CHAPTER 10.45 STANDARDS AND CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES

10.45.010 Purpose and Applicability

The purpose and intent of this chapter is to provide a uniform and standard set of guidelines and criteria for the orderly development and siting of wireless communications facilities to avoid or minimize land use conflicts related to land use compatibility, visual resources, public safety, and environmental impacts in accordance with 47 U.S.C.A. Section 332(c)(7).

The City Council of the City of Sausalito hereby adopts the following standards, including definitions, general requirements, procedures and regulations, for wireless communications facilities. The standards are applicable to those wireless communications facilities considered by the Wireless Telecommunications Bureau (WTB) of the Federal Communications Commission.

All reporting, testing and maintenance standards included in this Chapter apply equally to those facilities already in existence at the time of adoption of this ordinance and to those which are approved under its provisions.

10.45.020 Conditional Use Permit and Design Review Approval Required

All wireless communications facilities shall require a conditional use permit and design review approval. Applications for wireless communications facilities shall be processed and conditional use permits and design review approval granted solely in accordance with the terms and provisions of this chapter 10.45, notwithstanding any other provision to the contrary in this Title 10. The Planning Commission may approve or conditionally approve a Conditional Use Permit and Design Review Approval for a Wireless Communications Facility if the following findings can be made.

- A. The proposed project is consistent with the General Plan, the Zoning Ordinance, and any applicable specific plans.
- B. The proposed project complements the surrounding neighborhood and/or district and, when antenna is attached to, or part of, a structure, the antenna and its screening complement the architecture of the structure.
- C. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
- D. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.
- E. The proposed project will not result in a prominent profile (silhouette) above a ridgeline.
- F. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

- G. Mechanical equipment is appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.
- H. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.
- I. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
- J. The proposed facility will not materially adversely affect nearby properties or their permitted uses.

10.45.030 Applications for Permits for Wireless Communications Facilities

- A. Prior to submitting an application for a conditional use permit or design review approval for a wireless communications facility, the applicant shall schedule and attend a preapplication meeting with City staff.
- B. All applications for wireless communications facilities shall contain the following in order to be deemed complete:
 - A complete project description, including the following information on the proposed telecommunications facility:
 - a. Number and sizes of antennas, and approximate orientation;
 - b. Heights of proposed facilities;
 - c. Equipment enclosure type and size;
 - d. Construction timeframe for equipment enclosure;
 - e. Materials and colors of antennas;
 - f. Descriptions of towers or other structures necessary to support/house the proposed facilities;
 - g. Description of lighting;
 - h. Description of identification signage;
 - i. Description of access to the facility;
 - j. Description of utility line extensions needed to serve the facility;
 - k. Analysis of ground/vegetation disturbance, revegetation/landscaping, screening or other visual mitigation plan;
 - I. Back-up power sources, if proposed; and

- m. A written description of the type of technology and type of consumer services the carrier will provide to its customers.
- 2. A legible Site Location Map. The City shall provide a street map of Sausalito and the applicant shall plot the location of the proposed facility on the map.
- 3. A Service Network and Coverage Area Map. The City shall provide a map of Sausalito at 1:200 scale and the applicant shall provide overlays on the map indicating the following:
 - a. The proposed coverage area of the facility using 'In-Vehicle' and 'In-Building' measurements in relation to the area to be served and to the search ring;
 - The existing coverage conditions without the proposed facility in relation to the area to be served; and
 - The area to be served and any existing facilities.
- 4. A One Year Future Facilities Map. The City shall provide a map and the applicant shall plot the location of future facilities.
- 5. A Site Plan on a 24 inch by 36 inch sheet of paper, and an 8 $\frac{1}{2}$ " by 11 $\frac{1}{2}$ " reduction of the site plan, which shall include the following information:
 - a. Parcel lines of the subject parcel;
 - Location and names of adjacent streets and drives proposed to serve as access to facility;
 - c. Topography of those areas on the subject parcel where the disturbed slope areas exceeds five percent (5%);
 - d. Location of any drainages within or adjacent to the site;
 - e. Location of all existing buildings, structures, utilities, parking areas, or other features which may affect the proposed use of the property;
 - f. Setbacks of proposed structures and improvements from the property lines;
 - g. Location and heights of required cuts and fills for the grading of land where no bank is left standing more than four (4) feet in height and/or wherein less than fifty (50) cubic yards of earth is removed, placed and/or otherwise disturbed in any twelve consecutive months as required by Section 17.08.010 (Excavations Generally) of the City of Sausalito Municipal Code and Section 3306 of the Uniform Building Code;
 - h. North arrow, graphic scale and date prepared;

- i. Location of proposed development including all towers, structures, buildings, utility line extensions, driveways/roads, parking areas, schematic drainage & grading plan (if over five percent [5%] slopes); and
- j. Location and distances to nearest existing adjacent structures on the north, south, east and west.
- 6. Site and Structure Elevations, set forth on a 24-inch-by-36-inch sheet of paper, and an 8 ½" by 11 ½" reduction of the Site and Structure Elevations, which include the following information:
 - a. Any elevations required by title 10 of this code;
 - b. Elevation/section of site displaying site topography, proposed facilities including the tower, equipment shelter, and existing buildings;
 - c. Wall, roof, tower and antenna materials;
 - d. Fencing, air conditioning units and outdoor lighting locations, if any;
 - e. Rooftop or building features such as vents, chimneys, and antennas;
 - f. Building or tower height as measured from natural grade.
 - g. A comparison of the heights of the proposed facility/antennas to the height of the surrounding tree canopy, if applicable; and
 - h. The applicant's name, graphic scale, Assessor's Parcel Number and date prepared.
- 7. Photo-simulations of the proposed facility from the key viewing points, which photo-simulations shall be prepared after a delineation of the view shed and identification of public viewing points, including key viewing points, based on consultation with City staff. Photo-simulations shall display existing and proposed views in a 8.5 inch by 11 inch, or larger, format, with the dates shown when the base photo was taken.
- 8. Story Pole or mock-ups per the requirements adopted by resolution and/or ordinance of the City Council. Story Poles may be required for alternate sites if determined necessary by the Community Development Director.
- 9. For the sole purpose of verifying compliance with the FCC radio frequency emission standards, applications shall include an emissions report which measures the predicted and a ctual, if a vailable, I evels of e lectromagnetic field radiation emitted by the proposed facility operating alone and in combination with radiation emitted from other existing or approved facilities that can be detected at the proposed facility site. Radiation measurements shall be based on all proposed (applications filed and pending), approved, and existing facilities operating at maximum power densities and frequencies. It is the responsibility of the applicant to determine the location and power of existing facilities.

- 10. Alternative Site Analysis is required if the facility is:
 - a. not in an Industrial District; or
 - b. within fifty (50) feet of a "Less Preferred Location," as defined below; or
 - c. not stealthfully designed.

Information shall be provided in a narrative form with supporting maps and other graphics which identify the other site locations considered, if any, and rejected in favor of the proposed site. The applicant shall provide supporting reasons why the alternate sites, if any, were rejected and why the proposed site is superior from a technical or other standpoint to the others considered.

- 11. Fees. Payment of all filing fees and fees for processing and monitoring the permit application, as established by the City Council.
- C. Applications for wireless communications facilities may require the following information at the discretion of the Community Development Director:
 - A conceptual site grading, revegetation and/or landscape plan;
 - 2. A security program that includes features such as fencing, anti-climbing devices and alarms;
 - A Geologic Hazards Report;
 - 4. A Certified Arborist's Report, if the proposed facility may impact trees or root systems;
 - A Historic Building Evaluation; and
 - 6. Specialized surveys for biological and or cultural resources, if the proposed facility is located within or adjacent to identified habitat or cultural resource areas.

10.45.040 Public Noticing Procedures

Upon receipt of a complete and verified application for a wireless communications facility, a public hearing shall be held in accordance with the procedures and requirements set forth in Title 10 (Zoning Regulations) of the Sausalito Municipal Code. Notice of the hearing shall be as required by this Title for Conditional Use Permits.

10.45.050 Performance Agreement

Applicants for wireless communications facilities shall be required to enter into a Performance Agreement with the City of Sausalito prior to the commencement of any construction pursuant to an approval under this Chapter, which agreement shall include the following terms and conditions:

A. The applicant shall post a financial security, such as a letter of credit, which is acceptable to the City of Sausalito, to ensure that the approved facility is properly installed and maintained and to guarantee that the facility is dismantled and removed

from the premises if it has been inoperative or abandoned for a one-year period, or upon expiration or revocation of the permit. The amount of the security shall be based upon a cost estimate equal to 125% of the amount needed to remove the facility and return the surrounding area to its condition prior to installation.

- B. The carrier shall defend, indemnify, protect, and hold the City of Sausalito, its officers, officials, Council Members, commissioners, agents, and employees harmless from and against all liabilities, claims, losses, demands, suits, and/or causes of action of any kind arising out of a violation of any federal, state or municipal law or ordinance or in connection with the permitting, installation, use, or any other activity associated with the wireless communications facility. The City of Sausalito shall promptly notify the applicant of any such claim, action or proceeding. The City of Sausalito shall retain, however, the right to participate in any claim, action, or proceeding retaining the City's own counsel if Sausalito bears its own attorney's fees.
- C. The applicant shall abide by all applicable state, federal and local laws and regulations.
- D. If applicable, the applicant shall provide in the agreement landscape performance and maintenance commitments.

10.45.060 Confirmation of Height

Within sixty (60) days of completion of the installation of any free-standing antenna, the applicant shall perform a "tape drop" to confirm that the height is no greater than approved, and shall submit a written certification to the City of the actual height.

10.45.070 Annual Review

Community Development Staff shall review compliance with all conditions of approval annually and, if any conditions of approval are not being met, shall schedule a public hearing to consider revocation of the permit.

10.45.080 Permit Revocation

In the event of any breach of this Chapter, any required agreement(s) or any conditions of the permit, City shall notify the applicant and owner, as well as the public pursuant to section 10.45.040, and the Planning Commission shall conduct a revocation hearing. Appeals of the Planning Commission decision on revocation may be made pursuant to the process required in this Title for other appeals of Planning Commission decisions to the City Council.

10.45.090 Removal

If use of a wireless communications facility ceases for one year or more the permit shall be deemed abandoned. Within 30 days of a permit being deemed abandoned or being revoked, the entire facility (including but not limited to antenna, support structure, support equipment, equipment enclosures) shall be dismantled and removed from the premises and the surrounding area returned to a state substantially similar to that prior to the installation. If two or more operators actively use a single facility, only the equipment associated with the abandoned or revoked permit shall be removed. If within 30 days following abandonment or revocation, removal of equipment and restoration of the area has not occurred, the facility may be declared

a public nuisance. The City of Sausalito may then take ownership of, and may remove, the facility in accordance with all applicable laws, including the imposition of all City nuisance abatement expenses as a personal obligation of the parcel owner and facility operator as well as a special assessment against the property.

10.45.100 Location of Wireless Communications Facilities

In any given General Plan Land Use Area, a structure not used for residential purposes is preferred over one so used and a publicly owned structure, including but not limited to buildings, water tanks, telephone and utility poles, signage, traffic signals, light standards and roadway overpasses, is preferred over one privately owned.

- A. **Preferred Locations.** The City of Sausalito prefers the following General Plan Land Use Areas for wireless telecommunication facilities in the order of preference.
 - 1. Industrial
 - 2. Public Institutional, excluding those locations listed in section 10.45.100(B).
 - 3. Commercial
 - a. Commercial Waterfront

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- b. Central Commercial
- c. Shopping Center
- B. Less Preferred Locations. The following General Plan Land Use areas are the less preferred sites, unless the proposed facility would be adequately and stealthfully concealed and adverse effects related to the view shed, land use compatibility, public safety and environmental impacts minimized.

Applications for sites within these areas shall provide all of the following information:

- 1. the location and type of preferred sites which exist within the applicable search ring or technically feasible coverage area;
- 2. evidence that good faith efforts were taken to secure the preferred location sites;

specific reasons why these efforts were unsuccessful;

- 4. specific reasons why the proposed location is essential to meet service demands; and
- evidence that the proposed location does not result in an adverse visual impact to the view shed.

The following less preferred locations are listed in order of preference, from most to least preferred:

- Neighborhood Commercial
- 2. Mixed Residential and Commercial
- 3. Open Area

- 4. Public Recreational and Parks
- 5. Residential (Wireless Communications Facilities are very strongly discouraged from locating within residential areas or at schools except in exceptional circumstances.)
- C. Historic Buildings, Landmarks and Districts. Wireless communications facilities are very strongly discouraged from locating within a site containing an Historic Building or Landmark, or within Sausalito's Downtown Historic District. Regardless of their classification as a local, state or national historic resource, buildings, structures, objects or properties shall be considered of equal historic significance with regard to siting wireless communications facilities. If a wireless communications facility is located within or on such a structure/building, the facility shall be subject to the criteria of the Secretary of Interior's Standards for Rehabilitation and shall comply with the California Environmental Quality Act (CEQA) Guidelines as amended, as well as any local guidelines for the treatment of historic properties and applicable provisions of the federal telecommunications laws and the National Environmental Policy Act.
- D. Preferences and Guidelines for Co-Location and Shared-Location of Wireless Communications Facilities.
 - Within any land use area, location preference for wireless communications facilities should be given to Co-Location and Shared-Location sites, when such siting minimizes adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors.
 - Guidelines for Co-Location and Shared-Location to ensure proper siting.
 - a. Antenna support and equipment structures shall be designed to consolidate future planned facilities and eliminate or minimize visual clutter. If appropriate, multiple antenna support structures may be approved rather than a single larger/higher structure.
 - b. Design of Co-Location sites should promote shared use among different users.
 - c. Facilities should make available under-utilized space for Co-Location of other antennas and equipment, including space for other carriers.
 - Leases that convey exclusive rights to a single user and preclude development of a suitable Co-Location facilities site should be discouraged.
 - e. Carriers shall notify other potential users of the proposed facility site so they can coordinate efforts to Co-Locate on the site.
 - f. For facilities not located on Co-Location or Shared-Location sites, a written analysis of the unfeasibility of such sites should be submitted.
- E. **General.** The use of existing structures is preferred over monopoles or other towers erected specifically to support wireless communications facilities unless technical

evidence demonstrates that there are no other alternative sites, feasible support structures, and/or the use of a monopole or tower would avoid or minimize adverse effects related to the view shed, land use compatibility, visual resources, and public safety.

F. **Map and List of Locations.** The City shall maintain a map and list of the location of all facilities permitted under this Section and shall make this information readily available to the public through a combination of methods such as posting at the Community Development Department, posting on the City's web site, and placement in the public library. "The map and list shall refer interested parties to the Community Development Department for permit and testing information."

10.45.110 Electromagnetic Field Exposure

- A. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic field (EMF) exposure or other measurable radiation in excess of the standards for permissible human exposure, as provided by applicable Federal regulations.
- B. Within 60 days of a wireless communications facility becoming operational, the applicant shall provide to the City a report indicating the actual EMF levels measured at the property line or nearest point of public access, whichever is closer, in the direction of maximum radiation from each antenna. Reports shall specify signal levels with the site operating at full power and baseline levels with the site inoperative. Technical data shall be presented showing levels relative to the currently permitted Federal regulations. Raw measurements shall be provided as an appendix. In addition, the report shall include, in lay terms, a summary of the technical data as presented in the report.
- C. Biennially, the operator of the antenna shall have EMF exposure levels tested and shall submit to the City written report of the results of the tests. On years when testing is not required, the operator of the antenna shall submit to the City written certification by an independent licensed engineer that no modifications have been made to the facility design or configuration that have increased or will increase EMF exposure. If modifications have been made to the facility which have increased or will increase the EMF exposure, the applicant shall provide a supplemental report measuring the modified facility as set forth in 10.45.110(B).
- D. EMF reports required by this section shall be paid for by the applicant and prepared by a third party consultant acceptable to the Community Development Director and using a testing protocol acceptable to the Community Development Director.

10.45.120 Lighting

- A. Wireless communications facilities are subject to the following lighting requirements:
- B. Manually operated, low wattage, hooded and downward directed exterior lighting shall be permitted for safety purposes only and shall be kept off except when maintenance or safety personnel are present at night.

- C. Tower lighting required under FAA regulations should, to the greatest extent feasible, be shielded or directed to minimize light and glare impacts on nearby properties and residents.
- D. Nighttime lighting of warning signs required near publicly accessible facilities must consist of low-wattage fixtures, and must be directed downward and hooded.

10.45.130 Roads, Access and Security

- A. Wireless communications facilities shall be served by the minimum roads and parking areas necessary. Existing roads and parking areas shall be used to access and service new facilities to the greatest extent possible.
- B. The applicant shall adequately secure equipment to prevent unauthorized access.
- C. The applicant shall comply with all requirements of the City of Sausalito's Fire Department regarding fire safety, which may include installation of an automatic fire extinguishing system, installation of a remote monitoring system, or such other compliance techniques as determined by the Fire Chief. Required fire safety equipment shall be installed and in operation prior to commencement of use of the wireless communications facility.

10.45.140 Vegetation and Landscaping

Wireless communications facilities shall be installed in a manner that minimizes the impacts to existing vegetation. Where appropriate, additional landscaping shall be required to provide visual screening of the proposed facility. If landscaping is required, the applicant shall submit a landscape and irrigation plan, and shall submit a landscape maintenance program to assure that the plants will remain in healthy condition throughout the term of the permit.

Vegetation protection and facility screening shall be accomplished through the following measures:

- A. The emphasis of the landscape plan should be to visually screen the proposed facility and stabilize soils on sloping sites. Introduced vegetation shall be a native, drought tolerant species compatible with the predominant natural setting of the project area.
- B. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated accessways shall be protected from damage both during and after construction. Submission of a Tree Protection Plan prepared by a certified arborist may be required to ensure compliance with this requirement.
- C. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.
- D. No vegetation shall be removed subsequent to project completion except to comply with local and State fire safety regulations or as authorized by the Community Development Director.

E. The carrier shall enter into a landscape performance and maintenance agreement with the City of Sausalito to ensure the installation and maintenance of required landscaping. Failure to maintain landscaping shall be grounds for revocation of the use permit.

10.45.150 Noise and Traffic

Wireless communications facilities shall be constructed and operated in such a manner as to minimize noise and traffic impacts on nearby residents and the public. Noise and traffic reduction shall be accomplished through the following measures:

- A. Wireless communications facilities shall operate in compliance with the noise exposure standards contained in the City of Sausalito General Plan and the Noise Ordinance. Normal testing and maintenance activities shall occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding emergency repairs.
- B. Backup generators shall comply with the noise standards in the City of Sausalito General Plan and Noise Ordinance and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with 10.45.150.A.
- C. Traffic resulting from the operation and maintenance of a wireless communications facility shall be kept to a minimum. Conditions of project approval may specify a maximum number of trips on a case-by-case basis based upon the carrier's maintenance and testing schedule.

10.45.160 Visual Compatibility and Facility Site Design

A. Purpose.

The purpose of the following visual development standards for Wireless Communications Facilities is to address the visual aspects of wireless communications facilities and their potential visual impacts on the environment in accordance with 47 U.S.C.A. Section 332(c)(7), and for the City to be able to implement mitigation measures if it determines necessary. These visual development standards take into account the technical requirements of the wireless communications technology and the unique topographic and hillside characteristics of the City of Sausalito, e.g., technical requirements to locate antennas at a certain height and in a particular service area, or to maintain separation between individual antennas.

Wireless communications facility structures and equipment shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. Where it is not feasible, the applicant shall provide sufficient documentation as to why it is not possible to meet these standards, and alternative visual mitigation such as extensive landscaping, including multiple trees planted around the facility.

B. Site Development Standards.

1. To the extent feasible, all building-mounted wireless communications facilities shall be sited and designed to appear as an integral part of the structure consistent with the architectural style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. To the extent feasible, wall-mounted-antennas

- should not be located on the front, or most prominent facade of a structure, and should be located above the pedestrian line-of-sight.
- 2. The colors and materials of towers, antennas, and equipment enclosures shall be selected to minimize their visibility and to match or be compatible with their surrounding background to the greatest extent possible.
- 3. Base stations, equipment cabinets, back-up generators, and other equipment associated with building mounted antennas should be installed within the existing building envelope or partially or completely underground, if necessary to minimize visual impacts. If located above ground, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its visibility from off-site locations and to visually blend with the surrounding natural and built environments. Equipment screening should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding, development and/or land use setting. Except in exceptional circumstances, in open space areas all base stations, equipment cabinets, back-up generators, and other equipment associated with an antenna shall be placed underground.
- In certain open space or hillside locations that would be generally viewed from a distance, facilities shall blend in with natural features including the existing or proposed tree canopy and minimize unnecessary silhouetting on ridgelines. Innovative design solutions may be appropriate where the screening potential of a site is low.
- Facilities should not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure and in accordance with all local, state, and Federal regulations.
- 6. Facilities should be sited to avoid adverse impacts to existing views from cityidentified significant public view corridors.
- 7. No advertising signage or identifying logos shall be displayed on any facility, except for small identification plates used for emergency notification or as allowed or mandated by local, state, and Federal law.
- 8. To avoid or minimize the appearance of visual clutter on rooftops, proposed facilities should, to the extent feasible, be located adjacent to existing rooftop antennas or equipment, incorporated into rooftop antenna or equipment enclosures, or otherwise screened from view. In addition, existing rooftop antennas and equipment should be consolidated where practical.
- 9. Wireless communication facilities should be the minimum height required to permit the services proposed for that location and should be located at the lowest elevation possible. In particular, facilities should be located below any ridgeline or other significant public line of sight or underground wherever possible. Carriers must demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.

- 10. Antennas and associated structures and equipment shall be painted to blend with the structures, vegetation, sky, or landscape against which they will be primarily viewed.
- 11. Where a facility is a new structure or increases the height of an existing structure, the total height of the facility shall not exceed 32 feet above the existing natural grade or the maximum height of the zoning district, whichever is more restrictive, unless the facility is determined by the Planning Commission to be suitably camouflaged, or unless the carrier can demonstrate that the height limit has the effect of prohibiting its service. In cases where the 32 foot height limit prohibits its service, the carrier may apply for a variance from the height limit.

10.45.170 Exempt Facilities

Wireless communications facilities are exempt from the provisions of this chapter if they comply with general zoning and building codes, laws and regulations and meet one or more of the following criteria:

- A. The facility is located entirely inside a building and only serves that building.
- B. The facility receives and transmits communications within a single organization, provided that transmitters are located at the principal place(s) of business and any external antenna exceeds the roof ridge line of the associated building by five (5) feet or less.
- C. The facility is temporary and operates for less than 28 days.
- D. The facility has a Marine Radio Operators License and an antenna that consists of a single vertical element less than 2 inches in diameter.
- E. The facility is preempted from local regulation by state or federal law.