Town of Los Gatos

Standards for Wireless Telecommunications Facilities

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Town of Los Gatos
Standards for Wireless Telecommunications Facilities

SECTION I. PURPOSE AND APPLICABILITY

The purpose of these Standards is to implement the Town's Wireless Telecommunications Ordinance. The standards established are for the purpose of providing a uniform set of standards for the orderly development of personnel wireless telecommunications facilities consistent with federal standards and with the objectives of the Town as set forth in the General Plan and Town Code. Standards and procedures found herein shall apply to all applicable wireless telecommunications facilities as set forth in the adopted ordinance.

SECTION II. DEFINITIONS

Alternative Tower Structure: man-made clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Ancillary equipment: support or mechanical equipment used in the operation of wireless telecommunication facilities.

Antenna: any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna Array: Two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for commercial communications purposes.

Antenna Support Structure: any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.

Camouflage: the use of shape, color and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. Camouflage does not mean "invisible", but rather "appearing as part or exactly like the structure used as a mount".

Co-location: the use of a wireless telecommunications facility, or tower or location, by more than one wireless telecommunications provider.

Decision Making Body: May be either the Community Development Director, Planning Commission or Town Council.

Directional Antenna (panel antenna):

Equipment Shelter or Enclosure: a structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or auxiliary electric generators.

Facade Mounted Antenna: An antenna which is directly attached or affixed to the elevation of a building, tank, tower, or other structure.

FCC: the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Guyed Tower: a vertical support structure which is usually over 100 feet tall, which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

Height: the vertical distance measured from pre-existing ground level to the highest point on the PWS facility, including, but not limited to the antenna or antenna array and base pad.

Lattice Tower: a wireless communication support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides;

Licensed carrier: any person, firm or entity licensed by the FCC to provide Personal Wireless Services and which is in the business of providing the same.

Microcell: IEEE 80211b industry standard Wireless LAN specification or similar. This also defined as a minor telecommunications facility.

Monopole: a vertical support structure, consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation;.

Mount: any mounting device or bracket which is used to attach an antenna or antenna array to a street pole, building, structure, tower or monopole.

Multi-use Tower: means a self supporting lattice, guyed or monopole structure constructed from grade which supports more than one Wireless Telecommunications Facility.

Panel Antenna: a directional antenna designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees/

Personal Wireless Services (PWS): any of the technologies as defined by Section 704(a)(7)(c)(I) of the Federal Telecommunications Act of 1996, including, Cellular, PCS, Enhanced Specialized Mobile Radio (ESMR), Specialized Mobile Radio (SMR), and Paging;

Pre-existing Towers and Pre-existing Antennas: any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired;

Stealthing: methods use in the camouflaging or concealing of antennas at their sites.

Tower: any structure 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, wireless telecommunications towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Viewshed: the off site area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible.

Wireless Telecommunications Facilities: any cables, wires, lines, wave guides, antennas, microwave dishes and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which an entity seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:

- Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
- Any satellite earth station antenna one meter or less in diameter, regardless of zoning category
- Antennas used by amateur radio operators.

SECTION III. LOCATION, DEVELOPMENT AND DESIGN

Unless otherwise specifically described by the adopted Wireless Telecommunications Ordinance and these standards, the following development requirements shall apply to all telecommunications facilities located within the Town:

A. Location Standards

The location of wireless telecommunications facilities in a residential zone is discouraged and not a preference. Location of wireless telecommunications facilities are encouraged in all non-residential zones. Wireless facilities cannot be located on a single-family zoned property if developed with a principal permitted use.

Any application that proposes the location of a wireless telecommunications facility in a residential zone, must provide a site alternatives analysis prepared to the satisfaction of the deciding body. This alternatives analysis must demonstrate that it is not technologically feasible to locate the facility in a non-residential zone or would be prohibitive to the objective of providing full coverage to the Town. If no other site is determined viable other than within the proposed residential zone, then the facility requires approval of a Conditional Use Permit and may not be approved under the Administrative Land Use Permit under Section V.D. of these Standards.

1. Location Preferences

Wireless telecommunications facilities shall generally be located on properties with the following preference in order of priority. Preferences a. and b. as listed below do not require a site alternatives analysis:

a. Co-located on an existing telecommunications structure or on a building roof or facade already containing approved antennas, often broadcasting at different frequencies and operated by different providers.

b. On existing buildings or structures provided it is positioned strategically and not visible from the public right-of way or residentially designated property pursuant to the Town's adopted General Plan; and is designed to fully mitigate its visual impacts consistent with these standards.

c. Town owned properties and other public or quasi-public facilities, such as fire stations, schools, or churches.

d. Poles in the public right-of-way or in a public easement including but not limited to PG&E towers or other communications towers, light poles, or existing flag poles.

e. Commercially zoned properties.

f. Any non-designated residential land use adopted in the General Plan.

2. Hillside Locations

Wireless telecommunications facilities may be located in hillside areas as necessary to maintain the Town's objective of providing full service coverage. If siting any facility within the Town's hillsides is deemed necessary through preparation of a Site Alternatives Analysis, then the following criteria shall be implemented:

a. Antennas, support structures and equipment are not visible from any of the adopted viewing platforms as defined in the Town's Hillside Development Standards and Guidelines.

b. Hillside locations must reduce the number of other antennas, monopoles, towers and equipment that would otherwise be necessary to provide service. Reduction of facilities by a hillside location does not however assume that it will be the preferred location as identified in subsection A.1 Location Standards of this Section.

c. Any facility must blend with the natural topography, natural vegetation and be camouflaged such that it renders the equipment virtually invisible at all times of the year.

d. No facility may extend above any designated ridge line as adopted in the Town's Hillside Development Standards and Guidelines.

3. Minimum Distance of Antenna and Facilities

The minimum distance between wireless antennas (with the exception of microcell antenna's and related or equivalent facilities shall be a radius of three (3) miles per wireless telecommunications service provider. If this is not technically feasible, it should be so documented in the Site Alternatives Analysis required as part of the permit application process.

B. Development Standards

All telecommunications facilities shall be subject to the following general development standards:

1. Co-Location

Wireless telecommunications facilities are encouraged to co-locate with other wireless service providers wherever technically and operationally feasible. Co-location of facilities are subject to the following standards:

a. It is in compliance with FCC standards for RF emissions.

b. It reduces visual impacts.

c. It is structurally and technically feasible to co-locate.

d. Any proposal that does not involve co-location is required to provide a letter stating the reason(s) for not co-locating the facility which shall be submitted with the project application as prescribed under Section V (D) and (E) of these standards. At the discretion of the Community Development Director, a Site Alternatives Analysis may be required as further evidence for not co-locating a proposed facility.

2. Signage

All wireless telecommunications facilities shall provide identification either by sign, sticker or placard that includes the most current phone number and emergency contact information for the wireless service provider. The sign information shall also include warnings and safety precautions for people nearing the equipment as may be required by any applicable FCC adopted standards including RF symbols identified in ANSI C95.2-1982.

The design, size, materials and colors of any sign and/or identification mechanism shall be to the satisfaction of the Community Development Director and may require a separate sign application.

Advertising signs or logos shall not be placed on any wireless telecommunications facility except for those provided by the manufacturer required for warning and/or certification seals and stamps.

3. Structural Standards

All wireless telecommunications facilities shall at all times comply with applicable requirements of the Uniform Building Code in effect at the time the permit is issued. Upon reviewing the permit the Community Development Director acting as the Town's Building Official shall require that the facility be upgraded to meet current requirements if deemed necessary to protect the public health, safety and welfare.

4. Screening and Landscaping

Wireless telecommunications facilities shall be installed in a manner that minimizes the impact to existing vegetation. Any damage to desirable landscaping and/or vegetation shall be required to be restored. As appropriate, landscaping shall be used to provide visual screening of the proposed facility, related structures and equipment. Landscaping is not limited to just screening of mechanical equipment.

Towers, monopoles and ground equipment shall be enclosed by a security fence of not less than six (6) feet high and incorporate an anti-climbing device sufficient to protect from trespassing. Fence

material and design shall be compatible with the image and aesthetics of the surrounding area and/or residential area and in no case is barbed wire or similar material allowed. Chainlink fencing is not appropriate unless it is entirely screened and maintained with approved landscaping.

Ground equipment located in a residential zone shall be placed underground unless in rare situations the unique physical constraints of the site make this infeasible or create grading impacts or an impact on surrounding trees. The undergrounding of equipment boxes may be required to fully mitigate for its visual impacts in any non-residential zone. Undergrounding of equipment is not required in a non-residential zone if the equipment is placed inside a primary building, on a building rooftop screened behind a parapet or mechanical equipment screening, or behind approved fencing in combination with approved and maintained landscaping.

5. Height

Wireless telecommunications facilities should be located to the minimum possible height based on technical requirements of proposed antenna frequency and in consideration of the Town's objective to provide full service coverage. Height requirements and how height is measured shall comply with the definition found in the Town Code as well as with the following:

a. The height of facade mounted antennas shall conform to the same height of the existing facade or parapet. If additional height is necessary to reach intended service area, the facility shall be roof mounted, constructed at the lowest possible height and screened to minimize visual impact.

b. Roof mounted antennas shall not extend above a height to setback ratio of 1:1. The setback distance shall be measured from the closest edge of the roof to the antenna location. In any event, the antenna should not exceed a height of 10 feet above the existing roof and in no instance exceed the height limit of the underlying zone unless it complies with provision (e) of this subsection.

c. Maximum height of monopoles shall be designed at the minimum functional height requirement as described herein. The height of the monopoles shall not exceed the maximum height as allowed by the underlying zone.

d. Any antenna or facility that exceeds the height of the building which it is located shall be reviewed for visual impacts on the surrounding area.

e. Any underlying height limit may be exceeded if the deciding body determines that the height of the antenna will satisfy the service coverage needs of multiple other antennas. In any case where the height of the underlying zone is exceeded a Conditional Use Permit is required.

6. Setbacks

All ground mounted wireless telecommunication facilities shall meet the applicable setback requirements of the underlying zone. The decision making body may require that new facilities provide an additional foot of setback for each foot in height it extends beyond the required front yard setback. For example, if a new 35 feet tall telecommunications tower is proposed in the Office (O) zone, it would require a 35 feet front yard setback instead of the typical 25 feet allowed by the Town's zoning regulations. Any wireless facility within 50 feet of a residential property line requires a Conditional Use Permit unless it is determined by the Community Development Director that a safety, noise or visibility issue does not exist. Visibility issue is defined as facilities that are visible from any residential property or public right-of-way as viewed from existing grade.

The Public Works Director and Community Development Director shall be responsible for determining, on a project by project basis, the minimum setback required for utility cabinets proposed within the public right-of-way.

7. Public Right-of-Way

No portion of any wireless telecommunications facility may extend over the sidewalk, street or other public right-of-way whether ground mounted or building mounted without an encroachment permit. Antennas and related equipment mounted on street-light poles, traffic signals, and existing telephone poles are subject to the Parks and Public Works approval of an encroachment permit and compliance with the provisions of the Wireless Telecommunications Ordinance and the guidelines and standards found herein.

Any use of Town facilities within the public right-of-way are subject to the consummation of a lease between the Town and the wireless service provider. Underground cables, conduits or wiring proposed within the Town right of way shall be subject to a franchise agreement consistent with requirements of the Town Code.

The under-grounding of equipment boxes within the public right-of-way shall be required to fully mitigate for its visual impacts unless the physical constraints of the site make this infeasible or create grading impacts or an impact on surrounding trees. Any visual impact mitigation measure shall be provided to the satisfaction of the Community Development Director and Director of Parks and Public Works.

C. Design Standards

All telecommunications facilities shall be subject to the following design standards:

1. Stealth Design

Wireless telecommunications antennas, related facilities and structures shall incorporate architectural treatments and advanced industry screening techniques to mitigate its visual impacts. Appropriate and innovative design solutions, stealth design and locations that blend with the natural environment are encouraged. These include locating facilities on the inside of a building parapet, flagpole, light pole or spire or other architectural feature of an existing building. These techniques are highly encouraged and may be required where there is high visibility of the antenna and/or other screening potential of the site is low. The use of artificial trees, rocks or any other artificial technique used as disguise of natural features is strongly discouraged.

2. Co-Location

Wireless telecommunications antennas, related structures and facilities are encouraged for co-location especially on existing facilities as described in this subsection B.1 . Design of co-located antennas and related facilities shall maintain an aesthetically pleasing appearance. Co-location shall avoid the over proliferation of antennas such that antennas are not placed too close together without visual mitigation.

3. Colors and Materials

Wireless telecommunications antennas, structures and related facilities shall have a non-reflective finish and whenever technically feasible, shall be textured to match the existing support structure or building and/or be painted to blend with the predominant background.

4. Scale and Architecture Integration

Any building mounted wireless telecommunications antennas, structures and related facilities shall follow the scale and architectural style of the building which it is located and shall be designed and located to blend with the existing natural and built environment.

The decision making body shall require special design features to be incorporated into the facility to maintain design and character of the area.

5. Equipment Shelters

Equipment shelters, cabinets, back-up generators, and other associated equipment shall be architectural compatible with the main building, structure and/or surroundings and shall be fully screened from view from surrounding properties, public right-of-way and other vantage points. These facilities shall be located within an existing building or underground whenever technically possible. If these facilities are place above ground screening is required pursuant to subsection B.1.4 of this section.

6. Rooftop and Facade Mounted Structures

The design of rooftop and facade mounted wireless telecommunications facilities shall be architecturally integrated and positioned in a visually unobtrusive manner and follow the stealth design

criteria described in subsection C.1 of this section. To the extent possible, these facilities should not be located on the most prominent facade of a building and should be located as far as possible from the buildings edge such that it would block or impede a pedestrians line of sight.

7. Lighting

Wireless telecommunications towers, monopoles or antennas shall not be artificially lit unless required by some other applicable authority such as the Federal Aviation Administration. If lighting is required it shall be placed in the least intrusive manner with minimal disturbance to surrounding views.

SECTION IV. PERFORMANCE STANDARDS AND MAINTENANCE

A. Noise

All wireless telecommunications facilities must comply with adopted Town noise ordinance.

B. Interference

All wireless telecommunications facilities shall be operated in a manner which complies with the Federal Communications Commission regulations for signal interference, including but not limited to interference with other telecommunications facilities and household electronics.

C. Maintenance and Safety

All telecommunications facilities shall be reviewed by the Santa Clara County Fire Department, Town of Los Gatos Monte Sereno Police Department and Parks and Public Works Department. Facilities will be inspected by the Town's Building Inspection Department prior to final permit issuance for compliance with approved plans and Uniform Building Code.

Telecommunications towers and antennas shall be designed to remain in operation during a disaster All possible measures to protect against fire, flood, earthquake , or other natural disaster shall be made.

D. RF Emissions Monitoring

A bi-annual RF exposure report shall be required by the decision making body. In the event an increase over acceptable levels is detected, the applicant shall be responsible for immediately making all necessary adjustments to comply with FCC standards; otherwise permit revocation proceedings will commence.

SECTION V. APPLICATION, PROCESS AND REQUIREMENTS

A. Pre-application

A pre-application conference between the applicant and Community Development Department staff is required for all first time wireless telecommunications applicants . A fee is established pursuant to the Towns Fee Schedule and must be paid prior to the meeting. The purpose of the pre-application conference is to review appropriate site alternatives and design concepts consistent with standards and guidelines set forth by this ordinance.

B. Comprehensive Service Network and Coverage Plan

Each applicant for a wireless telecommunications permit shall provide to the Town an inventory of all its existing and proposed facilities within the Town, within the Town's sphere of influence and within three (3) miles from the Town boundary. This plan shall include a shadow study overlaid on the Town's General Plan Map identifying each antenna location (existing and proposed) and the area which the facility covers. The plan shall include a description and methodology used to locate the proposed facilities.

C. Site Alternatives Analysis

Where a stand alone facility, new tower, monopole or a facility is proposed for location in a residential land use area designated by the General Plan an Alternative Site Analysis must be prepared by the applicant. Evidence shall be submitted to demonstrate that no existing tower, structure or alternative technology or location can accommodate the applicants proposed site. This analysis shall include but is not limited to the following:

a. No existing towers, structures or co-location facilities exist within the service coverage area for the proposed antenna.

b. Existing towers, structures or co-locations do not have sufficient height to meet technical requirements, or have sufficient strength to support proposed antenna or there is an over proliferation of existing antennas on a site.

c. The proposed antenna would cause frequency interference with antenna on existing towers or structures or the already existing antenna would cause interference with the applicant's proposed antenna.

d. The applicant provides documentation that the other tower owners or owners of existing structures were contacted in writing for purposes of pursuing possible co-location and/or lease agreements.

D. Administrative Land Use Permit

1. Approval

This approval will only be granted if **all** of the following are achieved by the applicant and pursuant to the application being deemed complete by the Community Development Director:

a. The proposal meets all applicable "preferred sites" listed in Section III subsection A.1 of these Standards.

b. The proposal presents no visual impact, is completely hidden from view from adjacent right-of-way and surrounding residential property through screening or stealth design, is constructed below a parapet line, or is fully screened and/or enclosed within an existing building

c. The proposal meets setback and height standards of the applicable zoning district and is consistent with the Town's General Plan.

d. Proposals for utility cabinets containing wireless components shall be placed underground or shielded from view as deemed appropriate by the Community Development Director. Undergrounding of these facilities is required in a residential zone.

e. In the event of any other conflicting standards or guidelines adopted or used by the Town, the Community Development Director may use his/her discretion and may require a Conditional Use Permit.

2. Administrative Land Use Permit Application Requirements

All applications for an Administrative Land Use Permit shall contain the following:

a. A completed Administrative Land Use Permit Application

b. A preliminary title report for the property on which the facility is proposed

c. A completed project description that include:

(1) Number, size and location of proposed existing antennas and facilities.

(2) Height and dimensions of all proposed facilities.

(3) Equipment and facility enclosure specifications including type, size, materials and colors.

(4) Colors and materials of antennas and supporting structures necessary to house or hold the facility.

(5) A description and specifications of any required lighting.

(6) A description and specifications of proposed signage.

(7) A description of how and when the equipment will be accessed for inspection, repair and removal.

(8) A description of the energy source and utility lines used to serve the facility.

(9) A description of any back-up power source(s).

(10) A statement of intent from wireless service provider stating intention to allow co-location.

(11) Reference to any easements.

(12) A letter stating reasons for not co-locating.

(13) A description of the maintenance and accessability program for the proposed facility.

(14) A site specific location map.

d. A site plan prepared on 24" x 36" paper with an 11" x 17" reduction that shall include the following information:

(1) Location of all parcel lines.

(2) Location and names of adjacent streets proposed as access to the facility.

(3) Site topography of areas exceeding 5% slope with 5-foot contour intervals.

(4) Location of all existing buildings, structures, utility easements, driveways parking areas, or other features which may effect the use of the property.

(5) Distance from property line for proposed facilities and any other associated improvement.

(6) Location of all proposed facilities and improvements necessary to install facilities.

(7) Distance to the nearest adjacent structures on the north, south, east and west.

e. Fully dimensioned site and structure elevations 24" x 36" paper with an 11" x 17" reduction that shall include the following information:

(1) Fully dimensioned elevations and sections of all proposed facilities and any existing structures, including buildings, for which it is proposed.

(2) Specifications on elevations of roof, wall, towers and antenna including materials, colors and dimensions.

(3) Fencing, air conditioning, other equipment boxes, and lighting as may be applicable.

(4) Any existing roof top features such as vents, HVAC, chimneys, mechanical equipment screening devices or rooms.

(5) Height comparison to any nearby buildings, trees, or other applicable structures and natural landforms that are part of the site's background and foreground landscape.

f. A before and after photo simulation or rendering taken from key points as seen from the public right-of-way or potentially impacted properties.

g. A story pole or mock-up of the proposed facility.

h. Documentation verifying compliance with applicable FCC standards and requirements to provide proposed services.

I. Town of Los Gatos business license.

j. Facility specifications and certification by an approved FDA professional that the proposed equipment meets the FCC Radio Frequency (RF) emissions standards.

k. An administrative land use permit requires a ten (10) day "Intent to Approve" notice that is mailed to all properties abutting the subject site.

E. Conditional Use Permit

1. Approval

A Conditional Use Permit heard by the Planning Commission is required at the discretion of the Community Development Director for any proposed project. A Conditional Use Permit is however required when one of the following exists:

a. Any telecommunications facility located within a residential zone.

b. Proposed structures or building mounted antennas extending above the maximum allowed height of the underlying zone or designated General Plan land use designation if applicable.

c. The proposed facility cannot be screened from residential property or public rights-of-way as viewed from existing grade. This includes the antenna, above ground utility cabinets and any antenna proposed to be mounted to the outside wall of a building.

d. Any new monopole or tower proposed for the facility.

e. Amateur radio antennas exceeding the height limit of the underlying zone.

f. The proposed facility cannot be co-located.

2. Conditional Use Permit Application Requirements

As required by Division 3 of the Town Zoning Regulations and as may be required for Administrative Land Use Permits.

3. Town Council Authority

The Town Council retains the right to override these standards if it finds that deviation from these standards is in the best interest of the Town and is compelled based on the public health, safety or general welfare.

4. Amendments

The amendment of these Standards shall require the formal approval of the Town Council at a public meeting.