



# WIRELESS TELECOMMUNICATION PERMIT APPLICATION

1. Check One:  NEW: This request is for a NEW wireless telecommunication permit.  
 RENEWAL: This request is for the RENEWAL of an existing wireless telecommunication permit. The permit number is written below.  

WTP # \_\_\_\_\_
  
2. Address of proposed facility: \_\_\_\_\_
  
3. Name of Carrier: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
 Name of Person Authorized to Sign Legal Documents: \_\_\_\_\_
  
4. Name of Applicant (Company): \_\_\_\_\_ Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_
  
- 5a. Name of Property Owner: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
 Name of Person Authorized to Sign Legal Documents: \_\_\_\_\_
  
- 5b. *(For collocation on existing facility)*  
 Name of Existing Facility Owner: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
 Name of Person Authorized to Sign Legal Documents: \_\_\_\_\_
  
6. Parcel area (acres): \_\_\_\_\_ Size of lease area (sq. ft.): \_\_\_\_\_
  
7. Purpose of site (infill, capacity, new network, etc.): \_\_\_\_\_
  
8. Wireless system proposed (IPCS, ESMR, cellular, etc.): \_\_\_\_\_
  
9. If rooftop location, is antenna completely screened from view? YES \_\_\_\_\_ NO \_\_\_\_\_
10. Will antenna screening alter the building design in any form? YES \_\_\_\_\_ NO \_\_\_\_\_
  
11. Proposed height of equipment: \_\_\_\_\_
  
12. Number of proposed antenna(s): \_\_\_\_\_
  
13. Type of proposed antenna(s) (panel, dish, ship, etc.): \_\_\_\_\_

## Wireless Telecommunication Permit Application Checklist

The checklists below and on the following page have been prepared as an aid for both you and the Department of Community Development, to ensure that your application is submitted in complete form. This will help ensure a timely and effective review process for all applicants.

Please check each item to ensure that it is contained within this packet before submitting your application. Upon submission, a member of the Community Development staff will verify the contents in your presence, and accept it for review or return the packet to you for completion. It is extremely important that you submit your application with all items, as requested, since an incomplete packet will not be accepted for review.

Should you have any questions, please feel free to contact the Planner you are working with at (562) 916-1201. Thank you for your cooperation.

Applicant Check	Wireless Telecommunication Permit Application Checklist	Staff Check
	1. Wireless Telecommunication Permit application	
	2. Appendix H (Environmental Information Form) <ul style="list-style-type: none"> <li>a. Certification (signed)</li> <li>b. Site photos and photo key</li> </ul>	
	3. Property Owner's Consent to File Application (signed and notarized)	
	4. Legal description	
	5. Current title report OR both a grant deed and a recent property tax bill	
	6. Conditional Use Permit application, only if required in the applicable zone and if the proposed facility is the sole use on the property	
	7. Plot/Site Plan – 5 copies total (full size folded 8-1/2 x 11):* <ul style="list-style-type: none"> <li>a. Four (4) unmarked copies</li> <li>b. One (1) copy colored</li> </ul>	
	8. Architectural Plans – 5 copies total (full size folded 8-1/2 x 11):* <ul style="list-style-type: none"> <li>a. Elevations</li> <li>b. Sections</li> <li>c. Detail Plans</li> </ul>	
	9. Master facility utilization plan as described in Cerritos Municipal Code (CMC) Section 22.42.040(1)(a): must be labeled "Master Facility Utilization Plan" and contain all information listed in said section**	
	10. Statement regarding the electromagnetic emissions for the proposed site per CMC Section 22.42.040(1)(b): must be labeled "Electromagnetic Emissions Statement" and contain all information listed in said section**	
	11. Certification that proposed facility does and continues to comply with all applicable FCC and PUC requirements, per CMC Section 22.42.040(1)(c): must be labeled "FCC/PUC Compliance Certification" and contain all information listed in said section**	
	12. Site Justification Study covering Rationale, Collocation, Height, and Equipment, per CMC Section 22.42.040(1)(d): must be labeled "Site Justification Study" and contain all information listed in said section**	
	13. Supplemental Application for Wireless Telecommunication Permit, including all required exhibits (see checklist on next page)	
	14. CD containing electronic copies of the following items listed herein: <ul style="list-style-type: none"> <li>• Site photos required with Appendix H</li> <li>• PDF copy of all plans listed in items 7 and 8 above</li> <li>• PDF copy of photosimulations required in the Supplemental Application</li> <li>• JPEG copy (200 dpi) of the aforementioned PDF files</li> </ul>	
	15. Filing fees in accordance with the City's Fee Schedule: <ul style="list-style-type: none"> <li>a. Wireless Telecommunication Permit Application Fee</li> <li>b. Technical Consultant Review Deposit</li> </ul>	

\* If it is determined that the project is subject to one or more public hearings, additional copies of these plans will be required, as described on the following page.

\*\* Graphic exhibits provided in the Supplemental Application can be referenced in the narrative description for this application item (by way of an explicit reference to the exhibit number) in lieu of providing duplicate exhibits.

**Supplemental Application Exhibit Checklist**

<b>Applicant Check</b> (or write N/A if not applicable)	<b>Exhibit Number</b>	<b>Abbreviated Exhibit Description</b> (see Supplemental Application for all required information)	<b>Staff Check</b>
	2.03	Letter of agency for Project Owner	
	2.05	Letter of agency for underlying Property Owner	
	2.07	(if applicable) Project Owner's CPCN	
	3.15	Appendix A form(s)	
	3.15-A	(if applicable) Appendix A form(s) for collocation	
	3.17	(if applicable) FAA/FCC forms, including without limitation FAA Form 7460	
	4.07	(if applicable, for "Other" projects) Written statement describing all portions or elements of the dominant purpose of the Project	
	4.12	(if applicable, if Project is asserted to close a "significant gap") Written statement, street-level map, and collected data	
	4.15	(if applicable, if Project is the least intrusive means to close the claimed "significant gap") Written statement and information to support determination	
	4.20	Identification of portions of Project that use unlicensed spectrum	
	4.25	(if applicable, if direct site-to-site radio interconnection is proposed) Written statement	
	5.05	(if applicable, if FCC build-out requirements have not been met) Disclosure of yet unmet build-out requirements/obligations	
	5.15	(if applicable, if Project site is proposed to be interconnected via RF to any other site(s)) Location and technical details of interconnected sites	
	6.03	Radio frequency coverage map: existing	
	6.04	Radio frequency coverage map: Project only	
	6.05	Radio frequency coverage map: existing and Project	
	7.01	Base photographs and photosimulations	
	8.04	Alternative candidate sites: address and explanation	
	8.07	(if applicable) Explanation why the proposed site is the one and only one location that can meet the RF objectives of the Project, and applicable supporting data	
	9.40	Information regarding each additional key person involved	
	10	Additional written information provided by the Applicant	

Public Hearing Information - Additional Items for Submittal

If it is determined that the project is subject to one or more public hearings, the following additional items will be required to be submitted at a later date:

<b>Applicant Check</b>	<b>Checklist of Additional Items for Public Hearing(s)</b>	<b>Staff Check</b>
	A. Certified property owner's list affidavit (signed and notarized)	
	B. Base Map – Total 2 copies (folded 8-1/2" x 11") a. One (1) colored copy with existing land use of all parcels within 700 feet b. One (1) copy with each parcel within 500 feet numbered	
	C. Gummed labels (typed): a. Listing of names and addresses of all <u>parcel owners</u> within 500 feet, numbered corresponding to base map 8-b (2 sets/1 copy) b. Listing of addresses of all residential, commercial, and industrial <u>occupants/ tenants</u> within 500 feet, numbered corresponding to base map 8-b (2 sets/1 copy)	
	D. Plot/Site Plan – (full size folded 8-1/2" x 11") in the following quantities: a. Planning Commission hearing: one (1) colored copy and nine (9) unmarked copies b. City Council hearing: twenty (20) additional unmarked copies	
	E. Architectural Plans – (full size folded 8-1/2" x 11") in the same quantities as item D above: a. Elevations                      b. Sections                      c. Detail Plans	
	F. Filing fees in accordance with the City's Fee Schedule: a. Environmental Assessment Report involving a Public Hearing (if applicable) b. Fish and Game Fee (if applicable) c. Public Hearing Notification	
	G. Deposits associated with other third-party reviews as required by the City	

Please read and initial the following and sign below:

\_\_\_\_\_ I have completed all portions of this application and have attached all of the items listed in the Wireless Telecommunication Permit Application Checklist, including all exhibits required in the Supplemental Application for Wireless Telecommunication Permit.

\_\_\_\_\_ I understand that the City of Cerritos may require corrections and/or changes to the submitted plans and the submittal of revised plans prior to consideration. If it is determined that the project is subject to one or more public hearings, additional copies of the submitted plans will be required along with additional items A through G on page 3 of this application. The Applicant will be notified in writing of this determination and of the number of plan copies required in accordance with the number of applicable public hearings.

\_\_\_\_\_ I understand that the City of Cerritos may seek, in its discretion, independent, third-party consulting services in connection with the review and evaluation of the project and that the Applicant will be required to submit a deposit for said consulting services upon request by the City. Said consulting services may include, but not be limited to, architectural review, technical review of proposed antennas and support equipment, and an environmental assessment. The Applicant will be notified in writing of the amount required to be deposited for said consulting services, and the City's review of the application will resume upon receipt of the requested deposit. The Applicant shall be responsible for the full costs of such consulting services. If it is determined that the project will require the preparation of an environmental assessment, the Applicant will also be required to submit a filing fee for said assessment in accordance with the City's Fee Schedule.

Applicant signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBMITTAL PROCEDURE:** Prior to submitting this application, please call (562) 916-1201 to schedule an appointment with City staff at the subject property, in order to identify any existing maintenance or design-related issues to be addressed in the plan submittal. Subsequently, upon completing the application information above and all required supplementary information, please schedule an appointment with City staff by calling (562) 916-1201 to submit this application for review in person. **This completed application will only be accepted in person and by appointment.**

\_\_\_\_\_  
(For City staff use only)

Accepted for review by:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**City of Cerritos**  
**Appendix H**  
**ENVIRONMENTAL INFORMATION FORM**  
(To be completed by applicant)

**Date Filed:** \_\_\_\_\_

**GENERAL INFORMATION**

1. Name and address of developer or project sponsor: \_\_\_\_\_  
\_\_\_\_\_
2. Address of project: \_\_\_\_\_  
Assessor's Book, Page and Lot Number: \_\_\_\_\_
3. Name, address, and telephone number of person to be contacted concerning this project: \_\_\_\_\_  
\_\_\_\_\_
4. Existing zoning district: \_\_\_\_\_
5. Proposed use of property (project for which this form is filed): \_\_\_\_\_  
\_\_\_\_\_

**PROJECT DESCRIPTION**

6. Property size: \_\_\_\_\_ acres, \_\_\_\_\_ square feet.
7. Proposed building square footage: \_\_\_\_\_
8. Number of floors and square footage of each floor: \_\_\_\_\_  
\_\_\_\_\_
9. Amount of off-street parking provided: \_\_\_\_\_ spaces.
10. Anticipated phasing of development: \_\_\_\_\_  
\_\_\_\_\_
11. If multifamily residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. If commercial, include the type of use, whether neighborhood, city or regionally oriented, square footage of sales area and loading facilities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. If industrial, indicate type of use, estimated number of employees per shift and loading facilities: \_\_\_\_\_  
\_\_\_\_\_

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14. If institutional, indicate the major function, estimated number of employees per shift, estimated occupancy, loading facilities and community benefits to be derived from the project:

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15. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required: \_\_\_\_\_

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*(Continues on Next Page)*

*Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).*

**YES NO**

- |                          |                          |     |  |
|--------------------------|--------------------------|-----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 16. | Change in existing property features or substantial alteration of ground contours.                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. | Change in scenic views or vistas from existing residential areas or public lands or roads.                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 18. | Change in scale or character of general areas surrounding project.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. | Add significant amounts of solid waste or litter.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. | Change in the level of dust, ash, smoke, fumes or odors in vicinity.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. | Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. | Substantial change in existing noise or vibration levels in the vicinity.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 23. | Property on filled land or on slope of 10 percent or more.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. | Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.              |
| <input type="checkbox"/> | <input type="checkbox"/> | 25. | Substantial change in demand for municipal services (police, fire, water, sewage, etc).                              |
| <input type="checkbox"/> | <input type="checkbox"/> | 26. | Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc).                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 27. | Relationship to a larger project or series of projects.  |

**Environmental Setting**

28. Describe the property as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the property and the use of said structures. Attach photographs of the site.
29. Describe the surrounding properties, including information on plants and animals, and on any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment, houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity.

**Certification:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

For: \_\_\_\_\_

**PROPERTY OWNER'S CONSENT TO FILE APPLICATION**

I (we), \_\_\_\_\_, hereby certify that I am (we are) the owner(s) of the property located at \_\_\_\_\_, and identified as APN \_\_\_\_\_ and that I (we) have reviewed this application and that this application is being filed with the full knowledge and consent of the above property owner(s). I (we) further acknowledge and understand that if the application is approved by the City, the application shall subject the property to conditions of approval. I (we) certify, under penalty of perjury, that the foregoing statements presented herein are in all respects true and correct to the best of my (our) knowledge and belief.

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of ) ss.

On \_\_\_\_\_, before me, \_\_\_\_\_  
(insert name and title of notary public)

personally appeared \_\_\_\_\_  
\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS, my hand and official seal.

\_\_\_\_\_  
Signature of Notary





## SUPPLEMENTAL APPLICATION FOR WIRELESS TELECOMMUNICATION PERMIT

The City of Cerritos recognizes that the provision of wireless and Distributed Antenna System (“DAS”) services are highly technical enterprises subject to various federal, state, and local regulations. This supplemental application form is designed to elicit necessary and required technical information in support of a planned Wireless Telecommunication Permit (“WTP”) application for a new or modified wireless telecommunications site project or a DAS project within the City of Cerritos.

Completion of this supplemental application is a mandatory document for wireless and DAS projects. This form assists the City of Cerritos to comply with its duties under its Municipal Code Chapter 22.42, et seq.; Sections 253 and 704 of the Communications Act of 1934 as amended; the FCC Shot Clock Order (FCC 09-99); California Public Utilities Code Sections 7901 and 7901.1; the California Environmental Quality Act (CEQA); the provisions of California Government Code Sections 65850.6 and 65964; and other local, state, and federal laws, regulations, and court rulings. The City of Cerritos requires that the applicant provide this information to assist it in creating a written administrative record containing substantial evidence sufficient to permit the City of Cerritos’ informed consideration of your request, and to determine the duties, rights and obligations of the City of Cerritos and the applicant/owner of the proposed project.

No application for a new wireless site or for a modification of an existing wireless site shall be considered for determination of completeness until all required responses to this supplemental application form and required Exhibits are completed and tendered to the City of Cerritos.

If you do not believe that a specific item of information is necessary or applies to your application, mark the item on this form with the words, “Not Applicable” and attach a detailed written explanation as to the basis for your belief (e.g., “Question 94.7 does not apply to this application because the proposed Project has no microwave transmission element.”) An unsupported statement such as “Question 94.7 does not apply” is insufficient, and the determination of completeness of your application will be delayed while you provide a meaningful and detailed explanation.

Every page of this form including this page and the last page must be tendered to the City of Cerritos. Each page including this page and the last page must be initialed where indicated. The last page must also be completed, signed, and dated. Please note that item numbers are intentionally non-sequential.

Questions about this form or the information required by this form should be directed to the City of Cerritos Director of Community Development or his/her designee.

**1.00: Project Location and Applicant Information**

1.01: Project Physical Address (if any):

1.02: Project Site Number (if any):

1.03: Assessor's Parcel Number:

1.04: Legal Name of Applicant  
(Wireless Carrier or DAS Firm,  
referred to in this form as the  
"Project Owner"):

1.08: Property Owner is:

1.10: Applicant's Representative is: Name:  
Title:  
Firm Name:  
Address 1:  
Address 2:  
City: State: Zip:  
Main Tel: Ext:  
Direct Tel:  
Work Fax:  
Mobile Tel:  
Email Address:  
Website:

**2.00: Project Owner Information and CPCN Information**

2.03: Attach a letter of agency appointing the Applicant's Representative as the agent for the Project Owner in connection with this application. Designate the letter of agency as "Exhibit 2.03."

Initial here \_\_\_\_\_ to indicate that Exhibit 2.03 is attached hereto.

2.05: Attach a letter of agency appointing the Applicant's Representative as the agent for the underlying Property Owner in connection with this application. Designate the letter of agency as "Exhibit 2.05."

Initial here \_\_\_\_\_ to indicate that Exhibit 2.05 is attached hereto.

2.07: Does the Project Owner hold a California Public Utilities Commission 'Certificate of Public Convenience and Necessity' (CPCN) for any service to be provided by this project? \_\_\_ Yes \_\_\_ No

2.08: If the answer to 2.07 is Yes, provide a true and complete copy of the Project Owner’s CPCN and mark it as “Exhibit 2.07.”

Initial here \_\_\_\_\_ to indicate that the Exhibit 2.07 is attached hereto.

**3.00: FCC License / FAA Compliance / RF Safety Disclosure Information**

3.01: For each person/legal entity that will be using the project site, provide the information in Sections 3 and 4. If more than one person/legal entity, provide separate information for each person/legal entity using the project site.

Note to DAS provider applicants named in 1.04: Unless the DAS provider is the FCC licensee for the proposed project, or the non-licensee to be transmitted from the site for its own purposes, the information provided in response to Sections 3 and 4 must be provided by every individual wireless licensee or non-licensee to be transmitted via the project identified in Section 1 of this form. That information must be provided on the letterhead of each entity. Each such response must also be signed by an authorized person, and that person’s printed name and title, address and telephone number must be shown on the letter. DAS provider-provided responses to Section 4 are unacceptable, and will result in your application being determined to be incomplete.

3.02: For questions 3.03 through 3.09 inclusive, disclose all information for each proposed Radio Frequency signal emitter (“RF Emitter”) at the project site.

3.03: Name of RF Emitter:

3.04: RF Emitter’s Address Line 1:

3.05: RF Emitter’s Address Line 2:

3.06: RF Emitter’s Phone number:

3.07: RF Emitter’s Fax number:

3.08: RF Emitter’s Contact Email address:

3.09: Use of facility:  Amateur Radio  
(Check all that apply;  Broadcast Radio  
continued on next page)  Broadcast TV  
 Cellular telephone  
 Enhanced Specialized Mobile Radio  
Notice: Applicants not operating  Microwave  
under their own FCC license(s)  PCS telephone  
must mark “Other” and disclose  Paging  
of all information required here  SMR/ESMR  
for all entities that use the project.

\_\_\_ WiMax/WIFI  
\_\_\_ Other(s) (specify): \_\_\_\_\_

3.10: Project latitude and longitude: N \_\_\_\_\_ W \_\_\_\_\_

3.11: Specify DATUM used above: \_\_\_ WGS84 \_\_\_ NAD23 \_\_\_ NAD83  
\_\_\_ Other DATUM (specify): \_\_\_\_\_

3.12: Project maximum height (ft AGL):

3.13: Bottom of lowest transmitting antenna (ft AGL):

3.14: RF Emissions (“Rad”) center of the lowest transmitting antenna (ft AGL):

3.15: For each licensee (i.e., “ABC Wireless” or “XYZ Wireless”), ***and*** for each radio service (i.e., “PCS” or “Cellular”), complete and attach a separate two page “Appendix A” form from “A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance” available by download directly from the FCC at <http://www.fcc.gov/oet/rfsafety/> (the “Appendix A Form”). Ensure that all proposed emissions from this project are accounted for on the Appendix A Forms you submit.

Distributed Antenna System (DAS) providers and all other who are not licensed by the FCC for the radio services proposed for this project and identified in 3.09: Unless the DAS provider is the FCC licensee for the proposed project or the emissions from the site are solely for the DAS provider’s own transmissions, the DAS provider must provide an Appendix A form completed by each wireless carrier or wireless service provider to be transmitted through the Project at each wireless site. Appendix A Forms completed by a DAS provider are unacceptable if they are not the FCC licensee for the particular wireless service(s) to be transmitted through the project.

Designate all completed Appendix A Forms as “Exhibit 3.15.”

For collocation projects: In addition to the Appendix A Form(s) which you must submit in connection with the project identified in this application, you must also submit an Appendix A Form for each collocated RF emitter. Designate any additional RF safety compliance information as “Exhibit 3.15-A.”

*For consistency, all Appendix A forms submitted must use effective radiated power (ERP) units of measure. Do not use effective isotropic radiated power (EIRP). To verify your understanding of this requirement, you must append the letters “ERP” following each wattage listing in each Appendix A form you submit.*

Initial here \_\_\_\_\_ to indicate that all required Exhibit 3.15 and 3.15-A forms are attached hereto.

- 3.16 Considering your response in Exhibit 3.15, above, and any other identifiable RF emitters that FCC OET Bulletin 65 requires be evaluated in connection with this Project, are all portions of this Project cumulatively “categorically excluded” under FCC OET 65 requirements?  Yes  No
- 3.17: Does the project design or location require the Applicant to file an FAA Form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq, or under the FCC rules?  Yes  No
- 3.18: If the answer to 3.17 is NO proceed to 4.00.
- 3.19: Attach complete copies of all required FAA/FCC forms including all Exhibits and exhibits thereto, including without limitation FAA Form 7460. Designate this Exhibit, “Exhibit 3.17.”

Initial here \_\_\_\_\_ to indicate that Exhibit 3.17 is attached hereto.

4.00: **Project Purpose**

- 4.05: Indicate the dominant purpose of the Project (check one or more, then proceed as directed):

Add network capacity without adding significant new RF coverage area; Proceed to 4.10.

Provide significant new radio frequency coverage in an area not already served by radio frequency coverage; Proceed to 4.10.

Increase the existing RF signal level in an area with existing radio frequency coverage; Proceed to 4.10.

Other; Proceed to 4.07.

- 4.07 Attach a written statement fully and expansively describing all portions or elements of the “Other” dominant purpose of this Project. Designate this Exhibit, “Exhibit 4.07.”

Initial here \_\_\_\_\_ to indicate that Exhibit 4.07 is attached hereto.

- 4.10 Is this project intended to close or reduce what the applicant asserts to be a “significant gap” in its network?  Yes  No
- 4.11 If the answer to 4.10 is NO proceed to 4.20.

- 4.12 Attach a written statement fully and expansively describing the following:
- a. A clear description of the geographic boundary of the claimed significant gap area, and
  - b. Attach a street-level map showing the geographic boundary of the claimed significant gap stated in 4.12(a) using the same standards as in 6.02; and
  - c. Identify the size of the area, in units of square miles, of the claimed significant gap; and
  - d. Explain exactly the definition of the term “significant gap” as it applies to this project;
  - e. Explain exactly how the definition of significant gap term defined in 4.12(d) was developed, and identify who developed that definition, and when the definition was developed;
  - f. Discuss whether the significant gap term defined in 4.12(d) is identical to that term as used by some or all wireless carriers in the City of Cerritos and/or the wireless industry as a whole, or whether that information is unknown;
  - g. Specify whether the definition of “significant gap” provided in 4.12(d) is the same definition used by this applicant and owner in all of its prior projects submitted to the City of Cerritos, and if not, explain all differences and the reasons for the differences.
  - h. Discuss in detail all of the following in relation to the claimed significant gap area only. Where you have relied on external data sources, identify those sources in detail your response.
    1. Whether claimed significant gap affects significant commuter highway or railway, and if so, name each highway or railway, and how affected;
    2. Describe in detail the nature and character of that area or the number of potential users in that area who may be affected by the claimed significant gap;
    3. Describe whether the proposed facilities are needed to improve weak signals or to fill a complete void in coverage, and provide proof of either;
    4. If the claimed significant gap covers well traveled roads on which customers lack roaming capabilities, identify all such well traveled roads by name within the claimed significant gap area and provide road use information about each such road;
    5. If any “drive test” has been conducted within the claimed significant gap area, discuss in detail the methodology of how the test(s) was conducted, including details about the test equipment model numbers and location of the test equipment and antennas in or on the test vehicle, and provide all of the objective data collected during the drive test in .XLS or .CSV or similar portable spreadsheet format;
    6. If the claimed significant gap affects a commercial district, show the boundaries of the district on the map
    7. If the claimed significant gap poses a public safety risk, describe in detail the claimed risk, and the expansively discuss the basis for this claim.
  - i. If the claimed significant gap is based in whole or in part on factors regarding any factor related to switching center capacity; dropped calls; failed hand-offs;

interference from or to other cell sites; pilot channels; site hopping; degraded RXQUAL; degraded Ec/Io; and/or any failure to meet any carrier transmission goal or percentage goal, attach at least the most recent twelve months of historical data by month documenting at least (1) the results or numerical data of each claimed parameter; (2) the wireless carrier's numerical and percentage requirements for each such claimed perimeter; (3) the total number of calls attempted for each month both successfully and unsuccessfully completed; (4) the total number of calls that were not completed including failed originations; failed hand-offs; and non-normal call terminations; and (5) for every such claimed parameter that is not categorized by way of number or percentage, provide the data in the way kept by the carrier.

- j. Provide all other relevant information you want the City of Cerritos to consider when evaluating your claim of a significant gap.

Designate this Exhibit, "Exhibit 4.12." Initial here \_\_\_\_\_ to indicate that Exhibit 4.12 is attached hereto.

4.13 Is the proposed project the least intrusive means to close the significant gap claimed and described in 4.12? \_\_\_ Yes \_\_\_ No

4.14 If the answer to 4.13 is NO proceed to 4.20.

4.15 Attach a written statement fully and expansively describing at a minimum:

- a. Why this project is the least intrusive means to close the significant gap claimed and described in 4.12.
- b. Identify and discuss all alternative sites and means considered to close the significant gap claimed and described in 4.12.
- c. Whether two or more sites in lieu of the site proposed in Section 1 could close the significant gap claimed and described in 4.12, or to reduce the significant gap to be less than significant, with less impact on the community as compared with a single site? If the answer is no, please explain in narrative format the basis for that answer.
- d. Whether the City of Cerritos requiring two or more sites in place of the site proposed in Section 1 would prohibit or have the effect of prohibiting the applicant from providing any interstate or intrastate telecommunications service. If the response asserts that a prohibition or effective prohibition would occur, explain in detail in narrative form all of the reasons why it would.
- e. Include and attach all information whatsoever you relied on in reaching your affirmative determination in 4.13.
- f. Include any other information you believe would assist the City of Cerritos make findings regarding whether the proposed project is the least intrusive means of

closing the significant gap claimed and described in 4.12, or to reduce the significant gap to be less than significant.

Designate this Exhibit, "Exhibit 4.15."

Initial here \_\_\_\_\_ to indicate that Exhibit 4.15 is attached hereto. Proceed to 4.20

4.20 If any portion of the project is to utilize radio spectrum that does not require an FCC license, identify in detail the portions of the project that used unlicensed spectrum.

Designate this Exhibit, "Exhibit 4.20."

Initial here \_\_\_\_\_ to indicate that Exhibit 4.20 is attached hereto.

4.25 Is this project designed to use any form of direct site-to-site radio interconnection (i.e., microwave or donor/donee configuration, for example) with another existing or currently planned site? \_\_\_ Yes \_\_\_ No

4.26: If the answer to 4.25 is NO proceed to 5.00.

4.27: Attach a detailed written statement fully and expansively describing the radio interconnection proposed, and identify all other existing or planned sites that will be interconnected with this project. Designate this Exhibit, "Exhibit 4.25."

Initial here \_\_\_\_\_ to indicate that Exhibit 4.25 is attached hereto.

#### 5.00: **Build-Out Requirements**

5.01: Do any of radio services identified in 3.09 above require the licensee to provide specific radio frequency/population build-out coverage pursuant to the underlying FCC license? \_\_\_ Yes \_\_\_ No

5.02: If the answer to 5.01 is NO proceed to 6.00.

5.03: Have all of the FCC build-out requirements as required by all licenses covering all radio services proposed at this Project been met? \_\_\_ Yes \_\_\_ No

5.04: If the answer to 5.03 is YES proceed to 6.00.

5.05: Disclose by licensee call sign identified in Section 3.02 all build-out requirements/obligations which have yet to be met, and the known or estimated date when the remaining build-out requirements will be met. Designate this Exhibit "Exhibit 5.05."

Initial here \_\_\_\_\_ to indicate that Exhibit 5.05 is attached hereto.

5.10 Will this proposed site be interconnected via radio frequency transmissions to any



other site or sites now constructed, proposed, or anticipated? For the purpose of this question, interconnection includes one or more radio frequency links to provide for 'back-haul' from this site to a switching center or centralized node location.

\_\_\_ Yes \_\_\_ No

5.11: If the answer to 5.10 is NO proceed to 6.00.

5.15 Identify by physical address (or if none, by geographic description) all other sites, regardless of whether now constructed, proposed, or anticipated, that are to be interconnected with this project site. Disclose in technical detail the proposed method of interconnection. Designate this Exhibit "Exhibit 5.15."

Initial here \_\_\_\_\_ to indicate that Exhibit 5.15 is attached hereto.

**6.00: Radio Frequency Coverage Maps**

6.01: Where a licensee intends to provide radio frequency coverage from the project to an identified geographic coverage, the coverage maps and information requested in Section 6 are required Exhibits.

Distributed Antenna System (DAS) providers and all others who are not the RF emitters for the radio services proposed for this project and identified in 3.09: You must provide radio frequency coverage maps prepared by the FCC licensee(s) that will control the RF emissions from this project. Radio frequency coverage maps required here that are completed by a DAS provider are unacceptable if they are not the FCC licensee or in full control of the RF emitter for the particular wireless service transmitted through the project.

If no geographic coverage area is identified, initial here \_\_\_\_\_ and proceed to 7.00.

6.02: For the coverage maps required here, the following mandatory requirements apply. Failure to adhere to these requirements may delay your application's determination of completeness.

- a. The size of each submitted map must be no smaller than 11" by 8.5." Each map must be of the same physical size and map area scale. Each map must use the same base map (i.e., same streets and legends shown on all).
- b. If the FCC rules for any proposed radio service defines a minimum radio frequency signal level that level must be shown on the map in a color easily distinguishable from the base paper or transparency layer, and adequately identified by RF level and map color or gradient in the map legend. If no minimum signal level is defined by the FCC rules you must indicate that in the legend of each RF coverage map. You may show other RF signal level(s) on the map so long as they are adequately identified by objective RF level and map color or gradient in the map legend.

6.03: Provide a map consistent with the requirements of 6.02 showing the existing RF coverage within the City of Cerritos on the Applicant's same network, if any (if no existing coverage, so state). This map should not depict any RF coverage to be provided by the Project. Designate this Exhibit "Exhibit 6.03."

Initial here \_\_\_\_\_ to indicate that Exhibit 6.03 is attached hereto.

6.04: Provide a map consistent with the requirements of 6.02 showing the RF coverage to be provided only by the Project. This map should not depict any RF coverage provided any other existing or proposed wireless sites. Designate this Exhibit "Exhibit 6.04."

Initial here \_\_\_\_\_ to indicate that Exhibit 6.04 is attached hereto.

6.05: Provide a map consistent with the requirements of 6.02 showing the RF coverage to be provided by the Project and by all other existing wireless sites on the same network should the Project site be activated. Designate this Exhibit "Exhibit 6.05."

Initial here \_\_\_\_\_ to indicate that Exhibit 6.05 is attached hereto.

**7.00: Project Photographs and Photosimulations**

7.01: The Applicant shall submit photosimulations consistent with the following standards:

1. Minimum size of each base photo and each photosimulation must be 10 inches by 8 inches (landscape orientation). Each base photo and matching photosimulation must be the same size. Single sheets of 11 x 8 ½ inches showing base photos and photosimulations on the same page are unacceptable.
2. All elements of the Project as proposed by the Applicant which can be seen from any point at ground level, or from any level within or on buildings within 500 feet of the Project must be shown in one or more close-in photosimulations (i.e., panel antennas, omni-directional antennas, GPS antennas, antenna camouflage devices, cable trays; equipment cabinets; working lights; etc.).
3. The overall Project as proposed by the Applicant must be shown in three or more area photosimulations. Base photographs must, at a minimum, be taken from widely scattered positions of 120 degrees. A map detail showing each location where a photograph was taken, the proposed site, and the direction to the site from each photo location must be included. Base photographs taken from locations that have some physical feature obscuring the Project site, and the photosimulations associated with those same base photographs, are not acceptable.

Attach all base photographs and photosimulations to this application marked as Exhibit 7.01.

The purpose of the photosimulations is to allow the City of Cerritos to visualize the

Project as completed, therefore the number of site photos, and photosimulations, and the actual or simulated camera location of these photos and photosimulations are subject to City of Cerritos determination. The Applicant should submit photos and photosimulations consistent with these instructions, and be prepared to provide additional photos and photosimulations should they be requested by the City of Cerritos.

The Applicant certifies by initialing in the space at the end of this paragraph that all of the photos and photosimulations provided for Exhibit 7.01 are accurate and reliable photographic representations of the current project site and the proposed project to be constructed or modified, and that the Applicant is fully aware that the City of Cerritos will rely on all of the photos and photosimulations provided in Exhibit 7.01 when it considers approval of this Project, and later when determining project completion.

Applicant's initials: \_\_\_\_\_

8.00: **Alternative Candidate Sites**

8.02: Has the Applicant or Owner or anyone working on behalf of the Applicant or Owner secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this Project for any sites other than the proposed project site? \_\_\_ Yes \_\_\_ No

8.03: If the answer to 8.02 is NO proceed to 8.05.

8.04: Provide the physical address of each such other location, and provide an expansive technical explanation as to why each such other site was disfavored over the Project Site. Designate this Exhibit "Exhibit 8.04."

Initial here \_\_\_\_\_ to indicate that Exhibit 8.04 is attached hereto.

8.05: Considering this proposed site, is it the one and only one location within or outside of the City of Cerritos that can possibly meet the objectives of the Project?  
\_\_\_ Yes \_\_\_ No

8.06: If the answer to 8.05 is NO, proceed to 9.00.

8.07: Provide a technically expansive and detailed explanation supported as required by comprehensive radio frequency data and all other necessary information fully describing why the proposed site is the one and only one location within or outside of the City of Cerritos that can possibly meet the radio frequency objectives of the Project. Explain, in exact and expansive technical detail, all of the objectives of this Project that can be achieved only at this project site, and why.

Designate this Exhibit "Exhibit 8.07."

Initial here \_\_\_\_\_ to indicate that Exhibit 8.07 is attached hereto.

**9.00: Identification of Key Persons**

9.01: Identify by name, title, company affiliation, work address, telephone number and extension, and email address the key person or persons most knowledgeable regarding this Project so that the City of Cerritos may contact them with questions regarding the Project:

9.10: Person responsible for the final site selection for the Project;

Name:  
Title:  
Company Affiliation:  
Work Address:  
Telephone / Ext.:  
Email Address:

9.20: Person responsible for the radio frequency engineering of the Project;

Name:  
Title:  
Company Affiliation:  
Work Address:  
Telephone / Ext.:  
Email Address:

9.30: Person responsible for rejection of other candidate sites evaluated, if any;

Name:  
Title:  
Company Affiliation:  
Work Address:  
Telephone / Ext.:  
Email Address:

9.40: If more than one key person is now or was involved in any of the functions identified in this section at or before the time of the submission of this form, attach a separate sheet providing the same information for each additional person, and identifying which function or functions are/were performed by each additional person.

Designate this Exhibit "Exhibit 9.40."

Initial here \_\_\_\_\_ to indicate that the information above is complete and there is no Exhibit 9.40, or initial here \_\_\_\_\_ to indicate that Exhibit 9.40 is attached.

**10.00: Additional Information Provided by Applicant**

10.01: You are invited and encouraged to provide any additional written information that you wish the City of Cerritos to consider in connection with your proposed project.

If you wish to attach information, designate this Exhibit "Exhibit 10."

Initial here \_\_\_\_\_ to indicate that Exhibit 10 is attached hereto,  
*or* initial here \_\_\_\_\_ to indicate that there is no Exhibit 10.

**11.00: Certification of Accuracy and Reliability**

11.01: The undersigned certifies on behalf of itself, the Applicant, and the Owner that the information provided in this form and its contents are true and complete to the best of the undersigned's ability and knowledge, and that information provided here should be relied upon by the City of Cerritos as being accurate and complete when the City of Cerritos evaluates this project.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Provide Email Address

\_\_\_\_\_  
Print Company Name

\_\_\_\_\_  
Provide Telephone Number

\_\_\_\_\_  
Date Signed

<Last Page: Remember to sign above and initial below>

## Chapter 22.42 WIRELESS TELECOMMUNICATIONS

### Sections:

- [22.42.010](#) Purpose and intent.
- [22.42.020](#) Definitions.
- [22.42.030](#) Applicability and levels of review.
- [22.42.040](#) Application requirements.
- [22.42.050](#) General requirements.
- [22.42.100](#) Facilities located on private property.
- [22.42.110](#) Building-mounted design standards.
- [22.42.120](#) Non-building-mounted design standards.
- [22.42.130](#) *Repealed.*
- [22.42.200](#) Facilities located within a public right-of-way.
- [22.42.210](#) Public right-of-way design standards.
- [22.42.300](#) Findings.
- [22.42.305](#) Exception from standards.
- [22.42.310](#) Agreement.
- [22.42.315](#) Failure to comply.
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- [22.42.330](#) Security fund.
- [22.42.340](#) Business license required.
- [22.42.350](#) Maintenance schedule.
- [22.42.360](#) Abandoned facilities.
- [22.42.370](#) Life of permits.
- [22.42.380](#) Conflicting ordinances.
- [22.42.390](#) Severability.

### **22.42.010 Purpose and intent.**

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The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and the installation of telecommunication antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic qualities of Cerritos as set forth in the goals and policies of the Cerritos general plan. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary telecommunications facilities and encourage managed development of telecommunications infrastructure while providing a public forum to ensure a balance between

public concerns and private interest in establishing such facilities. The purpose in regulating the siting and design of wireless service facilities, accessory buildings and support equipment and structures is to permit their location within the city in accordance with existing federal law while minimizing the aesthetic impacts of this type of use through the use of carefully chosen siting and design criteria and through the use of natural and architectural screening in a manner that is compatible with the existing development policies and constraints that have been applied uniformly and historically throughout the city. (Ord. 987 § 47 (part), 2014; Ord. 797 § 1 (part), 1998)

#### **22.42.020 Definitions.**

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For the purpose of this chapter, the following terms shall have the following meanings unless it is clear from the context that a different meaning is intended:

- (1) "Alternative structure" means manmade trees, clock towers, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of an antenna, tower or support structure.
- (2) "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices of various sizes, materials and shapes including but not limited to solid or wire-mesh dish, horn, spherical, or bar configuration used for the transmission or reception of electromagnetic signals. Types of antennas include:
  - (a) Building-Mounted Antenna. Any antenna or associated equipment which is mounted or attached to an existing building in any way.
  - (b) Facade-Mounted Antenna. Any antenna mounted directly to the fascia or side wall of a building or structure.
  - (c) Ground-Mounted Antenna. An antenna mounted to a freestanding antenna support structure with its base placed directly on the ground specifically including, but not limited to, monopoles.
  - (d) Roof-Mounted Antenna. An antenna mounted directly to the roof of a building or a mechanical penthouse or parapet enclosure wall or other structure which is located on the rooftop of a building.
- (3) "Applicant" means the person or persons, and any successors-in-interest, who submit a request to the city of Cerritos regarding antennas, towers or communication facilities and their support structures.

(4) "Broadcast" means to transmit a signal over the spectrum to be received by two or more receiving devices.

(5) "Building-mounted facilities" means all wireless telecommunication facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a purpose-built site for a wireless telecommunication facility.

(6) "Cellular mobile radio telephone system" (also called "cellular") means a mobile telephone system wherein channels assigned to the system are divided among several geographical "cells" covering a defined service area. A cellular system is capable of re-using the same channels in different cells within the service area. The use of many small cells in an area, with low transmitter powers, permits the intensive re-use of channels, thereby increasing system capacity.

(7) "City" means city of Cerritos, California.

(8) "Collocated" means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public and/or private entity, or as that term is defined by federal regulations for application to 47 C.F.R. 1455(a).

(9) "Complete stealth design" is a design in which, upon completion, the purpose and function of the wireless telecommunication facility are not readily apparent to the average person.

(10) "Effectively unnoticeable" means located, designed and constructed in such a way that to the average person the subject improvement would be extremely difficult to distinguish from the surrounding environment and whose purpose would be very difficult to ascertain.

(11) "Equipment structure" means any building, shelter or cabinet used by telecommunication providers to house switching, backup or other equipment at a telecommunication facility.

(12) "Facility" means a telecommunication facility that transmits and/or receives electromagnetic signals including: antennas, dishes, towers, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures supporting said equipment; equipment structures; parking area and other accessory development.

(13) "Federal Communications Commission (FCC)" is an independent commission of the federal government with jurisdiction over all matters pertaining to communication through use of the electromagnetic spectrum in the United States, as well as any successor federal agency



thereto.

(14) "Frequency" means a measurement of the number of electromagnetic waves that pass a given point in a given time period. It is equal to the speed of light divided by wavelengths, and is expressed in hertz (cycles per second).

(15) "Gigahertz (GHz)" means a unit of frequency equal to one billion hertz (one billion cycles per second).

(16) "Height" means the distance measured from the average finished grade surrounding the facility to the highest point on the tower or antenna, including the base pad and any antenna. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height which the structure is capable to reach.

(17) "Hertz (Hz)" means a unit of frequency equal to one cycle per second (cps). One kilohertz equals one thousand cps; one megahertz equals one million cps; one gigahertz equals one billion cps.

(18) "Imperceptible" means a facility which is designed so as to generally blend with the surrounding environment in such a way that it is easily overlooked by the average person.

(19) "Lattice tower" means a self-supporting structure, erected on the ground, which consists of metal crossed strips or bars designed to support the vertical elements of the tower and to provide antenna mounts and related equipment thereupon.

(20) Major Stealth Design (see also "complete stealth design"). This type of facility or structure meets the "effectively unnoticeable" threshold test.

(21) "Minor stealth design" means incorporating elements of stealth technology and design; however, the final result does not meet the "effectively unnoticeable" threshold test.

(22) "Monopole" means a wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

(23) "Multiple user" means a telecommunication facility comprised of multiple towers or buildings supporting one or more antennas owned or used by more than one public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

(24) "Non-building-mounted wireless facilities" means individual wireless facilities, which are freestanding and not mounted on or attached in any way to an existing building, or that are attached to a structure whose primary purpose is to house or serve as a mounting location for wireless telecommunication equipment.

(25) "Non-ionizing electromagnetic radiation (NIER)" means electromagnetic transmissions primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

(26) "Non-stealth" means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered non-stealth.

(27) "Other facilities" means any facility which is not covered by the building-mounted facilities definition or the non-building-mounted facilities definition as defined above. An example would include a piece of art work which houses or incorporates wireless telecommunication devices.

(28) "Paging system" means one-way mobile radio service where a user carries a small, lightweight miniature radio receiver capable of responding to coded signals.

(29) "Personal communications services (PCS)" is a term coined by the FCC; it describes a two-way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.

(30) "Private property" means any parcel of land not dedicated as a public right-of-way that is owned by individual(s), corporations, or government agency.

(31) "Public right-of-way" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, or median strip thereof and any improved or unimproved area or way set aside or open to the general public for purposes of pedestrian traffic.

(32) "Public Utilities Commission (PUC)" is an independent commission of the state of California which regulates all public utilities and their operations within the jurisdiction of the state.

(33) "Radiation" means the outward flow of energy from any source in the form of radio waves.

(34) "Radio frequency emissions (RF)" means electromagnetic signals transmitted and received using wireless telecommunication antennas.

(35) "Site justification study" means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a wireless telecommunication facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

(36) "Stealth" means camouflaged or designed to blend with surrounding land uses and features, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.

(37) "Telecommunications" means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(38) "Tower" means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

(39) "Wireless communication" means any broadcast or transmission which can be received through microwave or radio frequencies without the use of a cable connection for reception. (Ord. 987 §§ 1 – 10, 47 (part), 2014; Ord. 797 § 1 (part), 1998)

#### **22.42.030 Applicability and levels of review.**

Applications for new telecommunication facilities and antennas shall be submitted as follows:

(1) Permitted Uses. The facilities listed as follows are deemed to be permitted uses and shall not require administrative approval or a special use permit, under this chapter only:

(a) Underground Facilities/Services. Facilities that are located below the finished grade. This includes any of the following providers that may utilize the city's public rights-of-way to deliver video or telecommunications services:

- (i) Cable television;
- (ii) Open video systems;
- (iii) Telephone companies;

(iv) Similar telecommunications providers as determined by the city council.

(b) Pre-Existing Towers or Antennas. Towers and antennas legally permitted and existing at the time the ordinance codified in this section becomes effective shall be subject only to federal and state requirements plus local building and safety codes. Once a pre-existing facility applies for any modification or expansion, said facility shall be subject to compliance with all current applicable codes, including but not limited to the zoning code, this municipal code and this chapter.

(c) Certain Devices. Handheld devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the community development director.

(d) Temporary Services. Mobile or temporary facilities providing emergency services or public information coverage of news events of a temporary nature, or as permitted by Section 22.20.450, provided all facilities are removed at the conclusion of said event.

(e) Franchise Utilities. Wireless telecommunication equipment that is incidental to and part of the provision of a public utility, including electrical power, gas, and sewerage, in accordance with a franchise agreement with the city.

(2) Director Review. The director of community development, or his/her designee, shall have the authority to review and approve, conditionally approve, or deny all precise plan applications pursuant to the procedures set forth in Section 23.90.300 for the types of telecommunication and antenna facilities specified in subsections (2)(a) and (b) of this section. The decision of the director of community development shall be final unless appealed to the planning commission pursuant to Section 20.95.200. All new projects approved by the director of community development shall be forwarded to the planning commission for review as an agenda business item at the next regularly scheduled meeting following the decision of the director. The planning commission may request that the item be brought back at a subsequent meeting for a full public hearing. No permits will be issued for any facility or project until the item has been forwarded to the planning commission.

(a) Non-Building-Mounted Wireless Facilities Located on Private Property. Individual wireless facilities which achieve a total of twenty-seven points or higher on the Cerritos wireless facility evaluation system pursuant to Section [22.42.120](#). The director of community development shall have the discretion to refer projects to the planning commission, pursuant to the procedures set forth in Section 23.90.400(2), which result in a total of twenty-seven points or higher on the Cerritos wireless facility evaluation system

pursuant to Section [22.42.120](#), that in his/her opinion are not in keeping with the purpose, intent and goals of this chapter.

(b) Existing Equipment. The removal, replacement, and/or upgrade of existing equipment for existing wireless telecommunication facilities shall be subject to review and approval by the director of community development. The director of community development shall have the discretion to refer projects to the planning commission and/or city council if the scope of the project exceeds or differs from the original scope of the facility and related equipment, including, but not limited to the size, height, or design. Equipment may include, but not be limited to the following: antennas, meter pedestals, fiber optic nodes, radio remote units or heads, microwave dish, cabinets, vaults, junction or power boxes, and generators.

(3) Planning Commission Review. The planning commission shall review and approve, conditionally approve, or deny all precise plan applications pursuant to the procedures set forth in Section 23.90.400(2) for the types of telecommunication and antenna facilities specified in subsections (3)(a) and (3)(b) of this section. Noticing provisions for applications under subsection (3)(a) and (3)(b) of this section shall be pursuant to Section 20.93.400. The decision of the planning commission shall be final unless appealed to the city council pursuant to Section 20.95.400.

(a) Facilities Located on Private Property.

(i) Non-Building-Mounted Wireless Facilities. Individual wireless facilities which achieve a total of twenty-four to twenty-six points on the Cerritos wireless facility evaluation system pursuant to Section 22.42.070. The planning commission shall have the discretion to refer projects to the city council for final approval, pursuant to Section 23.90.500, which result in a total of twenty-four to twenty-six points on the Cerritos wireless facility evaluation system pursuant to Section 22.42.070, that in their opinion are not in keeping with the purpose, intent and goals of this chapter.

(b) Facilities Located in the Public Right-of-Way.

(i) Existing Utility Joint Poles. All facility equipment located on an existing utility joint pole pursuant to the requirements of Section [22.42.210](#) shall be reviewed by the planning commission. The decision of the planning commission shall be final unless appealed to the city council pursuant to Section 20.95.400.

(4) Planning Commission and City Council Review. The planning commission shall review and make a recommendation to the city council and the city council shall review and approve,

conditionally approve, or deny all precise plan applications pursuant to the procedures set forth in Section 23.90.500 for the types of telecommunication and antenna facilities as specified in subsections (4)(a), (b), and (c) of this section. Noticing provisions for applications under this section shall be pursuant to Section 20.93.400. The decision of the city council shall be final pursuant to Section 23.90.500.

(a) Facilities Located on Private Property.

(i) Building-Mounted Wireless Facilities. All facilities mounted or attached to an existing building in accordance with the requirements of Section [22.42.110](#).

(ii) Non-Building-Mounted Wireless Facilities. Individual wireless facilities that achieve a total of twenty-one to twenty-three points on the Cerritos wireless facility evaluation system pursuant to Section [22.42.120](#).

(b) Facilities Located in the Public Right-of-Way.

(i) Light Standard or Other Free Standing Pole. All facilities mounted or attached to a light standard or other free standing pole pursuant to the requirements of Section [22.42.210](#).

(c) Other Facilities. Any facility which is not covered by or does not meet the requirements or exceeds the limits expressed in subsections (1), (2) or (3) of this section, as determined by the director of community development, unless otherwise exempted. (Ord. 987 §§ 11 – 15, 47 (part), 2014; Ord. 797 § 1 (part), 1998)

**22.42.040 Application requirements.**

At the applicant's request, the city will make every effort to insure the confidentiality of information which is considered to be of a proprietary nature. Said information, if required under this section for submittal of an application or permit, will be used for municipal planning purposes only. Except where noted below, the following shall be required with each application completed under this section:

(1) Plans Required. Every application for a precise plan, minor or major, shall comply with all of the requirements of Chapter 23.90 unless otherwise directed by the director of community development or his/her designee.

(a) Prior to processing an application or permit, the applicant shall provide the city with a master facility utilization plan that includes a narrative and graphic representation showing the location and type of all existing facilities plus the applicant's proposed facilities

planned during the next eighteen calendar months, within the boundaries of the city and the surrounding one-half mile thereof. The plan shall include complete details on all existing facilities within the boundaries of the city including, but not limited to, year built, height, number of antennas, size of antennas, intended antennas function, associated support equipment, support equipment size, support equipment location, type of facility and other relevant data. All known data concerning proposed facilities shall be included at the time of submittal. All existing and proposed facilities should also include a detailed analysis of their potential for collocation. Maps which graphically illustrate the coverage radius of each existing cell site must also be submitted in a GIS compatible format, as approved by the director of community development.

(b) The city reserves the right to request, in accordance with all applicable federal and state laws, data concerning the electromagnetic emissions from the site, on-site effective radiated power of all equipment, emissions and exposure levels of the general public and workers on-site and compliance with all relevant FCC guidelines and requirements regarding same.

(c) The applicant shall submit certification that the proposed facility does, and will continue to, comply with all applicable FCC and PUC requirements in addition to those enumerated in Section [22.42.040\(1\)\(b\)](#). This should include as necessary the general capacity for future expansion or collocation and information necessary to insure the relevant ANSI standards are met.

(d) A "site justification study" shall be completed by each telecommunication applicant indicating:

(i) Rationale. The rationale for selection of the proposed site in view of the relative merits of any feasible alternative site within the service area. Included shall be a description of the site, with technical reasons for its design and what efforts were made to minimize the impact of the facility on surrounding land uses through compliance with the requirements of this chapter, the search ring for the proposed facility, a radio frequency cluster map, the top three potential locations that were examined, and the reasons why the final location was chosen, whether the site is for capacity or coverage; and

(ii) Collocation. For facilities located on private property, this study shall also examine the potential for collocation at an existing or new site. In the event a new site is proposed, the applicant may, in lieu of studying the potential for collocation at the proposed site, send out a certified letter to all of the licensed telecommunication

carriers in the Southern California area, as submitted by the applicant and as approved by the director of community development, notifying them of the proposed facility and informing them of its availability for collocation. If collocation is not proposed for an existing site, then the applicant shall include a written explanation why this facility could not be collocated. If the final site design does not include provisions for future collocation on the proposed site, then the applicant shall include a written explanation why this facility could not be so designed; and

(iii) Height. The height of the proposed facility, antennas, and support equipment shall be justified through a detailed written analysis that explains in nontechnical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed facility is building-mounted, the director of community development may request that a line-of-sight study be submitted to verify that the existing or proposed screening or parapet of the subject building will completely screen from view all antennas and support equipment associated with the facility; and

(iv) Equipment. For facilities located on private property, examine the potential to place all support equipment underground. Include a detailed written explanation, not limited to fiscal reasons alone, why any equipment is not being placed underground.

(e) Provide a statement of intent on whether there will be any excess space available and if it may be leased. Include a proof of ownership of the proposed site or the authorization to use it, and provide a copy of any easements necessary for the proposed facilities.

(f) Provide a complete set of photosimulations of the proposed facility from the north, south, east and west elevations. The photo simulations should clearly delineate the proposed improvements and will become part of the final record supporting approval or denial of the project. If the proposed facility is approved, the photosimulations will become part of the final conditions of approval for the project and the final appearance of the facility will be required to substantially comply with the photosimulation.

(g) Designate a responsible individual, or individuals, who are available to meet with or respond to questions and concerns from concerned residents or businesses regarding the proposed facility. The individual so designated should be knowledgeable regarding wireless telecommunication facilities in general, the specific wireless telecommunication facility under consideration, and the telecommunications industry.

(2) Consultant Review Deposit. Applicants shall be required to pay or make a deposit for an



independent, third-party consultant in connection with the review and evaluation of facilities, including design and post-installation radio frequency emissions determinations. If such costs or fees are less than the deposit, the applicant shall be refunded the difference within sixty days of final release of building permit for the facility or, if no permit is issued, then within sixty days of written request by applicant. (Ord. 987 §§ 16 – 19, 47 (part), 2014; Ord. 797 § 1 (part), 1998)

#### **22.42.050 General requirements.**

All antennas and telecommunication facilities shall be subject to the following requirements, except permitted uses as noted in Section [22.42.030](#)(1):

- (1) All ground-mounted or building-mounted telecommunication facilities and their supporting structures shall be permanently installed and shall be maintained in good condition and in compliance with all applicable local, state, and federal codes, pursuant to Chapter 6.20.
- (2) All antennas and related facilities shall be maintained in good condition and in compliance with all applicable local, state and federal codes, pursuant to Chapter 6.20.
- (3) Any changes in the placement of antennas that differ from the approved plans, or any increases in the size or quantity of antennas or support equipment for a facility require the prior written approval of the director of community development.
- (4) Telecommunication facilities shall be designed with the smallest practical quantity and size of antenna panels and support equipment. Said design shall be made based in part on the information submitted by the applicant in Section [22.42.040](#)(1)(d). The director of community development may retain an outside consultant, with primary expertise in the telecommunications field, who is acceptable to the director of community development to assist in the review of a wireless telecommunications facility project. The consultant will be for the purpose of providing an independent third party review of the information submitted by the applicant in Section [22.42.040](#)(1)(d), and also providing the person or person(s) with the authority to approve, conditionally approve, or deny the project, as provided for in Section [22.42.030](#), with advice and expertise on technical matters related to wireless telecommunications necessary for the city to properly evaluate the project. Said consultant shall be paid by the city and the applicant shall be solely and completely responsible to bear all costs associated with any required outside consultants and to timely reimburse the city for all such costs. No city permit shall be issued to the applicant until all such costs are reimbursed to the city.
- (5) All existing and future telecommunications facilities shall meet all applicable FCC

emissions and exposure standards for electromagnetic radio frequency radiation, and all required notices and signs shall be posted on the site as required by the FCC and as approved by the director of community development.

(6) All connections between telecommunications antennas and support equipment, including without limitation radio frequency cables, fiber optic cables, power connections and ground conductors, shall be underground, fully enclosed or otherwise approved as to the design and construction by the director of community development.

(7) Notice of any change in the ownership or control of a wireless telecommunication facility shall be provided to the director of community development within thirty days of change of ownership.

(8) For facilities located on private or public property, equipment enclosures that are not placed underground or otherwise hidden from view within the confines of an existing building may be required to be screened by landscaping. The final design, placement and amount of such landscaping shall be subject to the approval of the director of community development and the director of public works. (Ord. 987 § 20, 2014; Ord. 797 § 1 (part), 1998)

#### **22.42.100 Facilities located on private property.**

The standards contained within Sections [22.42.110](#) and [22.42.120](#) shall be applicable to wireless telecommunication facilities located on private property. (Ord. 987 § 22, 2014)

#### **22.42.110 Building-mounted design standards.**

(1) Building-mounted telecommunication facilities may be permitted pursuant to this chapter as an accessory use in the COP, CN, CC, CR, M, MC, MC-1, MC-2, ADP-1, ADP-2, ADP-5 and OS zones. Facilities located on architecturally significant buildings located within ADP-2 shall be most disfavored and permitted only when the applicant demonstrates that Section [22.42.305](#) applies.

(2) Rooftop-mounted telecommunication facilities, including antennas, mounting structures, cables, support equipment and all other related devices must either be a complete stealth design or fully screened. Any equipment or connections that project above the roof or roof parapet and are visible from any existing or proposed one or multistory structure in the vicinity or from an elevated street or freeway or from any public right-of-way shall be screened by an enclosure which is consistent with the architecture of the building. Screening shall be provided by increasing the height of the parapet unless the building's roof is visible from an elevated street or freeway, then a decorative screen higher than the roof equipment shall be provided. Any changes in a building parapet, rooftop gazebos or rooftop screens shall be located,

designed and finished so that it conforms and is compatible with the overall architectural features, design and massing of the exterior of the original building and conforms to the height limits of the applicable zone. Placement within rooftop gazebos is also permitted subject to the requirements of this section. Support equipment may also be located within the interior of the building.

(3) Facade-mounted telecommunication facilities are permitted provided that they are designed, colored, textured and/or finished in such a way as required by the city to be effectively unnoticeable. Any new design elements that are introduced as a result of the placement of facade-mounted antennas must be compatible with and complementary to the architectural features and overall design and massing of the original building and utilized consistently to insure a continuity of design throughout the building. Support equipment must be screened in accordance with the requirements of subsection (2) of this section. (Ord. 987 §§ 23, 24, 47 (part), 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.060)

#### **22.42.120 Non-building-mounted design standards.**

All wireless telecommunication facilities located in the city of Cerritos that are not mounted or attached in any way to an existing building, including but not limited to monopoles, towers and stealth structures, shall comply with the location and design criteria of this section. The city of Cerritos non-building-mounted wireless facility evaluation system does not specify exact locations or designs for telecommunication facilities. Rather, it provides applicants with a set of criteria that address all aspects of ground-mounted telecommunication facilities. These criteria are intended to guide and facilitate applicants in locating and designing a ground-mounted telecommunication facility that will be compatible with the purpose, intent and goals of this chapter. All reviews of ground-mounted telecommunication facilities shall solely utilize the criteria and evaluation system contained in this section.

##### (1) Design and Development Standards.

(a) Height. Facilities higher than eighty-five feet shall be most disfavored and permitted only when the applicant demonstrates that Section [22.42.305](#) applies.

##### (b) Location.

(i) Non-building-mounted telecommunication facilities may be permitted pursuant to this chapter as an accessory use in the COP, CN, CC, CR, M, MC, MC-1, MC-2, ADP-1, ADP-2, ADP-5, and OS zones.

(ii) Non-building-mounted facilities in any areas zoned CN, CC, CR, COP, ADP-2, or

ADP-5 may be allowed only if the proposed design obtains the maximum possible total of three points for subsections (2)(a), (f), (g), (h), (i) and (j) of this section. If this should occur the proposed facility may be allowed in any of the above mentioned zones.

(iii) In all residential zones, non-building-mounted wireless facilities shall be most disfavored and permitted only when the applicant demonstrates that Section [22.42.305](#) applies.

(iv) Within three hundred feet from residential uses, non-building-mounted wireless facilities shall be most disfavored and permitted only in any of the following circumstances:

(A) When the facility is located on existing utility structures within utility easements zoned Open Space (OS).

(B) When the facility provides solely public safety communications and is located on publicly owned property.

(C) When the applicant demonstrates that Section [22.42.305](#) applies.

(2) Design/Location Criteria. The following ten criteria address the siting and design of non-building-mounted wireless telecommunication facilities. Points have been assigned to each criteria.

(a) Stealth.

3 = Both  
points monopole/alternative  
structure and cabinets  
are of a major stealth  
design.

2 = Monopole/alternative  
points structure is a major  
stealth design, but the  
cabinets are only a  
minor stealth design.

1 = The  
point monopole/alternative  
structure is a minor

stealth design but the cabinets are a major stealth design.

0 = Neither the points monopole/alternative structure nor the cabinets are a major stealth design.

(i) An example of a major stealth design is a monopalm or monolight or an equipment shelter that is placed underground. An example of a minor stealth design would be painting and flush-mounting the antennas on a new monopole to minimize the aesthetic impact of the facility, placing the support equipment inside a structure that is compatible with and architecturally similar to existing on-site structures, or using natural screening and existing on-site elements to camouflage the facility or support equipment.

(b) Height.

3 = Less than or equal to points sixty feet.

2 = Greater than sixty and points less than or equal to seventy feet.

1 = Greater than seventy point and less than or equal to eighty-five feet.

(i) Facilities higher than eighty-five feet are not permitted.

(c) Setbacks.

1 = A minimum of three point hundred feet in a straight line to any properties zoned for residential uses.

1 = A minimum of two point hundred fifty feet in a

straight line to any street  
or highway, as  
measured from the  
curb.

1 = 2:1 setback to height  
point ratio. For every one-foot  
in height of the wireless  
facility there shall be a  
minimum of a two-foot  
setback distance from  
the nearest property  
line.

0 = The facility meets none  
points of the setback  
guidelines.

(d) Preferred Zone/Location. The preferred order of placement for all non-building-mounted personal wireless service facilities is as follows:

3 = Existing utility structure  
points within utility easements  
zoned open space  
(OS).

2 = M, MC, MC-1, MC-2.  
points

1 = ADP-1.  
point

(i) No personal wireless service facilities are allowed in any areas zoned RS, RM, CN, CC, CR, COP, MC-1, MC-2, ADP-2, ADP-3, ADP-4, ADP-5, ADP-6, ADP-7, ADP-8, ADP-9 or ADP-10 unless the proposed design obtains the maximum possible total of three points for subsections (1)(a), (f), (g), (h), (i) and (j) of this section. If this should occur the proposed facility may be allowed in any of the above mentioned zones and shall obtain the maximum possible total of three points on this criteria.

(e) Collocation Design.

3 = The facility is designed

- points for collocation of both the antennas and support equipment, or is part of an existing collocation design for both the antennas and support equipment.
- 2 = The pole or structure for points mounting the antennas is designed for collocation, or is part of an existing collocation design, but the support equipment is not designed for collocation, or is not part of an existing collocation design.
- 1 = The pole or structure for point mounting the antennas is not designed for collocation, or is not part of an existing collocation design, but the support equipment is designed for collocation, or is part of an existing collocation design.
- 0 = Neither the pole or points antennas mounting device, nor the support equipment, are designed for collocation or are part of an existing collocation design.

(f) Architectural Compatibility.

- 3 points = The facility is architecturally compatible with existing features, natural or artificial, prevalent on the site.
- 2 points = The facility is architecturally compatible with existing features, natural or artificial, prevalent on adjacent sites.
- 1 point = The facility is architecturally compatible with typical features, natural or artificial, found on similar types of sites elsewhere in the city.
- 0 points = The facility is not in any way architecturally compatible with features, natural or artificial, found on the existing site, on adjacent sites, or on similar sites elsewhere in the city.

(g) Imperceptible from Residential.

- 3 points = The facility is imperceptible from any and all surrounding areas zoned for residential uses.



- 2 points = There are two or more surrounding areas zoned for residential uses, and the facility is imperceptible from only one of those areas. The facility is imperceptible from fifty percent or more of the surrounding residential areas.
- 1 point = There are three or more surrounding areas zoned for residential uses, and the facility is imperceptible from only one of those areas. The facility is imperceptible from one surrounding residential area but perceptible from two or more other areas.
- 0 points = The facility is perceptible from all surrounding areas zoned for residential uses.

(h) Imperceptible from Street or Highway.

- 3 points = The facility is imperceptible from any and all surrounding streets and/or highways.
- 2 points = There are two or more streets and/or highways surrounding the facility, and the facility is imperceptible from only

- one of those streets and/or highways. The facility is imperceptible from fifty percent or more of the surrounding streets and/or highways.
- 1 point = There are three or more streets and/or highways surrounding the facility, and the facility is imperceptible from only one of the streets and/or highways. The facility is imperceptible from one surrounding street or highway, but perceptible from two or more other streets and/or highways.
- 0 points = The facility is perceptible from all surrounding streets and/or highways.

(i) Separation from Another Wireless Facility.

- 3 points = The facility is greater than or equal to five hundred feet from a stealth facility and greater than or equal to one thousand feet from a non-stealth facility.
- 2 points = The facility is greater than one thousand feet from a non-stealth facility but less than five

hundred feet from a  
stealth facility.

1 point = The facility is greater than or equal to five hundred feet from a stealth facility but less than one thousand feet from a non-stealth facility.

0 points = The facility is less than five hundred feet from a stealth facility and less than one thousand feet from a non-stealth facility.

(j) Adds New Feature.

3 points = The design of the facility incorporates existing site features in the mounting and placement of the antennas and support equipment and does not substantially alter the existing design.

2 points = The design of the facility partially incorporates some nearby or existing site features in the mounting and placement of the antennas and support equipment, but adds a new, and noticeable, element to the design.

1 = The wireless facility

point does not incorporate existing site features in the mounting and placement of the antennas and support equipment.

(3) Scoring Criteria. The following scale defines the method of approval for all non-building-mounted wireless telecommunication facilities dependent upon their total in subsection (2) of this section:

(a) Ten Criteria – Thirty points maximum.

(i) Thirty through twenty-four points (eighty percent or better): May be approved.

(ii) Twenty-three through twenty-one points (seventy percent through seventy-seven percent): A rebuttable presumption of denial unless the applicant shows extraordinary circumstances that necessitate this site and that it is not possible to redesign/relocate the facility to improve its total in subsection (2) of this section.

(iii) Less than twenty-one points (less than seventy percent): Denied administratively unless appealed by applicant.

(b) Approval Body.

(i) Twenty-seven through thirty points: May be approved according to the requirements of Section [22.42.030\(2\)](#).

(ii) Twenty-four through twenty-six points: May be approved according to the requirements of Section [22.42.030\(3\)](#).

(iii) Twenty-one through twenty-three points: May be approved according to the requirements of Section [22.42.030\(4\)](#).

(iv) Less than twenty-one points: Shall be denied by the director of community development, based on the guidelines set forth in this section, unless appealed by the applicant pursuant to Section 20.95.200. (Ord. 987 §§ 25 – 31, 47 (part), 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.070)

**22.42.130 Lease—Minimum requirements.**

*Repealed by Ord. 987. (Ord. 797 § 1 (part), 1998)*

**22.42.200 Facilities located within a public right-of-way.**

The standards contained within Section [22.42.210](#) shall be applicable to telecommunication facilities located within a public right-of-way. These standards shall be applicable to any entity that installs and/or operates wireless telecommunication facilities, except as otherwise exempt in this chapter. (Ord. 987 § 33, 2014)

**22.42.210 Public right-of-way design standards.**

All wireless telecommunication facilities located within a public right-of-way shall comply with the criteria of this section. These criteria are intended to guide and facilitate applicants in locating and designing facilities and supporting equipment in a manner that will be compatible with the purpose, intent, and goals of this chapter. It is the intent of the city to use its time, place, and manner authority to protect and preserve the aesthetics of the city.

(1) Location. Facilities shall be located on arterial streets, or collector streets within commercial or industrial areas, as defined by the general plan. Facilities shall not be permitted on any street within a residential area, unless the applicant shows by clear and convincing evidence that no other location or combination of locations outside of a residential area can provide comparable communications.

(2) Facility Setbacks.

(a) From Another Facility. The setback of any wireless telecommunication facility shall be a minimum of five hundred feet from any other wireless telecommunication facility located along the same side of an arterial or collector street, unless it is a collocation pursuant to 47 U.S.C. 1455(a).

(b) From the Intersection of Two Arterial Streets. The setback of any wireless telecommunication facility shall be a minimum of three hundred feet from any intersection of two arterial streets, unless:

(i) It is a collocation pursuant to 47 U.S.C. 1455(a) on a non-city-owned structure, or

(ii) The city in its proprietary capacity has granted a license or other access agreement for a wireless telecommunication facility to use a city-owned, non-decorative traffic signal pole at the intersection of two arterial streets, in which case no more than two city-owned, non-decorative traffic signal poles at any such intersection shall be permitted to be used to accommodate wireless telecommunication facilities.

(c) From the Intersection of an Arterial Street and a Collector Street. The setback of any wireless telecommunication facility shall be a minimum of one hundred fifty feet from any intersection of an arterial street and a collector street, unless it is a collocation pursuant to 47 U.S.C. 1455(a).

(3) Undergrounding of Equipment. To preserve community aesthetics, all facility equipment, excluding antennas and the smallest possible electrical meter boxes, shall to the greatest extent possible be required to be located underground, flush to the finished grade, and shall be fully enclosed. Equipment may include, but not be limited to, the following: meter pedestals, fiber optic nodes, radio remote units or heads, power filters, cables, cabinets, vaults, junction or power boxes, and generators. Wherever possible, electrical meter boxes related to wireless facilities shall be appropriately screened, not visible to the general public, and located in less prominent areas within the public right-of-way.

(4) Antennas.

(a) Antennas located above ground on an existing utility joint pole shall be flush mounted and painted to match the existing pole to minimize the aesthetic impact of the antenna, unless a different configuration is required by California Public Utilities Commission General Order 95.

(b) Antennas located above ground on light standard or other free standing poles shall be located at the top of the pole, within the smallest possible camouflage radome, and must be visually compatible and match the color, finish, and design of the underlying pole.

(5) Collocation. Collocation of facilities, and support equipment, located in the public right-of-way shall be most disfavored if it substantially changes the physical dimensions of the facility or if the collocation reduces the existing camouflage or does not match the existing facility, and shall be permitted only when the applicant demonstrates that Section [22.42.305](#) applies, or when otherwise required under federal law. For the purposes of this section, a substantial change in the physical dimensions of a wireless tower or base shall be measured against the wireless tower or base station as first approved by the city. The intent of this provision is to disfavor serial changes that cumulatively constitute a substantial change to the physical dimensions of the wireless tower or base station. (Ord. 987 § 34, 2014)

#### **22.42.300 Findings.**

No permits shall be issued for any uses listed in Sections [22.42.100](#) and [22.42.200](#) unless the project is found to meet the findings set forth in this section. The applicant shall set forth in detail, on forms provided by the community development department, the manner in which the

telecommunication facility:

- (1) Complies with goals and objectives of the adopted general plan.
- (2) Is not detrimental to existing uses or uses specifically permitted in the zone in which the proposed use is to be located, or in the case of facilities located within a public right-of-way, is not detrimental to existing uses or uses permitted in the zones adjacent to the proposed facility locations.
- (3) Has been located on a site that is adequate in size and shape to accommodate the use, all setbacks, landscaping and other required features.
- (4) For facilities located on private property, the proposed use is the best alternative after considering collocation with another facility and location at another site.
- (5) Has been located and designed so as to be compatible with the purpose, intent and goals of this chapter and with the specific requirements and guidelines of the subsection(s) that address the proposed facility type. (Ord. 987 § 35, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.080)

#### **22.42.305 Exception from standards.**

Notwithstanding the provisions of this chapter, one or more specific exceptions to the standards contained within this chapter may be granted if a denial would prohibit or have the effect of prohibiting the provision of wireless telecommunications services by the applicant. As such, the city may grant special permission or exception, on such terms as the city may deem appropriate, in cases where the city determines that the grant of the special permission is necessary to comply with state and federal law or regulations and where the applicant shows by clear and convincing evidence that no other location or combination of locations in compliance with this chapter can provide comparable communications. Prior to the issuance of an exception, the applicant shall be required to submit to the director of community development a written explanation setting forth clear and convincing evidence that the location or locations, and the design of the facility is necessary to close a significant gap in service coverage, that there is no feasible alternate location or locations, or design, that would close a significant gap or to reduce it to less than significant, and that the facility is the least intrusive means to close a significant gap or to reduce it to less than significant in service. Exceptions shall be subject to the review and approval of the planning commission and city council. The burden is on the applicant to prove significant gaps and least intrusive means as required herein. (Ord. 987 § 36, 2014)

**22.42.310 Agreement.**

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A signed agreement approved by the city shall be submitted to the director of community development prior to the approval of any permit or other entitlement for use authorizing the establishment or modification of any telecommunication facility. Said agreement shall bind the property owner, applicant, and the applicant's successors-in-interest to:

- (1) Comply with all final conditions of approval for the permit and all applicable requirements of this chapter.
- (2) Properly maintain the facility in compliance with the final conditions of approval and Chapter 6.20. (Ord. 987 § 37, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.090)

**22.42.315 Failure to comply.**

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Any violation of the agreement in Section [22.42.310](#) may result in the revocation of any permit or other entitlement for use authorizing the establishment or modification of any telecommunication facility. No revocation or modification of any permit or any other entitlement for failure to comply as described herein shall occur absent a duly noticed public hearing affording the permit holder due process. (Ord. 987 § 21, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.100)

**22.42.320 Collocation affidavit.**

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The agreement required in Section [22.42.310](#) shall, if applicable, include the following requirements with respect to collocation:

- (1) An affidavit that any unoccupied excess space on an existing or proposed telecommunication facility will be made available to any existing or future users whenever it is technically feasible and commercially reasonable. Any decision that collocation is not technically feasible shall be reviewed and approved by the director of community development. If necessary, the director of community development may retain an outside consultant with primary expertise in the telecommunications field, who is acceptable to both the applicant and the director, to verify the information submitted by the applicant. Said applicant shall be solely and completely responsible to bear all costs associated with any required outside consultants.
- (2) An affidavit that adequate provisions, as approved by the department of community development, exist for the future collocation of other telecommunication operators and/or providers and that the telecommunications operator and/or provider has not and will not in the future, sign any exclusive lease agreements for the subject facility and will negotiate in good faith with any other telecommunication operator and/or provider that wishes to lease, or



sublease, collocation space on the existing facility and/or site. (Ord. 987 § 38, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.110)

### **22.42.330 Security fund.**

Each permittee shall establish a permanent security fund for all facilities located within the city. All deposits made shall be in cash, an unconditional letter of credit, faithful performance bond, surety bond or other instrument acceptable to the city. The fund shall be maintained at the sole expense of the permittee so long as any of the permittee's telecommunication facilities are located within the city. The funds deposited for a permitted facility shall remain for the duration of the permit for said facility. Upon renewal of a permit, the status of all funds used as security for said facility shall also be reviewed. Said security funds may be extended along with the permit or refunded to the applicant as determined by the original approving authority. All interest earned by the fund shall be returned to the participating permittees as determined by the director of administrative services. Permittees shall be required to deposit five thousand dollars for each building-mounted personal wireless service facility, ten thousand dollars for each non-stealth and non-building-mounted personal wireless service facility, and fifteen thousand dollars for each stealth, non-building-mounted personal wireless service facility. No provider shall be required in any event to make a total deposit and thereafter maintain more than sixty-five thousand dollars into the security fund. The fund shall serve as security for the full and complete performance of this chapter, including any costs, expenses, damages or loss the city pays or incurs, including civil penalties, because of any failure attributable to the permittee to comply with the codes, ordinances, rules, regulations or permits of the city. Before any funds are withdrawn from the security fund, the city shall give written notice to the permittee: (1) describing the act, default or failure to be remedied, or the damages, cost or expenses which the city has incurred by reason of the permittee's act or default; (2) providing a reasonable opportunity for the permittee to first remedy the existing or ongoing default or failure, if applicable; (3) providing a reasonable opportunity for the permittee to pay any monies due the city before the city withdraws the amount thereof from the security fund, if applicable; and (4) that the permittee will be given an opportunity to review the act, default or failure described in the notice with the city manager or their designee. If a wireless telecommunication facility is removed, the applicant shall notify the city regarding any funds deposited as security for said facility. The entire fund deposit, or portion thereof, as applicable, shall be returned to permittee accordingly upon the removal of subject telecommunication facility to the satisfaction of the city. The deposit shall be returned within forty-five days after the satisfactory removal of the telecommunication facility. (Ord. 987 § 41, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.140)

**22.42.340 Business license required.**

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All telecommunication carriers and telecommunication providers that provide any telecommunication service for a fee directly to the public or to other providers of telecommunications services, either within the city, or outside the corporate limits from telecommunication facilities located within the city, shall apply for and obtain a business license with the city, unless an exemption is granted pursuant to this section. Each applicant for a business license under this section shall submit the following information:

- (1) All information required by Chapter 5.04.
- (2) Information sufficient to determine that the applicant has applied for and received any certificate of authority required by any federal or state agency to provide telecommunications services or facilities within the city.
- (3) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the FCC and PUC to provide services or construct facilities within the city.
- (4) An application fee pursuant to Section 5.04.260.

Any provider claiming an exemption from the fee provided by this section shall specifically claim such exemption in their original application. Any claim of exemption shall specifically state the factual and legal basis for the claim of exemption. Each claim of exemption shall be reviewed by the city manager in consultation with the city attorney. Within thirty days from receiving a complete application, the city manager shall make a written determination whether to allow the claim of exemption. The determination of the city manager may be appealed to the city council pursuant to Section 5.04.190. (Ord. 987 § 42, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.150)

**22.42.350 Maintenance schedule.**

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All wireless telecommunication providers and/or operators, whose request for a permit to operate a wireless telecommunication facility in the city is approved, must, if required by the director of community development, submit to the director of community development, within thirty days of receiving final approval for all outstanding building permits or other necessary approvals from the city, a maintenance program for the subject facility that includes, but is not limited to, the following items:

- (1) The total number of times in a twelve-month period when it will be necessary for a service person or other individual to visit the site for routine maintenance.

- (2) The frequency of routine maintenance visits to the site by the applicant, or other responsible personnel, during a twelve-month period.
- (3) A landscape maintenance schedule for a twelve-month time period.
- (4) A facility maintenance schedule for a twelve-month time period, including, but not limited to:
  - (a) Roof maintenance;
  - (b) Exterior facade maintenance;
  - (c) Other building or site maintenance as necessary. Said maintenance schedule shall be updated on a yearly basis, for the life of the permit;
  - (d) Applicants must submit to the city the name, title, phone number, and address of an individual within the company who is authorized to approve maintenance work for a site should a request from the city be received. Should the information submitted to the city change during the life of the permit, the applicant is responsible to notify the city of said change. (Ord. 987 § 43, 2014: Ord. 797 § 1 (part), 1998. Formerly 22.42.160)

#### **22.42.360 Abandoned facilities.**

All required permits will be in effect only so long as the telecommunication facility is operated on site. When the use is discontinued or abandoned for a period of ninety continuous calendar days, the applicant shall be required to remove the facility and all associated equipment at their sole expense. The property must be restored to its original or otherwise acceptable conditions, subject to the approval of the director of community development and the director of public works. A written notice of the city's determination of abandonment shall be sent via first class mail or delivered to the original approved telecommunications provider and/or operator for the site. The entity shall have thirty days from the date of the written notice to remove the facility or provide evidence to the director of community development that the use has not been discontinued. The director of community development or his/her designee shall review all evidence and shall determine whether or not the personal wireless service facility is abandoned. All telecommunication facilities determined to be abandoned and not removed within the required thirty-day period from the date of notice shall be in violation of this chapter. The city may remove all abandoned personal wireless service facilities following the thirty-day removal period at the telecommunication operator and/or provider's expense. Said costs shall be withdrawn from the security fund as provided for in Section [22.42.330](#). All personal wireless service facilities removed by the city will be disposed of by the city after a fifteen-day storage period in any manner provided for by law. (Ord. 987 § 44, 2014: Ord. 797 § 1 (part),

1998. Formerly 22.42.170)

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**22.42.370 Life of permits.**

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Each permit issued, except permitted uses pursuant to Section 22.42.030(1), shall be issued for a period of ten years, but may be reduced for public safety reasons or substantial land use reasons pursuant to California Government Code Section 65964(b). The city may establish a build-out period for a wireless telecommunication facility. At the end of the specified permit term, the permit shall automatically expire unless a written request for renewal is submitted by the applicant, prior to expiration, to the director of community development. Upon the expiration of any required permits for the facility, it shall be removed in accordance with the requirement of Section [22.42.360](#). If a request for renewal of the required permit(s) is received, the permit shall remain in effect until a decision on the renewal is made. The renewal request shall be reviewed in a similar manner as the original approval. The review is to insure that the facility is still in operation, that it has been properly maintained, that the original conditions of approval have been adhered to and whether they are to remain the same or need to be modified, and to determine if new means exist to upgrade the facility to better meet the purpose, intent, goals and provisions of this chapter. If new means exist that will allow the redesign or relocation of the facility to better meet the purpose, intent, goals and provisions of this chapter, then the facility must be redesigned and/or relocated accordingly. Failure to comply with this requirement may be considered grounds for denial of a new permit.

The city may add conditions to any new permits as necessary to advance a governmental interest related to health, safety, or welfare; provided, however, that any condition shall comply with applicable FCC and PUC regulations and standards, and that reasonable advance notice thereof has been provided to all affected parties. If an entitlement is not renewed, the city shall give the applicant written notice thereof together with the rationale on which the city's decision was made. Any applicant that is dissatisfied with a decision to renew or not to renew their permit may appeal the decision in accordance with the provisions of the section(s) under which the original approval was issued. (Ord. 987 § 45, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.180)

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**22.42.380 Conflicting ordinances.**

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If any city ordinance or regulation or any part thereof is found in conflict with the provisions of this chapter, the provisions of this chapter shall apply. (Ord. 987 § 46, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.190)

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**22.42.390 Severability.**

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If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter

or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective. (Ord. 987 § 32, 2014; Ord. 797 § 1 (part), 1998. Formerly 22.42.200)