



Policy & Procedure

Number	
Department	Development Services
Issued	September 21, 2004
Revised	
Pages	5
Signed	/s/James L. Bowersox

City Wireless Communications Policy

1. PURPOSE

The purpose of this policy is to provide a uniform and comprehensive set of guidelines for the development and installation of wireless communication and related facilities in accordance with the City of Poway land use regulations. These guidelines are intended to set forth clear and reasonable criteria to assess and process an application in a consistent and expeditious manner, while protecting the community's visual quality. This policy identifies preferred design standards and locations for such facilities in order to minimize visual impacts to the surrounding community and preserving land uses within the City. At the same time these guidelines allow for the orderly and efficient development of wireless networks consistent with the rules and regulations promulgated by the Federal Communications Commission (FCC) pursuant to the Telecommunication Act of 1996 (TCA).

2. APPLICATION

This policy contains development guidelines that the City applies to all applications for Wireless Communications Facilities within the City of Poway, including new proposals and amendments to existing Wireless Communication Facilities in all zones, overlays, specific plan areas, and City-owned properties, including public rights-of-way. These guidelines ensure minimal land use impacts on the surrounding community by encouraging preferred locations, providing design guidelines, and monitoring health and safety issues within the limits of the TCA.

3. POLICY

A. General

The City is the regulatory agency responsible for issuing permits for the development of Wireless Communications Facilities in the City of Poway. For projects on private property, the City acts only in its regulatory role; for City-owned property, the City has dual roles as property owner and government regulator. The City's Development Services Department is responsible for design review, regulatory compliance, zoning administration, and permit processing of applications for Wireless Communications Facilities. In addition, for Wireless Facilities proposed on City-owned properties, the Administrative Services Department is responsible for the negotiation and administration of leases.

B. Permits Required

Depending on the zoning of the property and the type of facility proposed, Title 17 of the Poway Municipal Code requires the approval of either a Conditional Use Permit or Minor Development Review Permit. In addition, a Building Permit is required.

C. Facility Location

1. The preferred location for Wireless Communications Facilities shall be on structures such as buildings, streetlights and public water tanks. Collocation of facilities for different carriers is encouraged.
2. Location on properties with residential uses is discouraged.
3. If not located in a preferred area or with a preferred design, a site justification letter shall be submitted to justify the need or requirement for the proposed antenna location and design. The letter shall include other sites that were analyzed but not selected with an explanation as to why the analyzed sites did not meet the objectives (include engineering, coverage and location justification) and why the collocation of the facility with others in the area cannot be accomplished.

D. Design Guidelines

1. The applicant shall use all reasonable means to conceal or minimize the visual impacts of the facilities. The facilities shall be architecturally integrated with existing structures and/or screened from view.
2. The use of false trees is discouraged.
3. The facilities shall be the smallest, least visually intrusive antennas, components and other necessary equipment.
4. Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter and proportion of the vertical element they are intended to imitate.
5. All equipment associated with a wireless facility located within the public right of way shall be undergrounded, except for small service connection boxes, unless the Director of Development Services determines that no other feasible alternative for the wireless facility design or location exists and that the equipment is properly screened from view.
6. Antennas shall be painted to match the color of the surface to which they are attached.

7. The height limit of the antenna and supporting structure shall not exceed the maximum allowed height for building and structures of the underlying zone. When attached to a structure or building, the combined height of the support structure and the antenna shall not exceed the maximum allowed height for building and structures of the underlying zone. Antennas mounted on the top of a structure or building shall be architecturally integrated or screened from view such that no more than 2 feet of the antenna is visible above the screen. Antennas architecturally integrated into structures or buildings that exceed 35 feet in height, are allowed provided the height of the existing structure or building is not increased. Antennas attached to a street light pole shall not exceed the height of other street lights within the area.
8. Antennas mounted on sports field lights, security light poles, parking lot light poles or streetlights shall be mounted below the light source. All antennas on flagpoles shall be concealed within the pole.

E. Pre-development Conferences and Neighborhood Meetings

1. Any request for a "fabricated" telecommunication facility such as a separate tower, fake water tanks, fake trees, light poles etc. must be scheduled for a pre-development conference with the City Council prior to the submittal of an application to the City.
2. Any request proposed within or in close proximity to a residential neighborhood shall conduct a Neighborhood Meeting as early in the process as feasible.

F. Standard Conditions for facilities on City-owned property

In addition to project-specific conditions, the following standard conditions shall be applied to any facility on City owned property in order to ensure that the City obtains the proper leasing documents prior to installation:

1. Prior to issuance of a building permit, the applicant shall:
 - a. Obtain a right-of-way permit and provide a \$5,000 security to the satisfaction of the City Engineer.
 - b. Submit a request for and attend a pre-construction meeting with a City Engineering inspector. The applicant/developer shall be responsible to ensure that all necessary individuals such as, but not limited to, contractors, subcontractors, project civil engineer and project soils engineer, attend the pre-construction meeting.
 - c. The building permit plans shall include a utility plan that shows the equipment layout.

- d. Submit all required leasing documentation, including but not limited to insurance certificates and the annual rent check, to the satisfaction of the Department of Community Services and City Clerk and obtain their authorization for issuance of a building permit.
 - e. The applicant shall enter into a Master Communications Site License Agreement, prepared and agreed to, by the City Attorney and City Council.
2. Prior to energizing the switch gate, the applicant shall receive final approvals from the Administrative Services Department, Public Works Department, Fire Department and Development Services Department (Planning, Engineering and Building Divisions).

G. Standard Conditions for Facilities on Private Property and City-Owned Property

In addition to project-specific conditions, the following standard conditions shall be applied

1. The approval may be subject to annual review, as determined by the Director of Development Services, for compliance with the conditions of approval and to address concerns that may have been raised during the prior year.
2. Prior to building permit the operator shall submit calculations specifying the FCC's Maximum Possible Exposure (MPE) levels in inhabited areas within 500 feet of the facility in the areas that the levels produced are projected to be highest. Upon issuance of the Building Permit and installation of the facility, the applicant shall hire a qualified electrical engineer licensed by the State of California to measure exposure levels at the location after the facility is in operation. A report of these measurements, and the engineer's findings with respect to compliance with MPE limits, shall be submitted to the Director of Development Services. The facility shall not commence normal operations until it complies with or has been modified to comply with this standard. Proof of compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.
3. The antennas shall not be activated for use until a final inspection is conducted by the City.
4. The Building Permit plans shall include a utility plan that shows the equipment layout.

5. All facilities and related equipment shall be maintained in good repair. Any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight.
6. The facility shall be operated in such a manner as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed the noise standards contained in the Poway Municipal Code.
7. The owner or operator of the facility shall routinely and regularly inspect the site to ensure compliance with the standards set forth in the permit.
8. The wireless telecommunications facility shall not be operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power densities for transmitters, or any more restrictive standard subsequently adopted or promulgated by the City, County, State of California, or the Federal government. If there is any change in the manner in which the facility is operated or change in the MPE, the applicant shall submit calculations specifying the FCC's Maximum Possible Exposure (MPE) levels in inhabited areas within 500 feet of the facility in the areas that the levels produced are projected to be highest. The applicant shall hire a qualified electrical engineer licensed by the State of California to measure exposure levels at the location after the facility is in operation. A report of these measurements, and the engineer's findings with respect to compliance with MPE limits, shall be submitted to the Director of Development Services. to the Director of Development Services for review and approval. The Director may also require an updated report as part of any review of this Conditional Use Permit.
9. The owner of the wireless telecommunications facility shall remove all of the communication equipment, and associated structures, approved pursuant to this permit within 60 days of ceasing operation of the telecommunications facility.