Attachment B

Draft Personal Wireless Service Facilities in the Public Right-of-Way
Standards and Regulations

Public Right-of-Way Personal Wireless Service Facility Standards and Regulations

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Approved By:

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Dave Webb, Director
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CHAPTER 1: INTRODUCTION AND WHAT'S NEW

On July 14, 2026, the Newport Beach City Council adopted the following to comprehensively update regulations for personal wireless facilities in the Newport Beach Municipal Code (NBMC):

- Ordinance No. 2026-07, modifying Title 20 (Planning and Zoning) of the NBMC to remove public right-of-way installations from its purview;
- Ordinance No. 2026-07, creating new Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way);
- Resolution No. 2026-41, authorizing the submittal of an amendment to the Local Coastal Program Implementation Plan to incorporate complementary revisions in Title 21 (Local Coastal Program Implementation Plan); and
- A Master License Agreement Template for personal wireless service facilities within the public right-of-way.

Importantly, no updated regulations are effective yet in the Coastal Zone. In the Coastal Zone, additional approvals may be required. Applicants should anticipate a Coastal Development Permit or de minimis waiver, as applicable, pursuant to Section 21.49.020 (Permit and Agreement Required).

As this is the initial version of this document, subsequent versions will include updates to this Chapter that reflect what changes have been made with any new versions.

These standards are published on the City's website here <INSERT LOCATION>. You are encouraged to check this website regularly for updates.

For questions regarding this document, contact the Public Works Department at pwinfo@newportbeachca.gov or 949-644-3311. Only the Public Works Director is authorized to provide formal interpretations of these Standards. This document does not create vested rights. Applicants are strongly encouraged to confirm current requirements at the time of submittal.

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CHAPTER 2: PURPOSE AND AUTHORITY

2.1 PURPOSE

These Standards and Regulations ("Standards") establish reasonable and uniform technical, submittal, construction, and operational requirements for personal wireless service facilities and Section 6409(a) eligible facilities requests in the public right-of-way ("PROW"), consistent with and to the extent permitted under federal and state law and NBMC Chapter 13.22.

2.2 AUTHORITY AND RELATIONSHIP TO THE NBMC AND OTHER REQUIREMENTS

A. These Standards are issued under the authority of NBMC 13.22.040 and may be updated at the discretion of the Public Works Director.
B. These Standards are intended to implement (not replace) NBMC Chapter 13.22. Where there is any inconsistency, NBMC and applicable law control (see NBMC 13.22.020 conflict clause and 13.22.010 purpose limitations).
C. Where an applicant/permittee has executed a Master License Agreement ("MLA") with the City, the facility must also comply with the MLA and any Amendment(s).
D. Applicants remain responsible for obtaining all other required City, state, and federal approvals (NBMC 13.22.050(E)).

2.3 LIMITATIONS

The Standards are not intended to, nor shall be interpreted or applied to:

1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
2) prohibit or effectively prohibit any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations;
3) unreasonably discriminate among providers of functionally equivalent services;
4) deny any request for authorization to place, construct, or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions;
5) prohibit any collocation or modification that the City may not deny under federal or California state law; or
6) otherwise authorize the City to preempt any applicable federal or California state law or regulation.

2.4 DEFINED TERMS

Capitalized terms not defined in these Standards have the meanings set forth in NBMC 13.22.020 and, where applicable, the executed MLA.

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CHAPTER 3: APPLICABILITY AND EXEMPTIONS

3.1 APPLICABILITY

These Standards apply to any personal wireless service facility or 6409(a) facility proposed to be located within the public right-of-way, and to applications not approved prior to the effective date of Chapter 13.22 (NBMC 13.22.030).

Please note, personal wireless service facilities not within the public right-of-way are overseen by the City's Community Development Department.

3.2 EXEMPT FACILITIES

The following facilities are exempt from Chapter 13.22 and, therefore, these Standards shall not apply:

1) Personal wireless service facility, 6409(a) facility, or equipment owned and operated by California Public Utilities Commission-regulated electric companies for use in connection with electrical power generation, transmission, and distribution facilities subject to California Public Utilities Commission General Order 131-E, as may be amended;
2) Personal wireless service facility or 6409(a) facility that is constructed for City use or by the City to exclusively provide unlicensed wireless services including Wi-Fi;
3) Personal wireless service facility or 6409(a) facility that is installed or operated under the direction of the City or a City contractor;
4) Personal wireless service facility or 6409(a) facility used solely for wireless-based reading of water, gas, or electric meters;
5) Amateur radio facility(ies);
6) OTARD antenna(s);
7) Entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement; and
8) Personal wireless service facility or 6409(a) facility, or portion thereof, that is preempted by, or would otherwise violate, applicable federal or state law. Notwithstanding the foregoing, an exempt personal wireless service facility or 6409(a) facility shall be subject to the Public Works Director's determination that it be designed to minimize the extent of non-conformity with this Code.

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CHAPTER 4: CITY CONTACTS, FORMS, CHECKLISTS, AND SUBMITTAL FORMAT

4.1 DEPARTMENTAL FORMS AND CHECKLISTS

The Public Works Department will publish and maintain the following, which are incorporated by reference into these Standards:

- Application forms for: (i) Wireless Facility Permit; (ii) Section 6409(a) Permit; (iii) Wireless Telecommunications Encroachment Permit
- Fee/deposit schedule references

(Authorized by NBMC 13.22.040 and 13.22.060)

4.2 SUBMITTAL FORMAT (MINIMUM REQUIREMENTS)

Unless otherwise required by the City, all application packages must include:

A. One searchable PDF of the complete application package;
B. Separate plan set PDFs (stamped when required);
C. A CAD/GIS-compatible location file for each site (e.g., SHP/KML/CSV) [City to specify]; and
D. Demonstrated compliance with all requirements described in Sections 8 through 13 of these Standards.

4.3 PRE-SUBMITTAL COORDINATION (RECOMMENDED)

Applicants are strongly encouraged to request a pre-submittal meeting for:

- New pole proposals (see NBMC 13.22.100)
- Unusual power solutions or ground equipment
- Any site in constrained areas (high pedestrian volumes, narrow sidewalks, complex utilities, etc.)

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CHAPTER 5: PERMITTING OVERVIEW

5.1 PERMIT TYPES AND MASTER LICENSE AGREEMENT

Three permits regulate personal wireless service facilities in the public right-of-way (NBMC 13.22.050):

1) 6409(a) Permit: Required for requests seeking approval to modify a personal wireless service facility pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act (codified as Title 47 USC section 1455 and implemented pursuant to Title 47 CFR Section 1.40001). A 6409(a) Permit is a pseudo-entitlement permit; it is not an authorization to perform work in the public right-of-way.

2) Wireless Facility Permit: Required to construct, install, modify, collocate, relocate, or otherwise deploy a personal wireless service facility in the public right-of-way except eligible facilities requests that qualify for a 6409(a) Permit. A Wireless Facility Permit is a pseudo-entitlement permit; it is not an authorization to perform work in the public right-of-way.

3) Wireless Telecommunications Encroachment Permit or "Encroachment Permit": Required to perform work in the public right-of-way. An Encroachment Permit is a permit to construct and is only valid in connection with a 6409(a) Permit, Wireless Facility Permit or Master License Agreement.

4) Master License Agreement or "MLA" Option: A contractual agreement between the City, acting in its proprietary capacity, and an applicant that establishes the uniform terms, conditions and procedures governing the use of City property or infrastructure within the public right-of-law to construct, install, modify, collocate, relocate or otherwise deploy personal wireless service facilities. If an MLA is executed, a facility may be exempt from obtaining the Personal Wireless Facility Permit or 6409(a) Permit but must still comply with Chapter 13.22 and these Standards. [NBMC 13.22.050(C) & (D)]

WHAT THE MASTER LICENSE AGREEMENT DOES AND DOESN'T DO:

Does authorize facilities to locate within the City's public right-of-way.
Does provide proprietary license terms.
May satisfy the City's "permit required" item for Wireless Facility Permit/6409(a) Permit when NBMC 13.22.050(C) applies.
Doesn't eliminate need for an encroachment permit to do work.
Doesn't waive other approvals.

5.2 BATCHED APPLICATIONS

Batched applications are permitted as described in NBMC 13.22.060(D) for substantially similar designs only and must comply with the following:

1) Maximum 50 sites per batch;

2) Each site must be complete on its own and include its own fee/materials;
3) Incomplete sites may be deemed withdrawn per NBMC 13.22.070; and
4) A new batch (or a new application for a site with an existing application) is not accepted until the prior batch is approved/denied/withdrawn.

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CHAPTER 6: PERMITTING PROCESSES

6.1 6409(A) PERMITS AND WIRELESS FACILITY PERMITS

The 6409(a) Permit and Wireless Facility Permit processes involve the following steps:

1) Permit Application;
2) Administrative Review;
3) Determination and Permitting; and
4) Obtain Wireless Telecommunications Encroachment Permit, If Approved.

6.1.1 Step 1: Permit Application

A permit application and all required materials shall be submitted to the City. The applicant shall submit the correct type of application for the work proposed. The latest permit applications are available on the City's website at www.newportbeachca.gov as well as at the City's Permit Center counter, located on the first floor in Bay C at City Hall. The applicant is responsible for ensuring that the latest version of the application is submitted at the time of submittal appointment. Applications not submitted on the most current form will not be processed.

6.1.2 Step 2: Administrative Review

The City will review the application. If an application is incomplete, the City shall notify the applicant of the information needed in order to deem the application complete in the notification. If the City issues a written incompleteness notice, the applicant must supply all required information within 60 days (plus a possible 30-day good-cause extension) or the application is deemed withdrawn (NBMC 13.22.070).

6.1.3 Step 3: Determination and Permitting

Upon completing its review, the City will issue a timely determination regarding the application. If the City issues an approval determination, the applicant shall sign the determination and return a copy to the Public Works Department. In practice, the City's written determination/Statement of Official Action serves as the City's written authorization, and (for Wireless Facility Permits) is posted to the City website per NBMC timelines.

Approved documents will be kept on file with the City. Approved construction documents will be released to the permittee when a Wireless Telecommunications Encroachment Permit is issued.

6.1.4 Step 4: Obtain Wireless Telecommunications Encroachment Permit, If Approved

If the Wireless Facility Permit application or 6409(a) Permit application is approved, the applicant shall then obtain a Wireless Telecommunications Encroachment Permit to perform the approved work. Refer to Section 4.2 for steps to obtain a Wireless Telecommunications Encroachment Permit.

6.2 WIRELESS TELECOMMUNICATIONS ENCROACHMENT PERMIT

A Wireless Telecommunications Encroachment Permit ("Encroachment Permit") must be obtained after receiving a Wireless Facility Permit, 6409(a) Permit, or through an executed MLA, to perform work in the public right-of-way.

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The Encroachment Permit process involves the following steps:

1) Satisfy Prerequisite Conditions of Approval;
2) Permit Application and Issuance; and
3) Construction and Inspection.

6.2.1 Step 1: Satisfy Prerequisite Conditions of Approval

The approved Wireless Facility Permit or 6409(a) Permit associated with the Encroachment Permit application contain conditions of approval. Some conditions of approval must be satisfied prior to issuance of an Encroachment Permit. Ensure that these conditions have been satisfied prior to or at the time of applying for an Encroachment Permit.

6.2.2 Step 2: Permit Application and Issuance

A permit application and all required materials shall be submitted to the City. The applicant shall submit the correct type of application for the work proposed. The latest permit applications are available on the City's website at www.newportbeachca.gov as well as at the City's Permit Center counter in Bay C. Applications not submitted on the most current form will not be processed.

Staff will verify that all required materials are present with the application, including prerequisite conditions of approval. Once verified, an Encroachment Permit will be issued.

The City will also provide stamped, approved construction documents and an Encroachment Permit Inspection Card at time of permit issuance.

6.2.3 Step 3: Construction and Inspection

Upon receiving an Encroachment Permit, the permittee shall comply with the procedures set forth on the Encroachment Permit Inspection Card.

6.3 ENCROACHMENT PERMIT RENEWAL

If the Encroachment Permit expires, a request for an Encroachment Permit Renewal may be submitted. The Encroachment Permit renewal application contains the following conditions of approval:

1) A request must be submitted within 30 days of the expiration date.
2) Limited to one Renewal request per issued Encroachment Permit.
3) The deadline to commence work is 45 days from the issuance of the Encroachment Permit.

The renewal of the Telecommunications Encroachment Permit involves the following Steps:

1) Permit Application and Issuance
2) Construction Inspection

6.3.1 Step 1: Permit Application and Issuance

A permit application and all required materials shall be submitted to the City. The applicant shall submit the correct type of application for the work proposed. The latest permit applications are available on the City's website at https://www.newportbeachca.gov/government/departments/public-works/permits as well as at

the City's Permit Center counter. The applicant is responsible for ensuring that the latest version of the application is submitted at the time of submittal appointment. Applications not submitted on the most current form will not be processed.

Staff will verify that all required materials are present with the application, including prerequisite conditions of approval. Once verified, an Encroachment Permit renewal will be issued.

The City will also provide stamped, approved construction documents and an Encroachment Permit Inspection Card at time of permit renewal issuance.

6.3.2 Step 2: Construction and Inspection

Upon receiving an Encroachment Permit renewal, the permittee shall comply with the procedures set forth on the Encroachment Permit Inspection Card.

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CHAPTER 7: CONSTRUCTION NOTICING

7.1 PUBLIC WORKS INSPECTOR TO DETERMINE CONSTRUCTION NOTICING BOUNDARIES, FORM AND CONTENTS

As stated on the Encroachment Permit Inspection Card, the first required inspection for any Wireless Encroachment Permit is a preconstruction meeting. During the mandatory preconstruction meeting, the City's Public Works Inspector will evaluate the permitted scope of work. Based on the scope of work and anticipated impacts to the community, the Public Works Inspector will establish the required construction noticing boundaries.

The Public Works Inspector shall review and approve the form and contents of the notice.

7.2 CONSTRUCTION NOTICING REQUIREMENTS

The permittee shall provide construction notices to all residences, businesses, and other properties within the boundaries set by the Public Works Inspector pursuant to section 7.1. Noticing requirements are typically confirmed at the preconstruction meeting associated with the encroachment permit.

The construction notice shall be posted in a conspicuous location at all residences and businesses (such as the front door) a minimum of three (3) calendar days in advance of the proposed construction activity. When posting at multi-tenant buildings, posting of the notice at the main entry point to the building is considered acceptable if the notice is posted in a conspicuous location.

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CHAPTER 8: MINIMUM REQUIREMENTS FOR INSTALLATIONS ON STREETLIGHTS

8.1 APPLICABILITY

Wireless Facility Permit and 6409(a) Permit applications that involve a streetlight shall comply with the requirements set forth in this chapter as well as all other applicable requirements set forth in these Standards.

8.2 MAXIMUM OFFSET FOR REPLACEMENT STREETLIGHTS

If an existing streetlight is proposed to be replaced with a replacement streetlight, the centerline to centerline distance between the existing and proposed streetlights shall be the minimum technically possible, but in no event shall the offset exceed 3 feet unless approved by the Public Works Department. If offset exceeds 3 feet, applicants should be prepared to provide lighting/engineering justification.

8.3 LIGHTING STUDY REQUIREMENTS

The primary and paramount purpose of streetlighting is to provide lighting and illumination of roadways, sidewalks, and other public spaces. In keeping with this purpose, the City requires lighting studies for certain applications that involve a streetlight. Given the number of ways that streetlights may be installed, configured, or otherwise deployed, the City may modify the requirements set forth in this chapter to ensure and verify that adequate lighting and illumination exist at a project location. All lighting study analysis must be in accordance with ANSI/IES RP-8 guidelines and recommendations for roadway lighting (and any subsequent updates/editions).

Unless facilities are being installed on an existing streetlight, a lighting study must be prepared and provided.

8.4 CITY-OWNED STREETLIGHTS

8.4.1 Applicability

Applications that involve City-owned streetlights shall comply with this section.

8.4.2 Compliance with Current Streetlight Standard

When a wireless facility is proposed on a City streetlight, the applicant shall be responsible for bringing the existing streetlight at the proposed project location up to the City's current streetlight standard in effect at that location. To confirm the current streetlight standard in effect at a proposed installation location, contact the Public Works Department.

The applicant may be required to furnish and install replacement streetlight luminaires, mast arms, a streetlight pole, a new foundation, and other appurtenant facilities in order to ensure that the replacement streetlight complies with the City's current streetlight standard in effect at the project location.

For a list of streetlight standards, see "Series 200 – Street Lights" on the City's website here: https://www.newportbeachca.gov/government/departments/public-works/standard-drawings-275

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8.4.3 Structural Analysis

The applicant shall provide a structural analysis stamped and sealed by a qualified, California licensed civil or structural engineer, demonstrating that the streetlight structure on which the wireless facility is proposed can structurally support the proposed wireless facility and all other appurtenances attached to the streetlight structure in accordance with applicable design codes. Appurtenant structures shall include, but not be limited to:

1) Existing signage installed on the pole (e.g., street name signs, regulatory/warning signs) at the project location (if the proposed streetlight will replace an existing streetlight);
2) Luminaire(s) and mast arms(s); and
3) One 18” w x 36” h street banner. The top of the banner shall be assumed to be mounted approximately 1 ft from the top of the streetlight.

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CHAPTER 9: RADIO FREQUENCY EMISSIONS REPORT REQUIREMENTS

9.1 PRE-INSTALLATION REPORTING

All applications for personal wireless service facilities are required to submit documentation that demonstrates that the proposed facility will be compliant with the FCC's regulations concerning radio frequency emissions [NBMC 13.22.130(b)].

The radio frequency emissions report shall:

1) Be specific for the application site; no "generic" emissions reports shall be accepted.
2) Be sealed and signed by a qualified, California licensed electrical professional engineer;
3) Certify and demonstrate that the proposed facility will comply with applicable federal radio frequency exposure standards and exposure limits regarding uncontrolled general population exposure;
4) Include the makes, model numbers, actual frequencies, and power levels (in watts of effective radiated power, or W ERP) for all existing and proposed antennas at the site;
5) Provide color-coded exhibits that show the location and orientation of the transmitting antennas, nearby buildings and structures, and boundaries of:
    a) Areas with radio frequency electromagnetic energy exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) at the plane at which the antenna is transmitting; and
    b) Areas with radio frequency electromagnetic energy exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) at ground-level elevation.

Additionally, all applications for personal wireless service facilities are required to submit a completed "Optional Checklist for Local Government To Determine Whether a Facility is Categorically Excluded" contained in Appendix A of the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the proposed facility will be "categorically excluded" as that term is used by the FCC. This form can be found online at http://wireless.fcc.gov/siting/FCC_LSGAC_RF_Guide.pdf (link subject to change).

RF compliance is required for City approval. Reports must be site-specific and demonstrate planned FCC compliance.

9.2 POST-INSTALLATION REPORTING

Within 30 days of commencing operation of a new or modified facility, permittee must provide a certification under penalty of perjury that actual emissions do not exceed the pre-installation report. [NBMC 13.22.130(C)]

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CHAPTER 10: PHOTOSIMULATIONS

As part of any Wireless Facility Permit or 6409(a) Permit application filed with the City, the applicant shall furnish a minimum of two photographic visual simulations (photosims) of the proposed facility. The photosims shall be provided at two different angles and comply with the following requirements:

1) Provide an existing image of the project location adjacent to the photosim to demonstrate a "before and after" of the project location.
2) Be rendered in full color.
3) Be high quality. Grainy, pixelated, or otherwise low-quality photosims will not be approved.

Photosims should reflect the least intrusive concealment approach feasible for the site context.

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CHAPTER 11: CONSTRUCTION DOCUMENT REQUIREMENTS

11.1 INTENT AND APPLICABILITY

The intent of this section is to establish requirements to ensure that the City is provided with construction documents that fully detail the proposed work related to a personal wireless service facility; provide sufficient context of the built and natural environment surrounding the work location; ensure protection of City assets (e.g., street trees and utilities); and safeguard public health, safety, and welfare. Given the number of ways that construction documents are prepared, the City may modify the requirements set forth below to meet the overall intent of this section.

These requirements apply to all construction documents submitted to the City as part of a Wireless Facility Permit application, 6409(a) Permit application, or an MLA, if applicable.

11.2 GENERAL

Construction documents shall bear the following note regarding code compliance in addition to any other code compliance information:

All work and materials shall be performed and installed in accordance with the latest editions and supplements of the following codes as adopted by the City of Newport Beach. Nothing in these plans is to be construed to permit work not conforming to these codes.

1) California General Order 95
2) Standard Specifications for Public Works Construction (Greenbook)
3) Standard Plans for Public Works Construction (SPPWC)
4) 2025 California Building Standards Code (Cal. Code Regs., Title 24)
5) Caltrans Standard Plans for traffic striping and markings
6) The California Manual on Uniform Traffic Control Devices
7) 2010 ADA Standards for Accessible Design
8) Newport Beach Municipal Code

Do not refer to codes that have not been adopted by the State of California or City of Newport Beach.

Note: For excavation being proposed in the public right of way, ensure that the excavation being proposed on the site plan follows 13.20.100 (Excavations).

11.3 AMERICANS WITH DISABILITIES ACT AND LOCAL ACCESSIBILITY REQUIREMENTS

In no event may a personal wireless service facility or related work violate Americans with Disabilities Act (ADA) requirements. Applicants shall fully demonstrate ADA compliance on the project plans (site plan, elevation plan, etc.) in accordance with the 2010 ADA Standards for Accessible Design and any locally adopted policies pertaining to required ADA access and clearances.

11.4 FINAL POWER DESIGN REQUIRED

The final power design for the wireless facility shall be included with the construction documents and reflected on the site/elevation plans. Deferral of the final power design or inclusion of a power design as “for reference only” is not permitted. The applicant shall include all relevant final power

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design drawings from Southern California Edison or the relevant power provider as part of the construction documents.

11.5 FUTURE WORK

The permitting of "future" work in construction documents is prohibited. All future work shall be permitted separately when the work is actually proposed. For example, proposing the installation of future equipment not intended to be installed when the construction documents are permitted for construction is prohibited. If shown on the plans, future work shall be notated as "Under Separate Permit."

11.6 REQUIRED NOTES AND DETAILS

11.6.1 General

Construction documents shall include the following:

1) Work in Public Right-of-Way General Notes
2) City of Newport Beach Contact List

11.6.2 Work That Proposes Excavation

Construction documents that propose any type of excavation work in the public right-of-way shall include the following:

1) Excavation Work in Public Right-of-Way General Notes;
2) City of Newport Beach Standard Drawing STD 106-C Parkway Utility Trench Detail; and
3) Any other City of Newport Beach Standard Details that are relevant to the work proposed.

The items above can be found on the City's website:
https://www.newportbeachca.gov/government/departments/public-works/standard-drawings-275

Note: In the absence of a City standard, use the Greenbook and SPPWC.

11.7 WORK NEAR CITY TREES

Any work near City trees within the right-of-way shall comply with NBMC Chapter 13.08 (Planting). Construction documents that propose work adjacent to a City tree shall conspicuously bear the following note on the title sheet:

Work proposed in these plans is proximate to a City tree. Contact the City of Newport Beach Municipal Operations Department at 949-644-3055 for tree protection requirements.

11.8 PROFESSIONAL ENGINEER CERTIFICATION

Note: The requirements below are summarized from California Business and Professions Code (BPC) section 6735. In the event of conflict between the requirements of the BPC and these Standards, the BPC shall prevail.

All civil engineering construction document sheets that are permitted or that are to be released for construction shall bear the stamp/seal, signature, and date of signing and sealing/stamping of the civil engineer in responsible charge. Civil engineering specifications, calculations, and reports that have multiple pages shall bear the signature, seal/stamp, and date of signing and sealing/stamping

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of the civil engineer in responsible charge on the title sheet, cover sheet, or signature sheet, at a minimum.

If the applicant submits an application with documents requiring professional engineer certification, and such certification is missing or the documents contain interim notations such as "for plan check only" or "for review only," the City will review the application, but deem such submission as incomplete (and therefore count as a round of review). Failure to submit properly sealed documents for which a professional engineer certification is required shall be a cause of denial of an application.

11.9 FORM, SCALE, AND DIMENSIONS

Construction documents shall be submitted to the City in the form identified below.

1) During plan check, plans shall be plotted on 11" x 17" sheets. The sheets shall be downsized from full-size 24" x 36" sheets and plotted at half scale (e.g., 24" x 36" scale: 1 in = 10 ft, 11" x 17" scale: 1 in = 20 ft)
2) As built plans shall be submitted as a digital (i.e., not scanned) PDF file in full 24" x 36" size.
3) A note providing the 11"x17" plot scale and 24"x26" scale shall be conspicuously printed on the plans.
4) Site plan(s) and elevation plan(s) shall be scaled.
5) The title sheet shall include two 4.5" W x 3" H or one 4.5" W x 6" H clear space for City approval stamps.

11.10 GENERAL CONTENT

Construction documents shall include the following information:

1) Legend, if necessary
2) Nearest legal address adjacent to the proposed installation. Use NB GIS MAP (https://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=newportbeachgis), the City's official mapping platform, to determine nearest legal address. It may differ from the addresses provided in mapping services like Google Maps.
3) Site name/ID
4) Project description that sufficiently and accurately describes the work proposed in the construction documents
5) Latitude and longitude coordinates of the wireless facility (NAD83 datum)
6) Vicinity map
7) ADA compliance information to ensure the proposed work will comply with applicable ADA requirements.

11.11 SITE AND ELEVATION PLANS

A site plan and elevation shall be included that shows the project location, depicts the proposed work, and provides sufficient context of the built and natural environment surrounding the project location. Required elements to be shown on the plans may include:

1) Improvements within the public right-of-way, including, but not limited to:
    a. Streets
    b. Sidewalks
    c. Curbs

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    d. Parkways (include symbology to denote as landscape or hardscape)
    e. Trees
    f. Parking meters
    g. Street furniture (e.g., bus stops, newsracks, streetlights)
    h. ADA ramps and features
    i. Driveways
    j. Medians
    k. Substructure elements (e.g., pull boxes, gas/water/electrical utilities)
2) All structures, equipment, conduits related to the personal wireless service facility (existing and proposed), including, but not limited to:
    a. Pull boxes
    b. Power and fiber points of connection (must be notated on plans as "Power POC" and "Fiber POC," respectively)
    c. Conduits
    d. Antenna
    e. Directional antennas shall be accompanied by a conspicuously shown azimuth with an arrow pointing in the direction of the azimuth.
    f. Radios
    g. Concealment elements
3) Proposed conduits, pullboxes, etc. are routed in a logical fashion and consistent with any final power design documents.
4) Right-of-way boundaries
5) Parcel property lines; addresses and APNs included on parcels in the immediately vicinity to the proposed project location.
6) Dimensioned locations of all equipment relative to ground level, including, but not limited to:
    a. Concealment elements
    b. FCC radio frequency signage as prescribed the by electromagnetic energy report
    c. Antenna(s)
    d. Radio(s)
    e. Foundation
    f. All other equipment
7) Existing equipment/structures in the public right-of-way to be replaced or otherwise modified shall be appropriately notated (e.g., existing wooden utility pole to be re-set to be straight.)
8) For excavations proposed at major intersections provide a profile plan of your proposed conduit run and the existing utilities in the area, showing clearances will be met per City of Newport Beach standards.

Site plans and elevations plans shall be consistent with one another. An enlarged site plan is also encouraged to detail the scope of work.

11.12 EQUIPMENT AND SIGNAGE DETAILS

Equipment and signage details shall be included for all equipment and signage proposed to be used in conjunction with the wireless facility. Equipment and signage details need not be scaled but shall be fully dimensioned to ascertain the size and volume of all equipment. Details shall include the full specifications of the equipment. Mounting/attachment details shall also be included as part of the equipment details.

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11.13 RADIO FREQUENCY REPORT RECOMMENDATIONS AND 24-HOUR CONTACT SIGNAGE

The construction documents shall incorporate the recommendations of the radio frequency electromagnetic energy report, including appropriate signage. If not already provided by the recommendations of the radio frequency electromagnetic energy report, the construction documents shall include signage bearing the site ID and a 24-hour telephone number for any maintenance, emergency, or other operations issues pertaining to the personal wireless service facility.

Details of all signage shall be included in the construction documents in accordance with the "Equipment and Signage Details" section.

11.14 ADDITIONAL REQUIREMENTS FOR REPLACEMENT OF CITY STREETLIGHTS

11.14.1 Applicability

Construction documents that propose the replacement of an existing streetlight with a new streetlight shall include the additional information described in this section. The requirements in this section are intended to supplement the requirements in Chapter 7 of these Standards. In the event of conflict, the more stringent requirement shall prevail.

11.14.2 Required Notes

Include the following notes in a conspicuous location:

1) Contractor shall coordinate with the Public Works Inspector to salvage the existing streetlight pole to be removed and shall deliver it to an authorized location within the City limits at the direction of the Public Works Inspector. In the event that the Public Works Inspector determines the pole cannot be salvaged, the contractor shall dispose of the pole. The City shall not bear any cost for disposal or salvage of the streetlight pole.
2) Contractor shall fully remove existing streetlight foundation.
3) Contractor shall relocate signage on existing pole to new pole.
4) Contractor shall furnish and install all necessary conduit, pull boxes, and other ancillary equipment necessary to connect replacement streetlight to City's streetlight network and provide luminaire power.
5) All existing streetlight infrastructure adjacent to new streetlight installations shall be upgraded to meet City standards including, but not limited to, pull boxes, conduits/sweeps, and conductors.
6) Contractors working on or around high-voltage infrastructure must be Qualified Electrical Workers and must be certified through NFPA 70E, "Standard for Electrical Safety in the Workplace" training (4 hours).
7) All pull boxes serving power to streetlights shall read "STREET LIGHT, HIGH VOLTAGE" and letters shall be block letters at least ½" in height. Pull boxes shall be securely fastened and set in place. Replacement pull box lids on high-voltage circuits shall be Eisel Enterprises No. 3.5 or 5 pull box or pre-approved equal reinforced concrete pull box and cover. Coordinate all pull box upgrades with the Public Works Inspector before any installation takes place.
8) Deenergizing, energizing and cutover operations on streetlighting circuitry, especially high-voltage circuits, shall be coordinated with the Public Works Inspector at all applicable phases of work. Work requirements on the high-voltage system shall be conveyed to the

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contractor during the pre-construction meeting by the Public Works Inspector and signed off by the City on the Construction Work Plan (see section 10.14.4). Contractor shall not cut, splice, remove, connect or re-connect any high-voltage wiring until all proper measures are in place and satisfactory to the Public Works Inspector.

9) All streetlighting conduits on 120 V circuits shall be 1-1/4" diameter schedule 40 PVC conduit.
10) All streetlighting conduits on high-voltage(5000 V) circuits shall be 2" diameter galvanized rigid conduit.
11) On plans showing streetlighting improvements on high-voltage circuits, please add this note:

CONTRACTOR TO SUBMIT A CONSTRUCTION WORK PLAN (SEE SECTION 11.14.4) FOR CITY APPROVAL AND COORDINATE WITH THE FOLLOWING CITY PERSONEL WHEN WORKING ON HIGH VOLTAGE (5000 V) LUMINAIRE POWER. THIS SHALL TAKE PLACE BEFORE ANY WORK TAKES PLACE ON THE CIRCUIT.

11.14.3 Plans

Show the following elements on the plans:

1) Dimension centerline to centerline offset from existing to proposed streetlight location. If streetlight is proposed to be removed and replaced in same location, include a notation to indicate such.
    a. Maximum: 5 feet
2) Dimension from face of curb to center of replacement streetlight pole.
    a. Minimum: 20 inches.
3) For luminaire power, show and call out new conduit run from the streetlight pull box to streetlight [labeled as "SL"] with the following note:
    a. New CSM power trench with (1) 1-1/4" dia sch 40 conduit for luminaire. [120 V]
    b. New CSM power trench with (1) 2" dia galvanized rigid conduit for luminaire. [5000 V]. Call out all high-voltage conduits on the plan.
4) Add the following notes in appropriate location on elevation plan:
    a. Existing streetlight pole and type (concrete, steel, etc.) to be removed and replaced.
    b. Existing foundation to be removed and replaced.
    c. Existing signage on streetlight pole to be removed and replaced.
    d. Existing pull boxes to be upgraded (as required per Section 10.14.2)
5) The existing luminaire type is noted on the plans. If the existing luminaire is HPS, provide the wattage.
6) The streetlight proposed reflects the City's current streetlight standard in effect at that location.

11.14.4 Construction Work Plan (Required for Work on High Voltage Circuits).

1) CONTRACTOR TO SUBMIT A CONSTRUCTION WORK PLAN FOR CITY APPROVAL AND COORDINATE WITH THE FOLLOWING CITY PERSONELL WHEN WORKING ON HIGH VOLTAGE (5000 V) LUMINAIRE POWER. THIS SHALL TAKE PLACE BEFORE ANY WORK TAKES PLACE ON THE CIRCUIT.

2) Construction Work Plan to be submitted to the City before the preconstruction meeting via email.
3) Construction Work Plan to include:

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a. Scope of work – description and schedule.
b. Prerequisite activities.
c. Permit documents.
d. Design drawings (approved), shop drawings, submittals; traffic control plans.
e. Work process – step by step list of how the work will be executed in the field. For example:
    i. Pre planning action plan - Mark out all dig alert limits – XYZ staff;
    ii. Field Work Plan; safety orientation, pre-excavation checklist, post signage, set up traffic control per approved plans, pothole,
    iii. Communication with City prior to working on the high voltage circuit.
    iv. City to XYZ; Who is performing splice, remove, connect or re-connect of any high-voltage wiring?
    v. Installation of conduit, foundation pole;
    vi. Circuit work
    vii. Restoration work.
    viii. Demobilize;
    ix. Final inspection;
f. Materials
g. Equipment/tools
h. Supervision and contract information
i. Job hazard analyses
j. Inspection Plan
k. Training required and copies of certification for NFPA 70E. (Contractors working on or around high-voltage infrastructure must be Qualified Electrical Workers and must be certified through NFPA 70E, "Standard for Electrical Safety in the Workplace" training (4 hours).

11.15 ADDITIONAL REQUIREMENTS FOR NEW STREETLIGHTS

Please consult with the Public Works Department for additional requirements for construction documents proposing a wireless facility on a new streetlight where no streetlight currently exists.

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CHAPTER 12: SITE LOCATION SELECTION AND JUSTIFICATION REQUIREMENTS

12.1 OVERVIEW

The intent of this section is to establish requirements to ensure that the City is provided with adequate information to understand the basis for siting a personal wireless service facility at a particular location, and to assess whether other nearby locations may be more suitable for the wireless service facility.

Given the number of ways that this information can be presented, the City may modify the requirements set forth below if the overall intent of this section is met.

12.2 LEAST INTRUSIVE SITE REQUIRED

Personal wireless service facilities shall be sited in locations that are least intrusive to the surrounding community uses. In general, the City prefers that personal wireless service facilities be sited at intersections, away from residential uses, and at locations that preserve scenic views.

In addition to the proposed location, an applicant must provide a minimum of three (3) nearby alternative locations for the proposed project including at least one location at an intersection or away from residential uses.

All locations shall be shown on a street map of the City and bounded by a circle or oval. If an applicant is unable to provide three (3) nearby alternatives locations, the applicant must provide a technically detailed justification for not meeting this City requirement. Given that wireless sites are anticipated to be placed then operated for decades, cost alone may not be sufficient to eliminate alternatives. Applicants must provide technical feasibility and availability rationale to exclude an alternative that meets the City's siting preferences.

In reviewing the applicant's site location selection and alternatives information provided pursuant to this Chapter, the City will determine which of the siting location is the least intrusive.

For proposals involving a new pole, applicants should also be prepared to address the comparative analysis needed for the City's new pole findings. [NBMC 13.22.100]

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CHAPTER 13: DESIGN STANDARDS

13.1 OVERVIEW

The following design standards apply to personal wireless service facilities in the City. City staff are available to meet with wireless carriers and their representatives to discuss appropriate design standards and requests to modify these requirements. The intent of these designs standards is to establish objective camouflage and concealment elements for personal wireless service facilities. The Public Works Director may waive or impose additional standards to meet the intent of this chapter and if doing so is conducive to the site being the least intrusive, maximally blending with the natural and built environment of the City, and protecting the aesthetic character of the City.

13.2 GENERAL REQUIREMENTS

The following requirements shall apply to all personal wireless service facilities in the public right-of-way:

1) Personal wireless service facilities shall comply with Newport Beach Municipal Code Chapter 10.26 (Community Noise Control).
2) All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures to the satisfaction of the City.
3) The personal wireless service facility shall be of the least intrusive design possible and occupy the least amount of space in the right-of-way possible but in no event shall exceed the limits prescribed in these design standards.
4) A facility shall not be located within any portion of the public right-of-way that interferes or may interfere with City and emergency operations, and pedestrian and vehicular access.
5) Vaults and pull boxes shall be installed flush to grade and installed per the applicable requirements as stated in the Standard Specifications for Public Works Construction and the Standard Plans for Public Works Construction.
6) Signage that serves a public/occupational safety function shall be exempt from the design standards.
7) Lighting
    a. No facility may be illuminated unless specifically required by the Federal Aviation Administration (FAA) or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
    b. Legally-required lightning arresters and beacons shall be included when calculating the height of facilities.
    c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhood.
    d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and must install lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The City may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

13.2.1 Above Ground Meter Facilities

The City's typical expectation is below-grade power solutions; above-ground metering is generally discouraged and may be considered only through pre-submittal coordination.

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If an applicant would prefer to utilize an above ground meter facility, the applicant may elect to enter a voluntary pre-submittal phase with the City to consider the request. The City may, at its discretion, approve a request for an above ground meter facility if the meter facility would serve several personal wireless service facilities and would be compatible to the surrounding community in which it is installed. If an applicant's request is denied or the applicant does not elect to enter a voluntary pre-submittal phase with the City, the applicant shall receive power via a below-grade WTR as described above.

13.3 CITY-OWNED STREETLIGHTS

The following design standards shall apply to all personal wireless service facilities on City-owned streetlights.

13.3.1 General Requirements

1) If an existing streetlight is proposed to be replaced with a new streetlight to accommodate the personal wireless service facility, the replacement streetlight shall conform to the City's current adopted streetlight standard for that location.
    a. When considering the compatibility and suitability of a proposed replacement streetlight to the City's current adopted streetlight standard at that location, the City shall evaluate the proposed replacement streetlight's size, height, color, materials, finishes, style, and quality/durability of construction.
    b. To confirm if a replacement streetlight is acceptable to the City at a specific project location, applicants may consult with Public Works Department staff prior to submitting an application.
    c. The centerline of the replacement streetlight shall be a minimum of 20 inches from the face of the curb.
    d. The replacement streetlight shall be offset at the minimum distance technically possible from the existing streetlight.
2) If a new City streetlight is proposed where none currently exists, the new streetlight shall conform to the City's current adopted streetlight standard for that location.
    a. When considering the compatibility and suitability of a proposed new streetlight to the City's current adopted streetlight standard at that location, the City shall evaluate the proposed new streetlight's size, height, color, materials, finishes, style, and quality/durability of construction.
    b. To confirm if a new streetlight is acceptable to the City at a specific project location, applicants must consult with Public Works Department staff prior to submitting an application.
    c. The centerline of the new streetlight shall be a minimum of 20 inches from the face of the curb.
3) All ventilation on the streetlight structure must be via flush vents. Vents must be designed to maximally blend with the overall streetlight structure.
4) All shrouds be colored to match the proposed streetlight pole.
5) All equipment shall be installed in shrouds as permitted herein and below grade.
6) No exposed cable, wires, conduit, etc. of any kind are permitted. All cables, wires, conduits, etc. shall be fully concealed within the shrouds, pole, and below grade.
7) Streetlight Pull boxes must read "STREET LIGHTING, HIGH VOLTAGE" for all circuitry 600 V or more. Add APWA, Caltrans or equivalent standard detail to the plans. [PW Green Book 405-1 Pull Boxes]

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13.4.2 Acceptable Configurations

The City is responsible for the proactive maintenance of an inventory of over 20 different types of streetlights and lighting fixtures, with an approximate total of 5,900 units. Given the variety of streetlight types within its public right-of-way, Acceptable configurations will be determined through the individual review of the Wireless Facility Permit or MLA, as applicable. In general, the City requires the least intrusive and most stealth installations technically feasible. Photographs of existing installations on City streetlight are provided below for reference as exemplary installations.

Figures 1 (left) and 2 (right), existing installations on East Bay Avenue/Alvarado Place and 22nd Street/Newport Boulevard.

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CHAPTER 14: STANDARD CONDITIONS OF APPROVAL

All Wireless Facility Permits/6409(a) Permits shall be subject to the following conditions of approval, even if said approval is by operation of law, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Public Works Director.

1) Within thirty (30) days of transmittal of this Statement of Official Action, the project applicant shall sign a copy of this determination and return the document to the Public Works Department. Failure to return this Statement of Official Action within thirty (30) days shall constitute grounds for potential revocation of this determination.

2) This approval is issued for the specific design configuration, including camouflage and concealment elements, as described in the Findings section of this Statement of Official Action, as shown in the approved construction documents, and as shown in the approved photosims. In the event of a conflict between the Findings, construction documents, and photosims, the most restrictive requirement shall govern and be considered part of the camouflage and concealment elements of the site.

3) This approval is for those plans bearing a stamp of approval from the City of Newport Beach dated [Month] [DD], [YYYY], inclusive of any exceptions noted thereon. Permittee shall build in strict compliance to the approved plans. No deviation from the approved plans shall be permitted without authorization from the City of Newport Beach.

4) Permittee shall obtain an Encroachment Permit within one hundred eighty (180) days of the date of this Wireless Facility Permit/6409(a) Permit or the permit shall automatically become null and void. Permittee shall provide the following information of the contractor performing the work prior to obtaining a Wireless Telecommunications Construction Permit:
    a. Point of contact, company, address, phone number, email
    b. California Contractor State License Board number
    c. Newport Beach business license number
    d. Certificate of insurance acceptable to the City's Risk Manager (see Exhibit A of the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations (Standards) for insurance requirements)

    All licenses and certificates of insurance shall be valid through the duration of the Encroachment Permit.

5) Permittee shall comply with all Encroachment Permit inspection procedures established by the Public Works Department.

6) Permittee shall not connect the personal wireless service facility approved in this Wireless Facility Permit/6409(a) Permit to a personal wireless service network (e.g., a wireless carrier's network) until receiving final inspection approval on the related Encroachment Permit from the Public Works Department.

7) The permittee shall submit as-built drawings within (90) days after installation of the facility. As-built drawings shall be in an electronic format acceptable to the City.

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8) The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. The permittee shall notify the City of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator.

9) The permittee shall notify the City in writing at least ninety (90) days prior to any transfer or assignment of the permit. The written notice required in this section must include: (1) the transferee's legal name; (2) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address; and (3) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. The Public Works Director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: federal, state and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the FCC.

10) At all times, all required notices and/or signs shall be posted on the site as required by the Federal Communications Commission. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

11) If a nearby property owner registers a noise complaint, the City shall forward the same to the permittee. Said compliant shall be reviewed and evaluated by the permittee. The permittee shall have ten (10) business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the City determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the City may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of Newport Beach Municipal Code Chapter 10.26. The matter shall be reviewed by the Public Works Director. If the Public Works Director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the Public Works Director may impose conditions on the project to achieve said objective.

12) The permittee shall assume full liability for damage or injury caused to any property or person by the facility.

13) The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within thirty (30) days of being notified of the need for such repairs by the City, the City may revoke the permit.

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14) Permittee, including its agents and contractors, shall comply with Chapter 1.07 of the NBMC prior to the issuance of any permit required by this chapter.

15) Permittee shall pay for and provide a performance bond or other form of security approved by the City Attorney's Office, which shall be in effect until the personal wireless service facility or 6409(a) facility, is fully and completely removed and the site returned to its original condition. The security instrument coverage shall include, but not be limited to, removal of the facility. The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and pursuant to the requirements set forth in the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations.

16) Permittee shall comply with the insurance requirements as set forth in Exhibit A of the Standards for the duration of the permit. Permittee shall furnish proof of insurance prior to issuance of an Encroachment Permit.

17) Permittee shall obtain all other required prior permits and other regulatory approvals from other City departments, and state and federal agencies prior to issuance of an Encroachment Permit to perform the work. This Wireless Facility Permit/6409(a) Permit and any subsequent Wireless Telecommunications Construction Permit shall be subject to the conditions and/or other requirements in any other required prior permits or other regulatory approvals from other City departments, and state and federal agencies.

18) Within thirty (30) days of the anniversary date of this Wireless Facility Permit/6409(a) Permit, the permittee shall provide to the Public Works Director a post-installation certification confirming, under penalty of perjury, that the personal wireless service facility is compliant with FCC regulations concerning radio frequency emissions.

19) Within thirty (30) days of the anniversary date of this Wireless Facility Permit/6409(a) Permit, the permittee shall routinely inspect the personal wireless service facility to ensure that it is maintained in good condition, including without limitation ensuring the facilities are reasonably free of: general dirt and grease; chipped, faded, peeling, and cracked paint; rust and corrosion; cracks, dents, and discoloration; missing discolored, or damaged camouflage; graffiti, bills, stickers, advertisements, litter, and debris; broken and misshapen structural parts; and any damage from any cause. Permittee shall obtain all necessary permits and regulatory approvals prior to performing any maintenance activity on the personal wireless service facility.

20) Permittee shall agree in writing that the permittee is aware of, and agrees to abide by, all conditions of approval imposed by the permit prior to permit issuance.

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Exhibit A: Insurance Requirements

Insurance requirements typically follow the City's MLA template limits, but applicants should confirm current requirements with the City's Real Property Division.

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