

# **ATTACHMENT**

## **TITLE 22 ORDINANCE – Fiber First Revisions to Proposed Ordinance**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending the Los Angeles County Code Title 22 – Planning and Zoning to establish regulations for personal wireless service facilities on private property not located within a county highway in the unincorporated areas of Los Angeles County and associated provisions.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 22.14 is hereby amended to read as follows:

**22.14.230 – W.**

...

**Wireless facility.** The following terms are defined for the purposes of Section 22.140.650700 (Wireless Facilities).

**Associated equipment.** As defined in 47 C.F.R. Section 1.6002(c), or any successor provisions, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

**Antenna facility.** As defined in 47 C.F.R. Section 1.6002(d), or any successor provisions, an antenna and associated equipment.

**Architectural tower.** A stand-alone tower that incorporates architectural elements and is constructed for the purpose of supporting and concealing wireless facilities, such as a faux belfry, minaret, cupola, water tower or tank, silo or other agricultural-type structure, clock tower, windmill, or another similar structure.

**Base station.** As defined in 47 C.F.R. Section 1.6100(b)(1), or any successor provision, a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. A base station includes a structure where a wireless facility may co-locate on, but is not built for the sole or primary purpose of supporting a wireless facility. This term does not include a tower or any equipment associated with a tower.

**Collocation.** As defined in 47 C.F.R. Section 1.6002(g)(1) and (2), or any successor provision, (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a pre-existing structure for the purpose of mounting or installing an antenna facility on that structure.

**Eligible Facilities Request.** As defined in 47 C.F.R. Section 1.6100(b)(3), or any successor provision, a request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station, and involves collocation, removal, or replacement of transmission equipment. For the purposes of eligible facilities requests, collocation is as defined in 47 C.F.R. Section

1.6100(b)(2), or any successor provisions. **Faux rock outcroppings.** Artificial rocks that are used to conceal a wireless facility and are designed to mimic actual rocks typically found in proximity to the proposed project site and appropriate for that location.

**Faux tree.** An artificial tree that is used to conceal a wireless facility and is designed to mimic an actual tree typically found in proximity to the proposed project site and appropriate for that location.

**FCC.** The Federal Communications Commission or its lawful successor.

**Macro facility.** A wireless facility that does not meet the requirements of a small cell facility or an eligible facilities request.

**Personal wireless services.** As defined in 47 U.S.C. Section 332(c)(7)(C)(i), or any successor provision, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

**Personal wireless services facility.** As defined in 47 U.S.C. Section 332(c)(7)(C)(ii), or any successor provision, a wireless facility that is used for the provision of personal wireless services.

**Public right-of-way.** As defined in Section 12.08.300.

**Review authority.** The Director for Ministerial permits and the Commission or Hearing Authority for Conditional Use Permits, subject to any appeal to higher authorities within the County.

**Small cell facility.** As defined in 47 C.F.R. Section 1.6002(l), or any successor provision, a “small wireless facility” is a personal wireless services facility that meets the following conditions:

1. The facility is mounted on a structure up to 50 feet in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or is mounted on a structure and extends no more than 10 percent in height above other adjacent structures, whichever is greater;
2. Each antenna associated with the facility, excluding associated antenna equipment (as defined under “antenna” in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

**Substantial change.** As defined in 47 C.F.R. Section 1.6100(b)(7).

**Support structure.** As defined in 47 C.F.R. Section 1.6002(m) for “structure”, a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

**Temporary facility.** A wireless facility used to provide personal wireless services on a temporary or emergency basis, such as, but not limited to, for a large-scale special event, following a duly proclaimed local or state emergency as defined in Section 8558 of the California Government Code, or during repair, maintenance, or upgrading of existing facilities. Temporary facilities include without limitation, cells on wheels (COW), sites on wheels (SOW), cells on light trucks (COLTs), or other similar wireless facilities, and:

1. That will be in place for no more than six months (or such other longer time as the County may allow in light of the event or emergency);
2. For which required notice is provided to the FAA;
3. That do not require marking or lighting under FAA regulations;
4. That will be less than 200 feet in height; and
5. That will either involve no excavation or involve excavation only as required to safely anchor the facility, including footings and other anchoring mechanisms, by no deeper than 24 inches below ground if the ground is undisturbed, or no deeper than 12 inches above the depth of any previous disturbance if the ground is disturbed.

**Tower.** A structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas, including on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antennas. This definition does not include utility poles.

**Wireless facility.** The antenna facility used for the provision of personal wireless services at a fixed location, including, without limitation, any associated support structure(s).

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**SECTION 2.** Section 22.16.030 is hereby amended to read as follows:

**22.16.030 – Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.**

...

C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

| TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES |     |     |     |     |     |                        |
|---|-----|-----|-----|-----|-----|------------------------|
|   | A-1 | A-2 | O-S | R-R | W   | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses                                   |     |     |     |     |     |                        |
| ...   | ... | ... | ... | ... | ... | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1   | SPR | SPR | SPR | SPR | SPR | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2   | CUP | CUP | CUP | CUP | CUP | Section 22.140.650700  |

| <del>TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES</del> |                |                |                |                |                |                                   |
|--|----------------|----------------|----------------|----------------|----------------|-----------------------------------|
|  | <del>A-1</del> | <del>A-2</del> | <del>O-S</del> | <del>R-R</del> | <del>W</del>   | <del>Additional Regulations</del> |
| <del>Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses</del>                                   |                |                |                |                |                |                                   |
| <del>...</del>   | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del>                    |
| <del>Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1</del>   | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>Section 22.140.650700</del>  |
| <del>Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2</del>   | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>Section 22.140.650700</del>  |

~~Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1~~ ~~Section 22.140.650700~~

| <del>TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES</del> |                |                |                |                |                |                                   |
|--|----------------|----------------|----------------|----------------|----------------|-----------------------------------|
|  | <del>A-1</del> | <del>A-2</del> | <del>O-S</del> | <del>R-R</del> | <del>W</del>   | <del>Additional Regulations</del> |
| <del>Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2</del>   | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>Section 22.140.650700</del>  |

~~Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2~~ ~~Section 22.140.650700~~

~~22.140.650.C.2700.D.2~~ ~~22.140.650700~~

**SECTION 3.** Section 22.18.030 is hereby amended to read as follows:

**22.18.030 – Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4 and R-5.**

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C. Use Regulations.

1. Principal Uses. Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

| TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES                  |     |     |     |     |     |     |                        |
|---|-----|-----|-----|-----|-----|-----|------------------------|
|   | R-A | R-1 | R-2 | R-3 | R-4 | R-5 | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |     |     |     |     |     |     |                        |
| ...   | ... | ... | ... | ... | ... | ... | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1               | SPR | SPR | SPR | SPR | SPR | SPR | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2               | CUP | CUP | CUP | CUP | CUP | CUP | Section 22.140.650700  |

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL

| ZONES   |     |     |     |     |     |     |               |
|---|-----|-----|-----|-----|-----|-----|---------------|
|   | R-A | R-1 | R-2 | R-3 | R-4 | R-5 | Additional    |
| Regulations   |     |     |     |     |     |     |               |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |     |     |     |     |     |     |               |
| ...   | ... | ... | ... | ... | ... | ... | ...           |
| Wireless facilities, in compliance with   |     |     |     |     |     |     | Section       |
| SPR SPR SPR SPR SPR SPR   |     |     |     |     |     |     |               |
| Section 22.140.650.C.1700.D.1   |     |     |     |     |     |     | 22.140.650700 |
| Wireless facilities, in compliance with   |     |     |     |     |     |     | Section       |
| CUP CUP CUP CUP CUP CUP   |     |     |     |     |     |     |               |
| Section 22.140.650.C.2700.D.2   |     |     |     |     |     |     | 22.140.650700 |

SECTION 4. Section 22.20.030 is hereby amended to read as follows.

22.20.030 – Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

...

**C. Use Regulations.**

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review

required to establish each principal use.

| TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES                  |     |     |     |     |     |      |     |                        |
|---|-----|-----|-----|-----|-----|------|-----|------------------------|
|   | C-H | C-1 | C-2 | C-3 | C-M | C-MJ | C-R | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses | ... | ... | ... | ... | ... | ...  | ... | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1               | SPR | SPR | SPR | SPR | SPR | SPR  | SPR | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2               | CUP | CUP | CUP | CUP | CUP | CUP  | CUP | Section 22.140.650700  |

~~TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES~~

| <del>TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES</del>                   |                |                |                |                |                |                 |                |                       |
|--|----------------|----------------|----------------|----------------|----------------|-----------------|----------------|-----------------------|
|  | <del>C-H</del> | <del>C-1</del> | <del>C-2</del> | <del>C-3</del> | <del>C-M</del> | <del>C-MJ</del> | <del>C-R</del> | <del>Additional</del> |
| <del>Regulations</del>   |                |                |                |                |                |                 |                |                       |
| <del>Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses</del> |                |                |                |                |                |                 |                |                       |
| <del>...</del>   | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del> | <del>...</del>  | <del>...</del> | <del>...</del>        |
| <del>Wireless facilities in compliance with Section 22.140.650700</del>                        | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>SPR</del> | <del>SPR</del>  | <del>SPR</del> |                       |
| <del>Wireless facilities, in compliance with Section 22.140.650700</del>                       | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del> | <del>CUP</del>  | <del>CUP</del> |                       |

~~22.140.650700~~

~~22.140.650.C.1700.D.1~~

~~Wireless facilities, in~~

~~Section~~

~~compliance with Section CUP CUP CUP CUP CUP CUP CUP~~

~~22.140.650700~~

~~22.140.650.C.2700.D.2~~

**SECTION 5.** Section 22.22.030 is hereby amended to read as follows:



**22.22.030 – Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5.**

...

**C. Use Regulations.**

2. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

| TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES                   |            |            |            |            |                              |
|---|------------|------------|------------|------------|------------------------------|
|   | M-1        | M-1.5      | M-2        | M-2.5      | Additional Regulations       |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |            |            |            |            |                              |
| ...   | ...        | ...        | ...        | ...        | ...                          |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.1700.D.1</del>   | <u>SPR</u> | <u>SPR</u> | <u>SPR</u> | <u>SPR</u> | <u>Section 22.140.650700</u> |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.2700.D.2</del>   | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | <u>Section 22.140.650700</u> |

~~required to establish each principal use.~~

**SECTION 6.** Section 22.22.040 is hereby amended to read as follows:

**22.22.040 - Land Use Regulations for Zone M-3.**

A. Permitted Uses. Premises in Zone M-3 may be used for any use, except that a use listed in Subsections B and C, below, is permitted only as provided in such sections, below, and uses listed in Subsection D, below, are prohibited. In addition, the following uses are permitted in Zone M-3:

1. Grading projects, with off-site transport up to 100,000 cubic yards of material, subject to Section 22.140.240 (Grading Projects).
2. One mobilehome or recreational vehicle on the same lot may be permitted for up to six consecutive months in any 12-month period if it is legally being used as a caretaker's residence for a use that requires the continuous supervision of a caretaker.
3. Use of property to gain access to any lawfully maintained use.

4. Wireless facilities, in compliance with Section 22.140.650.B.1700.D.1.700 and Chapter 22.158.

B. Conditional Use Permit. If a Conditional Use Permit (Chapter 22.158) application has first been approved, premises in Zone M-3 may be used for:

1. Any use that is listed under Zone M-2 in Section 22.22.030 (Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5) that requires a Conditional Use Permit application and is subject to the same limitations and conditions as in Zone M-2.

2.

2. The following additional uses:

a. Mobilehomes used as caretaker residences for a period of longer than six consecutive months in any 12-month period, in compliance with Section 22.140.140 (Caretaker Residences, including Mobilehomes).

C. Other Permits Required. If an application for a specified permit has first been approved, premises in Zone M-3 may be used for the following:

1. Adult Businesses, as provided by Chapter 22.150 (Adult Business Permits).

2. Cemeteries, as provided in Chapter 22.154 (Cemetery Permits).

3. Explosives storage, as provided in Chapter 22.164 (Explosives Permits).

4. Surface mining operations, as provided in Chapter 22.190 (Surface Mining Permits).

5. Wireless facilities, in compliance with Section 22.140.650.B.2700.D.2.700 and Chapter 22.158.

**SECTION 7.** Section 22.22.050 is hereby amended to read as follows:

**Section 22.22.050 – Land Use Regulations for Zones B-1 and B-2.**

Table 22.22.050-A, below, identifies the permit or review required to establish each use.

| TABLE 22.22.050-A: LAND USE REGULATIONS FOR ZONES B-1 AND B-2 |     |     |                        |
|---|-----|-----|------------------------|
|   | B-1 | B-2 | Additional Regulations |
| ...   | ... | ... | ...                    |
| Wireless facilities   | -   | -   | -                      |

**SECTION 8.** Chapter 22.24 is hereby amended to read as follows:

**22.24.030 – Land Use Regulations for Rural Zones.**

C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review

required to establish each principal use.

| TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES                        |      |        |                        |
|---|------|--------|------------------------|
|   | C-RU | MXD-RU | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |      |        |                        |
| ...   | ...  | ...    | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1               | SPR  | SPR    | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2               | CUP  | CUP    | Section 22.140.650700  |

TABLE 22.24.030 B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES

| TABLE 22.24.030 B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES                        |      |        |                        |
|---|------|--------|------------------------|
|   | C-RU | MXD-RU | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |      |        |                        |
| ...   | ...  | ...    | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1               | SPR  | SPR    | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2               | CUP  | CUP    | Section 22.140.650700  |

**SECTION 9.** Section 22.26.020 is hereby amended to read as follows:

**22.26.020 – Institutional Zone.**

...

B. Land Use Regulations.

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3. Use Regulations.

a. Principal Uses. Table 22.26.020-B, below, identifies the permit or review required to establish each use.

| TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT                                 |     |                                    |
|---|-----|------------------------------------|
|   |     | Additional Regulations             |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |     |                                    |
| ...   | ... | ...                                |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.1700.D.1</del>   | SPR | Section 22.140. <del>650.700</del> |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.2700.D.2</del>   | CUP | Section 22.140. <del>650.700</del> |

~~review required to establish each use.~~

**SECTION 10.** Section 22.26.030 is hereby amended to read as follows:

**22.26.030 – Mixed Use Development Zone.**

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B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses. Table 22.26.030-B, below, identifies the permit or review required to establish each use.

| TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD                           |     |                                    |
|---|-----|------------------------------------|
|   |     | Additional Regulations             |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |     |                                    |
| ...   | ... | ...                                |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.1700.D.1</del>   | SPR | Section 22.140. <del>650.700</del> |
| Wireless facilities, in compliance with Section 22.140. <del>650.C.2700.D.2</del>   | CUP | Section 22.140. <del>650.700</del> |

**SECTION 11.** Section 22.26.040 is hereby amended to read as follows:

**Section 22.26.040 – Specific Plan Zone.**

...

**B. Land Use Regulations.**

...

**a. 3. Wireless Facilities.** If a zone or land use category within a Specific Plan is silent with regard to wireless facilities, the Director may accept an application for a wireless facility ~~if the Director determines that a wireless facility is similar to another use permitted within such zone or land use category, in accordance with the following:~~ consistent with the requirements in Chapter 22.140.700 and Chapter 22.158. This provision shall not apply if the Specific Plan Zone is within a local coastal program.

~~a. If the wireless facility is in compliance with Section 22.140.650.B.1700.D.1, the Director may accept a Ministerial Site Plan Review application (Chapter 22.186); or~~

~~b. If the wireless facility is in compliance with Section 22.140.650.B.2700.D.2, the Director may accept a Conditional Use Permit application (Chapter 22.158).~~

~~c. This provision shall not apply if the Specific Plan Zone is within a local coastal program.~~

**SECTION 12.** Section 22.26.060 is hereby amended to read as follows:

**22.26.060 – Parking Restricted Zone.**

...

**B. Land Use Regulations.**

...

**3. Use Regulations.**

**a. Principal Uses.** Table 22.26.060-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R

|   |     |                        |
|---|-----|------------------------|
|   |     | Additional Regulations |
| Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses |     |                        |
| ...   | ... | ...                    |
| Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1               | SPR | Section 22.140.650700  |
| Wireless facilities, in compliance with Section 22.140.650.C.2700.D.2               | CUP | Section 22.140.650700  |

~~review required to establish each principal use.~~

**SECTION 13.** Section 22.140.650700 is hereby added to read as follows:

**22.140.650700 Wireless Facilities**

A. Purpose. This purpose of this Section is to:

~~Facilitate wireless communications service providers~~ Establish permitting procedures for the installation, operation, and modification of wireless facilities not in areas within a local coastal program, and to provide equitable, high quality wireless communications service infrastructure to serve the current and future needs of the County's residents, visitors, businesses, and local governments quickly, effectively, and efficiently.

~~1. Establish streamlined permitting procedures for the installation, operation,~~

~~1. and modification of wireless facilities, within the covered area while protecting the environment and public health, safety and welfare of the County residents, and maintaining the County's rights to manage the reasonable deployment of wireless infrastructure.~~

~~2. Comply with all applicable federal and state laws and regulations regarding wireless facilities. This section is not intended to, nor shall it be interpreted or applied to: (a) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide reasonable and necessary wireless communications services; (b) prohibit or effectively prohibit any entity's ability to provide reasonable and necessary interstate or intrastate telecommunications service; (c) unreasonably discriminate among providers of functionally equivalent services; (d) deny any request for authorization to place, construct or modify wireless telecommunications service facilities solely on the~~

basis of environmental effects of radio frequency emissions so long as such wireless facilities comply in every instance and regard with all FCC's regulations concerning such emissions; (e) prohibit any collocation or modification that the County may not deny under federal or state law; or (f) otherwise authorize the County to preempt any applicable federal or state law.

3. Establish standards and location preferences to regulate the placement, design, and aesthetics of wireless facilities to minimize visual and physical and other impacts to surrounding properties.

4. Comply with all applicable federal and state laws and regulations regarding wireless facilities.

B. Applicability. This Chapter applies to all personal wireless service facilities located on private property and public property, except for small cell facilities to be located in the public right-of-way within a Highway which are subject to Chapter 16.25 (Small Cell Facilities) in Title 16 (Highways) of the County Code. Wireless facilities shall be permitted in all zones except Zones B-1 and B-2, subject to the required application as specified in Subsection for approval of a Ministerial or Conditional Use permit, as applicable.

1. Where another regulation in Title 22 applies to a personal wireless service facility, that regulation shall take precedence over this Section.

2. This Section shall not apply to areas within a local coastal program.

C. Exemptions. The following shall be exempt from the provisions of this Section, provided they satisfy applicable Fire, Electrical and Safety Code requirements:

1. A single ground- or building-mounted antenna not exceeding the maximum height permitted by this Chapter, including any mast, subject to the following restrictions:

a. A satellite dish antenna 39.37 inches or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as

telecommunications services, is permitted anywhere on a lot provided it is no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above the roofline.

b. A non-satellite dish antenna 39.37 inches or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

Amateur radio antennas that are in compliance with Section 22.140.040 (Amateur Radio Antennas).

~~2. "Like kind" equipment replacements, exchanges, or upgrades to an existing cabinet, vault, or shroud, or generator that do not increase pre-existing visual or noise impacts, are substantially similar in appearance and the same or less in size, dimensions, and weight, and have the same or less radio frequency (RF) emissions to the ten existing and approved equipment. This exemption does not apply to generators.~~

4.3. The following temporary facilities that will be placed for less than seven consecutive days, provided any necessary building permit or other approval is obtained and the property owner's written consent is provided to the County:

- a. Facilities installed and operated for large-scale events;
- b. Facilities needed for coverage during repairs, upgrades, or the temporary relocation of an existing and already-approved facility; and
- c. Emergency generators to provide auxiliary power to wireless facilities for seven or fewer days, provided they are to be located on private property, and complies with the Noise Ordinance in Title 12 and Fire Code (Title 32) of the County Code.

D. Application Requirements.



1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186, Type I) application is required to authorize the following:
  - a. ~~Installation and operation of a small cell facility located on private property and public property that is not a public right of way;~~
  - b. ~~An Eligible Facilities Request, as defined in Section 22.14.230(W), for an existing facility, which does not include a small cell facility located in the public right of way which instead is subject to Chapter 16.25 (Small Cell Facilities) of the County Code, that was previously approved with a Ministerial Site Plan Review (Chapter: 22.186);~~
  - c. ~~A macro facility on an existing support structure that meet all standards in Subsection E, below, and does not require a waiver;~~
    - ~~e.a. Installation and operation of a temporary facility other than those described in Subsection DC.3, belowB.4, above; and~~
    - ~~e.c. Placement and operation of an emergency generator to provide auxiliary power to a wireless facility for more than seven days but no more than 90 days, provided the generator is not located in the public right of way, and complies with the Noise Ordinance in Title 12 and Fire Code (Title 32) of the County Code.~~
  - d. ~~The process set out in Chapter 22.186 and Chapter 22.226 shall be used, except that the Director shall give notice (or require the applicant to give notice) to all property owners and residents within the Notification Radius in Section 22.222.160.B that they have the opportunity to comment on whether the application proves entitlement to the permit.~~
  - e. ~~The Director shall provide a notice of decision to the applicant and all persons who provided comment. The Director's decision on entitlement may be appealed to the appropriate Appeal Body.~~
2. Conditional Use Permit. A Conditional Use Permit (Chapter 22.158) application is required to authorize the following:
  - a. Installation and operation of a new macro facility not installed on an existing structure.

b. A macro facility on an existing support structure, that meets all standards in Subsection E, below, and does not require a waiver;

b.c. Installation and operation of a small cell facility located on private property and public property that is not within a Highway as defined in Section 16.04.100;

e.d. Installation and operation of any wireless facility, of any type, that requires a waiver from one or more of the requirements in this Chapter or the design standards and guidelines specified in Subsection E, below.

3. Revised Exhibit "A". A Revised Exhibit "A" (Chapter 22.184) application is required to collocate a macro facility on an existing structure with an approved and unexpired discretionary permit that currently hosts another macro facility, or to make modifications to an existing macro facility with an approved and unexpired discretionary permit, including an Eligible Facilities Request for the macro facility. Certain conditions prescribed as part of the approval of the discretionary permit shall not be binding for modifications to a facility as part of an Eligible Facilities Request only to the extent that the request seeks to rectify those conditions (i.e., size, dimensions, or height), and all other conditions shall continue to apply.

~~4. For every new application, the applicant shall prepare and submit to the Director a report on the radio frequency emissions levels of each wireless facility demonstrating that such emissions comply with adopted FCC guidelines.~~

4. The Director may create and publish application forms that each applicant for a Ministerial Permit or Conditional Use Permit must use. If no such form is available, then the applicant must submit all documents, information, and any other materials necessary to allow the review authority to make required findings and ensure that the proposed facility will comply with this Chapter and applicable laws and not endanger the public health, safety, or welfare. Unless prohibited by state or federal law each application for Conditional Use Permit or Ministerial Permit must include, at minimum:

a. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information

provided in the application. If the attester is not an authorized employee of the applicant, then the attester must demonstrate that it is an authorized agent of the applicant, with lawful Power of Attorney from the applicant;

b. Contact information for:

i. Applicant and their representatives;

ii. Owner of proposed wireless communications facility;

iii. If different from facility owner, the identity of the person or entity responsible for operating the proposed wireless facility;

iv. The property owner or owner of the structure on which the proposed wireless facility would be installed;

v. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the applicant with regard to the application;

vi. The name, address and phone number of all persons that prepared or assisted in preparing the application and any required reports;

c. The postal address, parcel number, or utility pole identifier of the property;

d. GIS coordinates;

e. If the personal wireless facility will be located within a private easement, proof that the terms of the easement allow occupation by the applicant and the use being requested or that the real property owner consents to the occupation and use;

f. The location of any residences, residential care facility or public or private school within 1,000 feet of the project site;

g. Documentation that notice consistent with that required by Government Code Sections 65090-65094 and as provided by Section 22.222.110 has been or will be provided, using the Notification Radius provisions in Section 22.222.150.B.

h. A depiction of the conspicuous sign measuring at least 9 inches by 12 inches that has been placed at the proposed location of each proposed facility installation.

- i. Local contact person for emergencies;
- j. Assessor's Parcel Number;
- k. Need or purpose the personal wireless facility is designed to fulfill;
- l. A siting analysis which identifies other feasible locations within or outside the County which could serve the area intended to be served by the facility;
- m. Color-coded carrier-generated RF Coverage (propagation) maps, at a scale no smaller than 1 inch (1") to a quarter (1/4) mile with all appropriate legends, showing the coverage for the highest and lowest frequencies to be used by the facility. Frequencies are to be stated numerically, not qualitatively. Provide a represented value in dB of each colors it specifically represents;
- n. Description as to why the desired location is superior to other similar locations, from a community perspective, including, but not limited to:
  - i. Description as to why the desired location is superior to other similar locations, from a community perspective;
  - ii. Proximity to residential buildings and descriptions of efforts to prevent any blocking of views of impressive scenes;
  - o. Proximity to residential buildings and descriptions of efforts to prevent any blocking of views of impressive scenes;
  - p. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of this Chapter;
  - q. Visual impact analyses with photo simulations including both "before" and "after" appearances, including the antenna and all associated equipment;
  - r. If the application is for a new tower, clear and convincing technical evidence by a carrier or wireless service provider justifying the total height of the proposed facility and the need for such to the exclusion of all reasonable alternatives;
  - s. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the emissions levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to

Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A” titled “Optional Checklist for Determination of Whether a Facility is Categorically Excluded” for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power;”

t. A statement detailing the frequency, modulation and class of service of radio or other transmitting equipment;

u. A copy of the FCC license applicable for the intended use of the proposed facilities;

v. A written statement of the applicant’s willingness to allow other carriers to co-locate on the proposed personal wireless service facility where technically and economically feasible and aesthetically desirable, subject to the qualification that colocation should not occur when public exposures from the resulting higher cumulative sources would exceed FCC limits;

w. A master plan showing the geographic service area for the proposed personal wireless facility installation(s), and all of applicant's existing, proposed and anticipated installations in the County, as well as a schedule of completion dates for each installation;

x. Explanation of all state and federal required environmental and historic evaluations or assessments and proof they have been satisfactorily performed, or proof that a categorical exemption applies and is supported by substantial evidence;

y. Detailed engineering plans, sealed by a California licensed professional engineer. The plans shall disclose, at minimum:

i. a list of all associated equipment necessary for its operation;

ii. load calculation;

iii. a one-line diagram of the electrical system;

iv. plot plan showing the location of the service disconnecting means;

v. short circuit and coordination study (“SCCS”) calculated pursuant to the IEEE 551-2006: Recommended Practice for Calculating AC Short-Circuit Currents in Industrial and Commercial Power Systems or the latest version of that standard. The study must demonstrate the protection devices will ensure the equipment enclosure will not be breached. The SCCS must include analysis of Voltage Transient Surges due to contact of conductors of different voltages;

vi. sufficient information for the review authority to verify that the facility will comply with all applicable safety codes and provisions, including but not limited to the Fire Code, Electrical Code and Building Code;

vii. a demonstration that the personal wireless facility and its supporting structure will meet APCO ANS 2.106.1, Public Safety Grade Site Hardening Requirements.

#### E. Development Standards.

1. General Standards. All wireless facilities, except for facilities as part of Eligible Facilities Requests and Small Cell Facilities, shall comply with the following standards. **If a waiver is required for one or more of these standards due to technical infeasibility, Subsection D.2.bd, above, shall apply.**

a. Compliance with all regulations. The facility shall comply with state and federal requirements, standards and law.

#### b. Location.

i. Wireless facilities shall not encroach into any required setbacks for structures.

for structures.

ii. All new freestanding towers and monopoles shall be set back a minimum distance of at least one hundred and twenty (120) percent of the height of the tower or monopole from any property line abutting a residentially zoned property. This minimum setback is not subject to a waiver.

iii. In Residential Zones:

ii. — Wireless facilities, including but not limited to small cells, in the public right of way, wireless

(a) ~~facilities~~ shall be placed no ~~further~~ less than five feet from any common property line shared with adjoining lots, and shall be stealth or use concealment techniques.

(b) Wireless facilities, including but not limited to small cells not in public right of way, are subject to required setbacks for structures.

iii-iv. Wireless facilities shall be located in compliance with ~~the limitations~~ regulations as specified in Chapter 22.102 (Significant Ecological Areas), Chapter 22.104 (Hillside Management Areas, Division 10 (Community Standards Districts) and Division 11 (Non-Coastal Specific Plans), and Chapter 22.336 (Santa Monica Mountains North Area Community Standards District), where applicable. All wireless facilities to be located within the Santa Monica Mountains Coastal Zone shall be in compliance with all requirements in Chapter 22.44 (Santa Monica Mountains Local Implementation Program), and if applicable, Chapter 22.56 (Coastal Development Permits).

iv-v. New wireless facilities shall not be installed on buildings or structures listed or eligible for listing on the National, California, or County historic registers. New towers and support structures installed on the grounds of properties listed or eligible for listing on the National, California, or County historic registers shall be located and designed to eliminate impacts to the historic resource. A Historic Resource Assessment, prepared to the satisfaction of the Director, may be required for a facility to be located on a site containing an eligible resource to identify impacts to historic resources, and identify mitigation to minimize impacts.

d.-c. Height.

i. In Industrial, Rural, Agricultural, Open Space, Resort-Recreation and Watershed Zones, the maximum height of a non-building-mounted wireless facility shall be 75 feet.

ii. In all other zones except Zones R-1, R-2, and R-3, the maximum height of a non-building-mounted wireless facility shall be 65 feet. In

Zones R-1, R-2, and R-3, the maximum height of a wireless facility shall be 35 feet, and for a small cell facility not in the public right of way, the maximum height shall be 50 feet.

iii. In all other zones except Zones R-1, R-2, and R-3, the maximum height of a non-building-mounted wireless facility shall be 65 feet.

iv. The height of a wireless facility, including those located within an Airport Influence Area, shall comply with the applicable FAA requirements.

Airport Influence Area, shall comply with the applicable FAA requirements.

e-d. Design standards.

i. Cables. All cables that serve the wireless facility shall be located within the interior of the structure, sheathed, or hidden to the fullest extent technically feasible.

ii. Color. All pole-mounted equipment not concealed shall be treated

iii-ii. with exterior coatings of a color and texture to match the predominant visual background or existing architectural elements to visually blend in with the surrounding development.

iv-iii. Associated Equipment. Associated equipment shall not be visible, and, if placed on the ground, shall be located in an enclosed structure, such as a building or underground vault (with the exception of required electrical panels), or screened and secured by solid fencing, walls, and gates, and shall conform to the height of the applicable zone. Radio units need not shall be enclosed unless the applicant demonstrates technical infeasibility but in all instances shall be stealth.

v-iv. Fencing. Barbed wire shall be prohibited.

v. 2. Additional standards for monopoles. The facility shall comply with applicable utility facilities construction standards including but not limited to California Public Utilities Commission General Order 95 and APCO ANS 2.106.1, Public Safety Grade Site Hardening Requirements, or their successor provisions.



vi. The facility shall comply with applicable safety codes and provisions, including but not limited to the Fire Code, Electrical Code and Building Code.

2. Additional standards for monopoles.

a. To the extent technically feasible, antennas shall be mounted directly on the structure for a streamlined design. If mounting equipment shall be required to make the facility feasible, the maximum length of each mounting equipment, such as arm, bracket, or extension, shall be two feet from the structure.

b. Strand mounted antennas are prohibited.

b.c. Wireless facilities designed as flagpoles are prohibited.

3. Additional standards for facilities mounted on structures other than towers or buildings. A facility mounted on a structure other than a tower or building, such as an architectural tower, bridge, pole sign, lamppost, monumental sign, outdoor advertising sign, stadium light, utility pole, water tank or windmill, shall comply with the following standards:

a. Non-ground mounted equipment shall be shrouded and, if technically feasible, or contained within the structure to the extent technically feasible. The applicant bears the burden of proving technical infeasibility to the satisfaction of the reviewing authority.

~~feasible, or contained within the structure to the extent technically feasible.~~

b. Cables shall be flush-mounted or fully sheathed to the structure to prevent visible gaps between the cables and the structure, unless expressly prohibited by a state regulation. Cables shall not be visibly loose or spooled.

c. Shroud and cables shall be finished to match the structure exterior in color.  
color.

d. Architectural Towers. Architectural towers shall:

i. Completely conceal equipment, including antennas; and

ii. Blend in with the architecture of buildings located near the tower location.

4. Additional standards for roof-mounted facilities.

a. Roof-mounted facilities shall be completely concealed and not visible from any public right of way at ground level. Acceptable concealment includes screening or architectural features appropriate to the building such as parapets, penthouses, cupolas, steeples, chimneys, or architectural towers finished to match the building exterior.

~~b. —Chimneys and chimney-like textures as concealment shall be avoided~~ for the roofs of commercial buildings.

—5. Additional standards for facade-mounted facilities.

a. Facade-mounted equipment shall be flush mounted, architecturally integrated, or completely screened.

b. Architecturally integrated and screening elements shall be finished to match the building exterior.

F. Development Standards for Small Cell Facilities.

1. Setbacks.

~~a. —Small cell facilities shall not encroach into any required setbacks for structures.~~

~~b.a. In Residential Zones, excluding the public right of way, Small cell facilities shall be placed no further closer than five feet from 1,000 to any common property line shared with adjoining lots: residential structure, residential care facility or public or private school.~~

2. Height and size. The height and size of the small cell facility shall not exceed the dimensions specified in Section 22.14.230 (W) for “small cell facility.”

3. Design standards.

The Director shall create, update, publish and maintain Design Guidelines for Wireless Facilities (“Guidelines”) to assist applicants and the public in interpreting and applying the standards and requirements in this Chapter. The Guidelines may provide additional or more granular requirements, but must, at minimum, reflect and implement the standards in this Chapter.

a. All antennas, cables, and equipment shall be concealed and ~~or~~ located within the antenna shrouds, pole, conduits, and other stealthing apparatus: to the extent technically feasible.

b. The small cell facility shall be finished with matching colors to blend in with the structure.

G. Modifications to Existing Macro Facilities. Existing macro facilities may be eligible for either:

1. A Ministerial Site Plan Review (Chapter 22.186) application if such facilities are redesigned with shorter mounting equipment that extends no more than two feet from the structure, or with removal of any existing mounting equipment, and with additional screening techniques, such as shrouds or walls, that blend in with the structure, including color and texture, and conforms to all standards in Subsection E, above, and does not require a waiver; or

2. A Revised Exhibit "A" (Chapter 22.184) application for modifications to a facility where such modifications will not bring the facility into conformity with the standards in Subsection E, above, or which requires a waiver.

3. An Eligible Facilities Request may be processed with a Ministerial Site Plan Review (Chapter 22.186) application if minor modifications will bring the facility in conformance with all standards in Subsection E, above, and does not require a waiver, or a Revised Exhibit "A" (Chapter 184) application if the minor modifications will not bring the facility in conformance with the standards in Subsection E, above, or which may require a waiver. Otherwise, the Eligible Facilities Request may be processed with a Revised Exhibit "A," in accordance with Subsection D.3, above.

H. Standards for Wireless Facilities Subject to Conditional Use Permit. All facilities that are subject to a Conditional Use Permit (Chapter 22.158) pursuant to Subsection GD.2, above, shall comply with the following standards:  
~~Subsection GD.2, above, shall comply with the following standards:~~

1. Location.

a. Preferred Locations. To better assist applicants, minimize unnecessary visual clutter, promote safety and limit other impacts to aesthetics

and community character, the preferred locations for personal wireless service facilities are as follows:

- i. Most Preferred: Industrial zones.
- ii. Less Preferred: Commercial zones
- iii. Least Preferred: Residential & Rural Zones

Applications that seek a permit involving a Least Preferred location may be approved if the applicant proves with clear and convincing evidence that the denial of an application would prohibit or effectively prohibit the provision of personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II) or otherwise violate applicable laws or regulations.

a.b. Wireless facilities shall be located and designed to minimize visual impacts to vistas from adopted scenic highways and ridgelines.

b.c. Wireless facilities shall be located to minimize visual impacts on adjacent residences and historic resources.

2. Design standards. Wireless facilities shall incorporate the following concealment measures appropriate for the proposed location:

a. Monopoles. Monopoles shall be designed as follows:

i. Monopoles shall be located to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures in the immediate surroundings to provide the greatest amount of visual screening.

ii. If mounting equipment shall be required for the monopole, the maximum length of each mounting equipment, such as arm, bracket, or extension, shall be eight feet.

b. Faux Trees. Any proposed faux tree shall be designed as follows:

i. Wherever possible, faux trees shall be located within 50 feet of an existing grove of at least two live trees, and shall be similar in appearance to the species of the live trees.

ii. The faux tree species shall be appropriate for the location.

iii. Faux trees shed toxic microplastics and contain carcinogenic materials listed under Proposition 65. Applicants must disclose the chemical content of faux tree materials, effectively monitor their discharge into the environment, and take all effective measures to mitigate their adverse impacts. Annual reports shall be submitted under penalty of perjury certifying minimal environmental impacts and compliance with zero-discharge standard under the Clean Water Act and Porter-Cologne Act.

~~iii~~.iv. Antennas shall be painted, coated, or covered to match their background (e.g., leaves, branches, or trunk) and shall not extend beyond the tree branches or fronds.

~~iv~~.v. Faux branches or fronds shall conceal the antennas ~~as~~to the extent technically feasible and shall be weather-resistant.

~~v~~.vi. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark cladding, the pole shall be painted a flat non-reflective paint of the same color as the bark cladding.

c. Faux Rock Outcroppings. Faux rock outcroppings, shall contain all equipment, including antennas, and shall be similar in appearance to real rocks in the immediate vicinity with respect to color, texture, and scale.

d. Architectural Towers. Architectural towers shall:

i. ~~iii~~. Completely conceal equipment, including antennas; and

ii. ~~iv~~. Blend in with the architecture of buildings located near the tower location.

I. Findings. If a wireless facility is subject to Subsection ~~GD~~.2, above, the following additional findings shall be made:

1. The facility complies with all applicable standards in this Section, ~~unless a waiver has been requested pursuant to Subsection L, below;~~

2. The design of the facility is the least visually intrusive that is technically feasible and appropriate for the location; and

3.—For new wireless facilities, the location of the facility does not create a safety hazard.

J. Conditions of Approval. For wireless facilities subject to Subsection D.1 above the Director, and for wireless facilities subject to Subsection CD.2, above, the Commission or the Hearing Officer may impose conditions to ensure that the approval will be in accordance with the findings required by the application. Such conditions may involve any pertinent factors that could affect the establishment, operation, and maintenance of the facility., including, but not limited to. All permits (whether Ministerial or Conditional Use Permit) must, however, contain the following conditions absent a request for waiver:

1. —Every five years, the permittee shall prepare and submit to the Director a report on the radio frequency emissions levels of each wireless facility demonstrating that such emissions comply with adopted FCC limitations for general population/uncontrolled exposure to such emissions when operating at full strength.

K. Wireless Facility Authorization Permit Duration. A Conditional Use Permit to authorize a wireless facility may be valid for a period of 15 years.

1. The permittee shall defend, indemnify, and hold harmless the county or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the county, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project, or to hold the county liable in whole or in part as a result of the engineering, design, construction or operation of the facility. The county shall promptly notify the provider(s) of any such claim, action or proceeding if the county bears its own attorney's fees and costs, and the county defends the action in good faith.

2. The permittee shall be strictly liable for interference caused by its facilities with county communications systems. The permittee shall be responsible for costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and

engineering analysis), and all costs arising from third party claims against the county attributable to the interference.

3. Subsequent submittals for this project shall be in substantial compliance with the plans date-stamped received by the Department of Regional Planning on . The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence and revised plans shall be submitted and approved by the Director of Planning prior to plan check.

4. The permit and rights conferred in this approval shall not be effective until the permittee signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Department of Regional Planning within 30 days of this decision or prior to issuance of any development, conditional use, building, electrical or encroachment permit.

5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 to the Department of Regional Planning for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting any development permits.

7. A Ministerial Permit or CPD issued under this Chapter shall be valid for a period of ten (10) years from issuance, unless pursuant to another provision of the Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such development or conditional use permit shall automatically expire, unless an extension or renewal has been granted. A person holding a permit must either (1) remove the facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by the county, a utility, or another entity authorized to maintain a

support structure need not be removed, but must be restored to its prior condition, except as specifically permitted by the county); or (2) prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the county and all appeals from the county's decision exhausted.

8. The installation and construction authorized by a permit shall be completed within three (3) years after its approval, or it will expire without further action by the county unless prior to the three (3) years the applicant submit an extension request and the county, in its sole discretion, grants a time extension for due cause. The installation and construction authorized by a permit shall conclude, including any necessary post-installation repairs and/or restoration to the property, within thirty (30) days following the day construction commenced. The permittee must provide written notice to county within ten (10) days after completing construction, and may not begin operations until all county and Fire Department (if applicable) inspections have been completed and the project is found to be consistent with the permit. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

9. The Director of Planning may grant up to four one-year extensions of the timeline, in Condition 8 above, for completing the installation and construction authorized by a development or condition use permit, if the Director of Planning finds that the conditions, including but not limited to changes in the wireless ordinance under which the permit approval was issued, have not significantly changed.

10. Any questions of intent or interpretation of any condition of approval will be resolved by the Director of Planning upon written request of such interpretation.

11. All structures shall conform to Los Angeles County Fire Department requirements and all other applicable environmental, health and safety laws.

#### Cultural Resources

12. In the event that potentially important cultural resources are found



in the course of geologic testing, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Department of Regional Planning can review this information. Where, as a result of this evaluation, the Department of Regional Planning determines that the project may have an adverse impact on cultural resources, an evaluation of cultural resources shall be required.

13. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

#### Facility Conditions

14. All antennas shall meet the minimum siting distances to public/uncontrolled areas required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions. Permittee shall keep up-to-date on current information from the FCC in regards to maximum permissible radio frequency exposure levels. In the event that the FCC changes its guidelines for human exposure to radio frequency, permittee shall, within 30 days after any such change, submit to the Director a report prepared by a qualified engineer that demonstrates actual compliance with such changed guidelines. The Director may, at permittee's sole cost, retain an independent consultant to evaluate the compliance report and any potential modifications to the permit necessary to conform to the FCC's guidelines. Failure to submit the compliance report required under this condition, or failure to maintain compliance with the FCC's guidelines for human exposure to radio frequency at all times shall constitute grounds for permit revocation.

15. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antenna will be walking on a grade, which is a

minimum of eight and one-half feet below the transmitting surface.

16. All antennas, equipment, and support structures shall be engineered and designed to prevent unauthorized climbing.

17. The wireless facility shall be erected, operated, and maintained in compliance with the general requirements set forth in the Guidelines and any specific requirements in the permit.

18. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable health and safety standards, including those imposed by this Chapter 17.46 and the Guidelines.

19. Wireless communications facilities and equipment must comply with the applicable noise ordinances, and prevent noise and sound from being plainly audible at a distance of fifty (50) feet from the facility or within ten (10) feet of any residence.

20. The Director's approval is required if a generator is to be placed onsite for temporary or permanent use.

21. All non-ground-mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the monopole or support structure.

22. The county or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the county. The county reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The county shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case, shall notify permittee within 24 hours of doing so.

23. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.

24. Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with a limit of five million dollars (\$5,000,000) per occurrence for bodily injury and property damage and six million dollars (\$6,000,000) general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy(ies) shall name the county, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. A true and correct copy of the policy of insurance shall constitute proof of insurance required by this Subsection. Permittee shall use its best efforts to provide thirty (30) days' prior notice to the county of to the cancellation or material modification of any applicable insurance policy. Failure to maintain insurance consistent with this Condition shall automatically void the permit, and the permittee shall immediately deenergize and remove the facility from operation. The policy shall not have a pollution or other exclusion which excludes injuries or damages from EMF/RF exposures.

25. Prior to issuance of a county permit or encroachment permit, the permittee shall file with the county, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to the cost of physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractor's quotes for removal that are provided by the permittee. The permittee shall reimburse the county for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the county Board of Supervisors. Reimbursement shall be paid when the security is posted and during each administrative review.

26. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the county shall be moved to accommodate

a permitted activity or encroachment, unless the county determines that such movement will not adversely affect the county or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the county's structure, improvement, or property. Prior to commencement of any work pursuant to any permit, the permittee shall provide the county with documentation establishing to the county's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property to be affected by permittee's facilities.

27. No possessory interest is created by a Ministerial Permit or Conditional Use Permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, permittee acknowledges that county has given to permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a development or conditional use permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this development or conditional use permit.

28. If not already completed, permittee shall enter into the appropriate agreement with the county, as determined by the county, prior to constructing, attaching, or operating a facility on county-owned infrastructure. This permit is not a substitute for such agreement.

29. If a facility is not operated for a continuous period of three (3) months, the Ministerial Permit or Conditional Use Permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the three (3) month period (i) the Director has determined that the facility has resumed operations, or (ii) the county has received an application to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased

operation, or the permittee has notified the Director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Director. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the county may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned but will not be effective for the entirety thereof until all users cease use thereof.

30. In the event the county determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the county, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the county otherwise agrees, in its complete discretion, to waive said fees or any part thereof.

31. Interference with county communications systems and other governmental emergency systems is prohibited. Further, no permits issued pursuant to this chapter of the County Code establish any guarantee or warranty that Licensee's facility will be free from interference from county or third-party communication systems.

#### Construction

32. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and county-designated holidays. The restricted work hours described in this condition do not apply to emergency maintenance necessary to protect health or property. The county may issue a Stop Work Order if permittee violates this condition. Construction activities shall

be conducted in compliance with, and abide by, all applicable safety codes and permit conditions.

33. All sites built to the standards of ANSI/APCO Public Safety Grade Site Hardening Requirements, also referred to as “APCO ANSI 2.106.1-2019”.

Site Specific Conditions

34. In the event that the electric service provider does not currently offer an alternative metering option, the permittee shall remove the above-grade electric meter when such option becomes available. Prior to removing the above-grade electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

35. The permittee acknowledges that the county specifically includes conditions of approval related to (a) painting, coloring or finishing the equipment to match the monopole or support structure; (b) undergrounding all equipment to the extent possible; (c) installing equipment within shrouds, conduits and risers as concealment elements engineered and designed to integrate the wireless facility with the surrounding built and natural environment; and (d) specific structural, seismic, electrical, fire and operating/maintenance requirements. Any future modifications to the permittee’s wireless facility must maintain or improve all concealment elements and safety precautions.

36. Before the permittee submits any applications for construction, encroachment, excavation or other required permits in connection with this permit, the permittee must incorporate a true and correct copy of this permit, all conditions associated with this permit and any approved photo simulations into the project plans (collectively, the “Approved Plans”). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans as determined by the Director or the Director’s designee. Any substantial or material alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be

submitted in a written request subject to the Director's prior review and approval, who may refer the request to the original review authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

37. The permittee shall install and at all times maintain in good condition a "Network Operations Center Information" and "RF Caution" sign on the utility pole no less than three (3) feet below the antenna (measured from the top of the sign) and no less than nine (9) feet above the ground line (measured from the bottom of the sign). Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches within three (3) feet of the antenna structure. If any person on or within the property is or may be exposed to emissions that exceed applicable FCC uncontrolled/general population limits at any time the sign shall expressly so state, and provide instructions on how persons can avoid any such exposure. The sign shall also include the name(s) of the facility owner(s), equipment owner(s) and operator(s)/carrier(s) of the antenna(s), property owner name, as well as emergency phone number(s) for all such parties. The sign shall not be lighted, unless applicable law, rule or regulation requires lighting. No signs or advertising devices other than required certification, warning, required seals or signage, other signage required by law, this Chapter, any county or applicable state code or the Los Angeles County Fire Department Chief or his or her designee shall be permitted. The sign shall be no larger than two (2) square feet.

38. The permittee shall ensure that all signage complies with FCC Office of Engineering and Technology Bulletin 65, CPUC General Order 95 or American National Standards Institute C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

39. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI

Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein are changed, the permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the current standards.

40. The permittee shall maintain the paint, color and finish of the facility in good condition at all times.

41. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.

Build-Out Conditions.

42. Permittee shall not commence any excavation, construction, installation or other work on the project site until and unless it demonstrates that the project complies with these Conditions along with all applicable laws, regulations, codes and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and this Chapter.

43. To the extent that a pole owner or any provision in the County Code or Guidelines require greater or more restrictive standards than California Public Utilities Commission General Order 95, if applicable, those standards shall control.

44. Permittee shall at all times maintain compliance with all applicable federal, State and local laws, regulations, ordinances and other rules, including Americans with Disabilities Act (ADA) requirements and Title 22, Chapter 22.182.

45. The permittee shall cooperate with all inspections. The county and its designees reserve the right to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

46. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Department of



Regional Planning at the time of permit issuance and within one business day of permittee's receipt of county staff's written request.

47. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

48. The site and the facility must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

49. Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole expense within 48 hours after notice.

#### Prior to Operation

50. The applicant shall request a final Department of Regional Planning inspection and final building inspection immediately after the wireless facility has been installed and prior to the commencement of services.

51. Within thirty (30) calendar days following the installation of any wireless communications facilities, the applicant shall provide to the Department of Regional Planning with a field report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Specifically, the on-site post-installation radiofrequency (RF) emissions testing must demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety guidelines for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit. Such report and documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, a certification that the unit is properly installed and working within applicable FCC limits, and a specific notation of the distance from the transmitter at which the emissions are equal to or less than the uncontrolled/general population limit.

52. The operation of the approved facility shall commence no later than one (1) month after the county completes its post-installation inspections of the facility, any issues with the facility are resolved, and the county receives the RF

testing report required in the condition of approval above, or the development or conditional use permit will expire without further action by the county.

#### Fixed Conditions

53. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.

#### Eligible Facilities Requests

All permits for an eligible facilities requests shall be subject to the following conditions and all of the other conditions of approval placed on a Ministerial Permit or Conditional Use Permit, unless modified by the review authority:

54. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

55. The county's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station.

Notwithstanding any permit duration established in another permit condition, the county's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

56. The county's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the county to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

#### Small Cell Facilities

In addition to the other conditions of approval placed on a Ministerial Permit or Conditional Use Permit, all permits for a small cell facility shall be subject to the following additional condition, unless modified by the review authority:

57. The county's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the county to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

58. The permittee and the personal wireless facility shall comply with Americans with Disabilities Act (ADA) requirements and Title 22, Chapter 22.182.

**KL. Waivers.**

1. For personal wireless service facilities subject to Subsection ~~6DD.2~~, above, the Commission or Hearing Officer may grant a waiver to one or more of the development standards in this Section if the Commission or Hearing Officer determines that the applicant has established through clear and convincing evidence that the denial of an application would:

- a. Prohibit or effectively prohibit the provision of personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II);
- b. Otherwise violate applicable laws or regulations; or
- ~~c.~~ Require a technically infeasible design or installation of a wireless facility.

2. When a determination is made to grant a waiver, one or more of the applicable design or location standards may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible design or installation, and that does not compromise public safety.

**SECTION 14.** Section 22.250.010 is hereby amended to read as follows:

**22.250.010 Filing Fees and Deposits.**

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees, as provided in Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

|                               |     |     |
|-------------------------------|-----|-----|
| ...                           | ... |     |
| Site Plan Review, Ministerial | ... | ... |

|     |  |                |
|-----|--|----------------|
|     | <u>Small cell wireless facilities on existing structures – for up to five facilities</u>                         | <u>\$500</u>   |
|     | <u>Small cell wireless facilities on existing structures– for each facility beyond the first five facilities</u> | <u>\$100</u>   |
|     | <u>Small cell wireless facilities on new structure – for each new structure</u>                                  | <u>\$1,000</u> |
| ... | ...  | ...            |

[Table 22.250.010-A may be referred to as the Filing Fee Schedule.](#)

**SECTION 15. Severability.** If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the County that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.