these Standards shall be made by Resolution of the City Council.

SECTION 3. DEFINITIONS. The definitions set forth in Section 17.88 of the Municipal Code are incorporated by reference into these Standards.

SECTION 4. DESIGN AND DEVELOPMENT STANDARDS FOR ALL FACILITIES. The following design and development standards shall apply to all small wireless telecommunications facilities:

- A. **Exceptions.** If the applicant demonstrates that the strict application of these standards would result in the effective prohibition of service or otherwise violate state or federal law, an exception shall be granted by the City to the standard or standards causing the effective prohibition, but only to the minimum extent required to avoid the prohibition or violation; all other standards and criteria would remain in effect. For the City to grant an exception to one or more of these Standards, the Applicant must provide substantial evidence in their written application materials demonstrating the following:
1. A strict application of these Standards would result in a significant gap in the wireless provider’s service that is demonstrably significant based on scientifically valid and reliable data and other substantial evidence; and
 2. The proposed facility is the least intrusive means of providing service to the area (i.e. there are no viable, technically feasible, and aesthetically equivalent or superior alternatives that meet the Standards that could meet the need established in No. 1, above).
- B. **Visual Criteria.**
1. Generally. Facilities shall be sited to minimize view impacts to surrounding properties and shall be designed such that the least visible means possible is used.

2. Height. Except as otherwise provided herein, the height of the adjacent zone or 10% taller than the existing or adjacent utility poles, light poles, or other similar infrastructure.
3. Size.
 - a. Size requirements for specific installation types are included in the Preferred Designs/Styles section.
 - b. The use of unmetered electric service shall be used where allowed. When unmetered service is not allowed, the smallest electric meter and disconnect available should be used, unless placed in an underground vault.
 - c. The size of all small wireless telecommunications facilities shall not exceed the definition of "small wireless telecommunications facility" as defined in the City of San Clemente Municipal Code.
4. Stealthing. Facilities shall be stealthed utilizing best design practices of the industry to the extent technically feasible. This includes the use of RF transparent screens; undergrounding of meters, vaults, and fans where technically feasible; use of matching colors/finishes; durable/graffiti-resistant paint; non-reflective materials. Other equipment shall be integrated into the pole or other infrastructure such as in a decorative pole base, undergrounded where technically feasible, or otherwise located and screened to minimize visual impacts. Cabling and wiring shall be run internally within all poles to the maximum extent feasible. Where it is not feasible to run cabling and wiring internally (as in wood utility poles), then all cabling and wiring shall be within a conduit affixed directly to the face of the pole for as long as technically feasible. The conduit and visible cabling shall be painted to match the pole as closely as possible.

C. Location.

1. Preferred Locations. The following locations are preferred:
 - a. Placement on existing structures on private property in commercial and industrial zones.

- b. Mounted on existing or replacement infrastructure such as streetlights and utility poles in the right of way adjacent to commercial and industrial zones.
 - c. New structures on private property in commercial and industrial zones.
 - d. As far from occupiable buildings as possible.
2. Discouraged Locations. Wherever possible, the following locations shall be avoided. If the following locations cannot be avoided, the applicant must request an exception to the criteria, with justification for why the exception is needed as required in Section 3A, above.
- a. New poles (i.e. not an existing or replacement lightpole, utility pole or similar infrastructure) in the right of way.
 - b. Location of antennas directly at window height of adjacent buildings.
 - c. In locations that would be visible from a historic property, as designated on the City's list of historic resources.
 - d. Strand-mounted facilities.
 - e. Within 300 feet of another existing, approved, or planned (for which application has been made to the City) small cell facility, as measured from the facility.
 - f. Within 100 feet of residential property, as measured from property line.
 - g. Within 500 feet from existing public or private schools, as measured from property line.
3. Prohibited locations
- a. In any way that interferes with the use of any public or private right of way (ROW), and shall not impeded the flow of vehicular or pedestrian traffic, or impair the primary use and purpose of poles/signs/signals or other infrastructure.
 - b. Within scenic vistas/corridors as defined in the San Clemente General Plan and Coastal Land Use Plan,

- except when located on existing or replacement infrastructure and where the facility increases the height of the existing infrastructure by no more than 10 percent.
- c. Attached to historic structures, as designated on the City's list of historic resources.
 - d. Generators are not permitted in public or private rights of way.
 - e. Wireless telecommunications facilities are prohibited on traffic signal poles.
4. Preferred Designs/Styles. Wherever possible, proposed facilities shall comply with the following design standards. Where not possible, the applicant must request an exception to the criteria, with justification for why the exception is needed as required in Section 3A, above.
- a. Streetlight Poles. For existing, replacement, or new streetlights.
 - i. All antennas and pole-mounted equipment shall be mounted at the top of a pole in a shroud, unless the antenna itself is camouflaged to appear as a part of the shroud, then the antenna need not be shrouded. Alternatively, if the volume of pole-mounted equipment is larger than can be accommodated within the shroud at the top of the pole, a decorative pole-base shroud can be used. Equipment "backpacks" are not permitted.
 - ii. New or replacement streetlight poles shall match the design (color, dimensions, height, style, and materials) of the existing poles in the vicinity to the greatest extent feasible. In no case shall the diameter of a new or replacement streetlight pole exceed 18 inches.
 - iii. The diameter of wireless facilities mounted at the top of a lightpole shall be as close to the pole's diameter as technically feasible, and shall not exceed 150% of the pole diameter at the top of the pole, unless decorative elements dictate otherwise. The size of a decorative base-shroud shall be as small as technically feasible and the

diameter shall not exceed 250% of the pole diameter at the base of the pole and shall not exceed 5 feet in height.

- iv. The maximum height of wireless facilities mounted at the top of a lightpole is 60 inches from the top of the highest point of the existing pole or the nearest lightpole in the vicinity when no base equipment shroud is proposed; the maximum height of wireless facilities mounted at the top of a lightpole is 36 inches from the top of the highest point of the existing pole or the nearest lightpole in the vicinity when a base equipment shroud is used.
 - v. Wireless facilities shall match the color and appearance of the streetlight pole to reduce visual impacts and shall not contain any reflective finishes.
- b. Utility Poles. For existing and replacement utility poles.
- i. All antennas and radio relay units (RRUs) shall be mounted at the top of a pole in a shroud, unless the antenna itself is camouflaged to appear as a part of the shroud or pole, then the antenna itself need not be shrouded. Alternatively, if the volume of RRUs is larger than can be accommodated within the shroud at the top of the pole, stacked RRUs mounted as closely to the pole as possible are permitted.
 - ii. The wireless facility diameter shall be as close to the pole's diameter as technically feasible, and shall not exceed 150% of the pole diameter.
 - iii. The maximum height of utility pole facilities is limited to a 10% increase in the existing pole height, or the minimum required to comply with California Public Utilities Commission General Orders, whichever is greater.
 - iv. All installations on utility poles shall fully comply with the California Public Utilities Commission (CPUC) General Orders. None of these standards are meant to conflict with or cause violation of any CPUC General Order.

- c. Slimline poles. For locations where existing poles are not available, a new pole to support a wireless facility may be considered, except as noted elsewhere in these Standards.
 - i. All antennas, RRUs, and conduit shall be incorporated into the pole design. Antennas and equipment shall not be mounted to the side of the pole.
 - ii. Slimline poles shall be designed to resemble existing poles near that location, including size, height, color, materials, and style. If in the right of way, they shall be placed in a similar manner as other infrastructure poles, such as streetlights or utility poles.
 - iii. The height of slimline poles shall be no greater than 10% taller than other similar poles in the vicinity.
 - d. Building-mounted facilities. For facilities mounted to an existing building
 - i. Building-mounted facilities shall comply with the height limits for the zone, except where this would conflict with applicable state or federal regulation.
 - ii. Building-mounted antennas shall be stealthed to the maximum extent feasible. Stealthing techniques could include mounting behind a roof-parapet or other enclosure, or painting antennas to match the building. Modifications to the facades of buildings in certain zones may require additional discretionary approvals.
5. Curb Setback Requirements. There are no specific curb setbacks. However, all facilities must maintain minimum sidewalk clearances. Within pedestrian districts (as designated within Specific Plans or overlays) the minimum resulting sidewalk shall not be less than 10 feet or less than the existing sidewalk width, whichever is smaller.
- D. Landscaping. Removal of trees/landscaping to accommodate facilities on private property is not permitted unless replaced with like kind/size or better in a comparable location on the same private property deemed acceptable by the City Planner. Removal of trees/landscaping to accommodate facilities in the ROW is not permitted unless replaced with like kind/size or better in a ROW location deemed acceptable by the City Planner or City Engineer. Landscaping should be used to screen ground-mounted equipment wherever possible.

- E. Modifications. Modifications to existing facilities or collocations are permitted pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, and cannot defeat the stealthing elements of the existing structure/facility.

DRAFT