

Attachment H

Amendment to Title 21 (Local Coastal Program Implementation Plan), Proposed
Redline-Strikeout Changes

Chapter 21.49

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES

Sections:

21.49.010 — Purpose.

21.49.020 — ~~Effect of Chapter.~~

~~21.49.030 — Definitions.~~

21.49.030 Applicability.

21.49.040 — ~~Telecom Facility Preferences~~ Site Location Preference
and Prohibited Locations.

21.49.050 — ~~General Development and~~ Design Standards.

~~21.49.090 — Modification and Collocation of Existing Telecom Facilities.~~

~~21.49.120 — Removal of Telecom Facilities.~~

21.49.010 — Purpose.

A. — ~~The purpose and intent of this chapter is to provide for the establish reasonable and uniform standards and procedures for personal wireless service facilities deployment, construction, installation, collocation, modification, operation and maintenance of wireless telecommunication facilities (“telecom facilities”), relocation and removal on public and private all property within the coastal zone including the public right-of-way, consistent with State and Federal law while ensuring public safety, minimizing the visual effects of telecom facilities on public streetscapes, protecting public views, and otherwise avoiding and mitigating the visual impacts of telecom facilities on the community.~~

B. — ~~Telecom facilities shall utilize the least obtrusive available technology in order to reduce or minimize the number of telecom facilities in the City and minimize their visual impact on the community.~~

C. — ~~The provisions of to the extent permitted under federal and state law. The requirements of this chapter are not intended and shall not be interpreted to prohibit or to have the effect of prohibiting telecommunication services. This chapter shall be applied to providers, operators, and maintainers of telecommunication services regardless of whether authorized by or subject to State or Federal regulations. This chapter shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent telecommunication services. (Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~

21.49.020 Effect of Chapter.

A. — ~~Regulatory Scope. These regulations are applicable to all telecom facilities as defined herein and that provide wireless voice and/or data transmission such as, but not limited to, cell phone, Internet, and radio-relay stations.~~

B. — ~~Permit and Agreement Required. Prior to installation or modification of any telecom facility in the City, the applicant shall obtain a coastal development permit that is consistent with the provisions of this Local Coastal Program.~~

~~C.—protect and promote the public health and safety while preserving the City's unique Exempt Facilities. The following types of telecom facilities are exempt from the provisions of this chapter unless the provisions of Chapter 21.52 require a coastal development permit:~~

- ~~1.—Amateur radio antennas and receiving satellite dish antennas, and citizen band radio antennas.~~
- ~~2.—Dish and other antennas subject to the FCC Over the Air Reception Devices (“OTARD”) rule, 47 C.F.R. Section 1.4000 that are designed and used to receive video programming signals from (a) direct broadcast satellite services, or (b) television broadcast stations, or (c) for wireless cable service.~~
- ~~3.—During an emergency, upon following the requirements of Section 21.52.025, the City Manager, Director of Emergency Services or Assistant Director of Emergency Services shall have the authority to approve the placement of a telecom facility in any district on a temporary basis not exceeding ninety (90) calendar days from the date of authorization. Such authorization may be extended by the City on a showing of good cause.~~
- ~~4.—Facilities exempt from some or all of the provisions of this chapter by operation of State or Federal law to the extent so determined by the review authority.~~
- ~~5.—Antenna and support equipment systems installed or operated at the direction of the City or its contractor.~~
- ~~6.—Antenna and support equipment systems installed entirely within buildings for the sole purpose of providing wireless telecommunications or data transmission services to building occupants.~~

~~D.—Other Regulations. Notwithstanding the provisions of this chapter, all telecom facilities resources, public access, sensitive habitats, public views and scenic qualities as set forth within the City shall comply with the following requirements:~~

- ~~1.—Rules, regulations, goals, objectives and policies, or conditions in any permit, license, or agreement issued by any local, State or Federal agency which has jurisdiction over the telecom facility.~~
- ~~2.—Rules, regulations and standards of the Federal Communications Commission (FCC) and the of the General Plan, Coastal Land Use Plan, Local Coastal Program, and California Public Utilities Commission (CPUC). Coastal Act.~~

~~E.—Regulations Not in Conflict or Preempted. All telecom facilities within the City shall comply with the following requirements unless in conflict with or preempted by the provisions of this chapter:~~

~~1. 1. All applicable City design guidelines and standards.~~

~~1. 2. Requirements established by any other provision of this~~

~~Implementation Plan and by any other ordinance and regulation of the City.~~

~~F. **21.49.020 Definitions.**~~

~~The abbreviations, phrases, terms, and words shall have the meanings assigned to them in this section or as may be appropriate in Chapter 12.70 (Definitions), as may be amended, unless context indicates otherwise. Undefined phrases, terms or words in this section shall have the meanings assigned to them in 47 U.S.C. Section 702, as may be amended, and, if not defined therein, shall have their ordinary meanings. If any definition assigned to any phrase, term, or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition shall control.~~

~~“Antenna” as used in this chapter, means the same as defined in 47 C.F.R. Section 1.6002(b), as may be amended or superseded, which currently defines the term as an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.~~

~~**Legal Nonconforming Facility.** Any telecom facility that was lawfully constructed, erected, or approved prior to February 27, 2014, that is operating in compliance with all applicable laws, and which facility does not conform to the requirements of this chapter shall be deemed a legal nonconforming facility. Legal nonconforming facilities shall comply at all times with the laws, ordinances, regulations, and any conditions of approval in effect at the time the facility was approved, and any regulations pertaining to legal, nonconforming uses or structures that may be applicable pursuant to provisions of this Implementation Plan or Federal and State laws as they may be amended or enacted, in the future. (Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~

~~**21.49.030 Definitions.**~~

~~For the purposes of this chapter, the following definitions shall apply:~~

~~A. **Antenna.** “Antenna” means a device used to transmit and/or receive radio or electromagnetic waves between earth and/or satellite-based systems, such as reflecting discs, panels, microwave dishes, whip antennas, antennas, arrays, or other similar devices.~~

~~B. **Antenna Array.** “Antenna array” means antennas having transmission and/or reception elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support structure, all of which elements are deemed to be part of the antenna.~~

~~C. **Base Station.** “Base station” means the electronic equipment and appurtenant support equipment at a telecom facility installed and operated by the telecom operator that together perform the initial signal transmission and signal control functions. A base~~

~~station does not include the antennas, antenna support structure, or any portion of distributed antenna system (DAS).~~

~~D. Collocation. "Collocation" means an arrangement whereby multiple telecom facilities are installed on the same building or structure.~~

~~E. Distributed Antenna System (DAS). "Distributed antenna system (DAS)" means a network of one "Base station" means the same as defined in 47 C.F.R. Section 1.6100(b)(1), as may be amended or superseded, which currently defines that term as structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Section 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government under this section, supports or houses equipment described in 47 C.F.R. Section 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the state or local government under this section, does not support or house equipment described in 47 C.F.R. Section 1.6100(b)(1)(i)-(ii).~~

~~"City-owned" or "City-held trust property" means all real property and improvements owned, operated or controlled by the City, other than the public right-of-way, within the City's jurisdiction, including but not limited to City Hall, police and fire facilities, recreational facilities, parks, beaches, and libraries.~~

~~"Collocation" means (a) for the purposes of any eligible facilities request, the same as defined by 47 C.F.R. Section 1.6100(b)(2), as may be amended, which currently defines the term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, "collocation" as defined herein, effectively means "to add" and does not necessarily refer to more than one personal wireless service facility installed at a single site; and (b) for all other purposes, has the same definition as is found in 47 C.F.R. Section 1.6002(g), as may be amended, which defines the term as (1) mounting or installing an antenna facility on a pre-existing~~

structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“CPUC” means the California Public Utilities Commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency or agencies.

“Distributed antenna system (“DAS”) means a network of one (1) or more antennas and fiber optic nodes typically mounted to streetlight poles, or utility structures, which provide access and signal transfer services to one (1) or more third-party wireless service providers. DAS also includes the equipment location, sometimes called a “hub” or “hotel,” where the DAS network is interconnected with third-party wireless service providers to provide the signal transfer services.

“Eligible facilities request” means the same as defined in 47 C.F.R. Section 1.6100(b)(3), as may be amended, which currently defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

“Existing” means the same as defined in 47 C.F.R. Section 1.6100(b)(5), as may be amended. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“Facility Classes. ~~Classes of telecom class(es)~~” refers to the classes of personal wireless service facilities and the attendant support equipment, which are categorized into the following classes as follows:

1. Class 1 (Stealth/Screened): a stealth personal wireless service facility with antennas mounted on an existing or proposed nonresidential building or other structure not primarily intended to be an antenna support structure where antennas and support equipment, including the base station, are fully screened ~~so that they are not visible to the general~~ from public view.
2. Class 2 (Visible Antennas): a personal wireless service facility with antennas mounted on an existing nonresidential building, structure, pole, light standard, utility tower, wireless tower and/or lattice tower outside of the public right-of-way.

3. Class 3 (Public Right-of-Way Installations): a personal wireless service facility with antennas installed on a structure located in the public right-of-way, regulated by Chapter 13.22.
4. Class 4 (Freestanding Structure): a personal wireless service facility with antennas mounted on a new freestanding structure, including but not limited to, a faux tree, a monopole or lattice tower, constructed for the sole or primary purpose of supporting the ~~telecom~~personal wireless service facility.
5. Class 5 (Temporary): a personal wireless service facility including associated support equipment that is installed at a site on a temporary basis pursuant to a limited-term permit. ~~A Class 5 installation may also be installed or~~ in connection with a special event upon the approval of a special event permit pursuant to Chapter 11.03 ~~with or without a limited-term permit.~~ (Special Events).

~~G. FCC.~~ “FCC” means the Federal Communications Commission, or ~~the Federal regulatory~~ its duly appointed successor agency ~~charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.~~

~~H. Feasible or Feasibly.~~

“Feasible” or “feasibly” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal and technological factors.

~~I. Lattice Tower.~~

“Lattice tower” means a freestanding open framework structure used to support antennas, typically with three or four support legs of open metal crossbeams or crossbars.

~~J. Monopole.~~ “Monopole” means a single ~~free-standing~~ freestanding pole or pole-based structure solely used to act as or support a ~~telecom~~ telecommunication antenna or antenna arrays.

~~K. Operator or Telecom Operator.~~ “Operator” or “telecom operator” means ~~any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecom facility or facilities within the City. The definition of operator or telecom operator does not include a property owner(s) that leases property to an operator for a telecom facility.~~

~~L. Public Right-of-Way.~~

~~“OTARD” means an over-the-air reception device subject to 47 C.F.R. Section 1.4000 et seq., as may be amended, and which currently includes, without limitation, satellite television dishes not greater than one meter in diameter.~~

“Permittee” means the owner of a personal wireless service facility that has obtained

permission through issuance of a permit or pursuant to this chapter to construct, install, modify, collocate, relocate, or otherwise deploy personal wireless service facilities on private property.

“Personal wireless services” means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which currently defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Personal wireless service facility(ies)” or “facility(ies)” means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(ii), as may be amended, which currently defines the term as facilities that provide personal wireless services.

“Public right-of-way” (“PROW”) means the same as defined in Section 13.20.20 of this Code, which currently defines the term as the improved or unimproved surface of any and the space above and below a City easement for public- utility purposes, or street, or similar- public- way- of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use. PROW includes public streets, roads, lanes, alleys, sidewalks, medians, parkways and landscaped lots. The PROW does not include private streets now or hereafter held by the City, however acquired.

M. — Stealth or Stealth Facility.

“Section 6409(a)” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012), codified as 47 U.S.C. Section 1455(a), as may be amended.

“Section 6409(a) facility(ies)” or “6409(a) facility(ies)” means an eligible facility request approved pursuant to Section 6409(a).

“Stealth” or “stealth facility” means a ~~telecom~~personal wireless service facility in which the antenna, and the support equipment, are completely hidden from view such as in a monument, cupola, pole-based structure, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature. Concealing structures which are obviously not such a natural or architectural feature to the average reasonable observer do not qualify within this definition. For example, an artificial tree may not be considered to be a stealth facility.

N. — Support Equipment.

“Substantially change” or “substantially change the physical dimensions” means the same as interpreted by applicable courts and in 47 C.F.R. Section 1.6100(b)(7), as amended, which currently states that a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;

 - (a) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the thirty (30) feet is measured excludes any access or utility easements currently related to the site;
- (v) It would defeat the concealment elements of the eligible support structure; or
- (vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the modification meets all of the criteria in subsections (i) - (v) or, as amended 47 C.F.R. Section 1.6100(b)(7)(i) - (iv).

“Support equipment” means the physical, electrical and/or electronic equipment included within a ~~telecom~~personal wireless service facility used to house, power, and/or contribute to the processing of signals from or to the facility’s antenna or antennas, including but not limited to a base station, cabling, air conditioning units, equipment cabinets, pedestals, and electric service meters. Support equipment does not include DAS, antennas or the building or support structure to which the antennas or other equipment are attached.

~~O. — Telecommunication(s) Facility, Telecom Facility, Telecom Facilities, Wireless Telecommunications Facility, or Facility. “Telecommunication(s) facility,” “telecom facility,” “telecom facilities,” “wireless telecommunications facility,” or simply “facility” or “facilities” means an installation that sends and/or receives wireless radio frequency signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated. The term does not include mobile transmitting devices, such as vehicle or hand-held radios/telephones and their associated transmitting antennas.~~

~~P. — Utility Pole.~~

~~“Tower” means the same as defined in 47 C.F.R. Section 1.6100(b)(9), as amended, which currently defines the term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.~~

~~“Transmission equipment” means the same as defined in 47 C.F.R. Section 1.6100(b)(8), as amended, which currently defines the term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.~~

~~“Unlicensed wireless service” means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(iii), as amended which currently defines the term as the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in 47 U.S.C. Section 303(v).~~

“Utility pole” means a single freestanding pole used to support services provided by a public or private utility provider.

~~Q.—Utility Tower.—~~

“Utility tower” shall mean an open framework structure (see lattice tower) or steel pole used to support electric transmission facilities.

21.49.030 Applicability.

A. Applicable Facilities. This chapter applies to all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy personal wireless service facilities in the City’s coastal zone that constitute development as defined in Chapter 21.70 (Definitions) and requires either: (1) a de minimis waiver pursuant Section 21.52.055; or (2) a coastal development permit pursuant to Chapter 21.52, consistent with the provisions of this Implementation Plan.

B. Exempt Facilities. Notwithstanding subsection (A) of this section, the provisions in this chapter shall not be applicable to any of the following:

1. Amateur radio facilities;
2. OTARD antenna(s);
3. Personal wireless service facility installed completely indoors and not visible to the public intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
4. Personal wireless service facility or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-E, as may be amended;
5. During an emergency, upon following the requirements of Section 21.52.025, the City Manager, Director of Emergency Services or Assistant Director of Emergency Services shall have the authority to approve the placement of a personal wireless service facility in any district on a temporary basis not exceeding ninety (90) calendar days from the date of authorization. Such authorization may be extended by the City on a showing of good cause;
6. The replacement of a personal wireless service facility within the public right-of-way is exempt, provided that the facility will be mounted to an existing structure or a replacement structure sited within three (3) feet of the existing location if the replacement location and all permits required in Chapter 13.22 are obtained and would not result in impacts to public access, scenic resources, environmentally sensitive habitat area (“ESHA”), and other coastal resources;

7. Personal wireless service facility or associated infrastructure that is developed, installed, managed, or operated by the City, for the City, or under the City's direction, or located on City-owned or City-held trust property, or in which the City maintains a legal or equitable interest and installed pursuant to a lease, license, franchise agreement or other agreement between the City and any third party (whether public or private); and

8. Personal wireless service facility, 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 facility shall be subject to the Director's determination that it be designed to minimize the extent of the non-conformity with the Code.

The exemptions provided herein shall not exempt the same personal wireless service facility from the requirements in Title 15 (Building Construction).

C. Other Permits and Regulatory Approvals. In addition to any permit required under this chapter, the applicant must obtain and comply with all other required authorizations and permits and all other regulatory approvals from all City departments, and state and federal agencies.

D. Proprietary Approvals. Nothing in this chapter shall be deemed to waive any required proprietary approvals for siting of personal wireless service facilities on privately or publicly owned property or improvements.

E. Non-Exclusive Grant. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the City for any purpose whatsoever. Further, no approval shall be construed as any warranty of title.

F. Regulations Not in Conflict or Preempted. Any personal wireless service facility within the coastal zone shall comply with the following requirements unless in conflict with the provisions of this chapter or preempted by state or federal law:

1. Notwithstanding any other portion of this Section 21.49.030, the personal wireless service facility is not exempt from compliance with the general development and design standards in Section 21.49.050.

2. All applicable City design guidelines and standards.

3. Requirements established by any other provision of this Implementation Plan and by any other ordinance and regulation of the City.

~~Legal Nonconforming Facility. R. — Wireless Tower. “Wireless tower” means any structure built for the sole or primary purpose of supporting antennas used to provide wireless services authorized by the FCC. A distributed antenna system (DAS) installed pursuant to a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission on a water tower, utility tower, streetlight, or other structures built or rebuilt or replaced primarily for a purpose other than supporting wireless services authorized by the FCC, including any structure installed pursuant to California Public Utilities Code Section 7901, is not a wireless tower for purposes of this definition. For an example only, a prior existing streetlight standard which is replaced with a new streetlight standard to permit the addition of antennas shall not be considered a wireless tower, but rather a replacement streetlight standard. (Ord. 2025-14 § 1 (Exh. A § 18), 2025; Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~

~~G. Any personal wireless service facility that was lawfully constructed, erected, or approved prior to <DATE OF EFFECTIVENESS>, that is operating in compliance with all applicable laws, and which facility does not conform to the requirements of this chapter shall be deemed a legal nonconforming facility. Legal nonconforming facilities shall comply at all times with the laws, ordinances, regulations, and any conditions of approval in effect at the time the facility was approved, and any regulations pertaining to legal, nonconforming uses or structures that may be applicable pursuant to provisions of this Code or federal and state law as they may be amended.~~

~~21.49.040 Telecom Facility Preferences~~ Site Location Preference and Prohibited Locations.

A. Preferred Locations. To limit the adverse visual effects of and proliferation of new or individual ~~telecom~~personal wireless service facilities in the City, the following list establishes the order of preference of facilities, from the most preferred (1) to least preferred (4):

1. Collocation of a new personal wireless service facility at an existing facility.
2. Class 1.
3. Class 2 and Class 3.
4. Class 4.

B. Prohibited Locations. ~~Telecom~~Personal wireless service facilities are prohibited in the following locations:

1. On properties zoned for single-unit or two-unit residential development including equivalent designations within a ~~Planned Community District~~planned community district or specific plan ~~districts~~district except if located on common

area lots developed with community facilities, landscape lots, or private streets.

2. On properties zoned for multi-unit residential development ~~and/or~~ mixed-use development including equivalent ~~Planned Community District~~planned community district or specific plan districts ~~where the~~with a maximum ~~of four (4)~~ allowable ~~number of~~ dwelling units ~~is four units~~.

~~3.~~ 3. In the Open Space (OS) Coastal Zoning District, unless ~~telecom~~ facilities are collocated on an existing utility tower within a utility easement area, or collocated on an existing facility.

~~4.~~ On traffic control standards (traffic signal poles).

~~5.~~ personal wireless service ~~Within any environmentally sensitive habitat areas, wetlands, or bluffs.~~

~~.~~ Any beach or between the sea and first public road paralleling the sea, unless ~~telecom~~ facilities are collocated on an existing utility tower within a utility easement area, or collocated on another existing personal wireless service facility.

4. Within any environmentally sensitive habitat areas, wetlands, or bluffs.

4. 5. Any beach or between the sea and first public road paralleling the sea, unless the personal wireless service facility is collocated on an existing utility tower within a utility easement area, or collocated on an existing facility; or other existing building. (~~Ord. 2016-19 § 9 (Exh. A)(part), 2016~~)

21.49.050 General Development and Design Standards.

A. ~~A.~~ General Criteria. All telecom facilities Generally Applicable Design Standards. Any personal wireless service facility shall employ design techniques to minimize visual impacts and provide appropriate screening to result in the least visually intrusive means of providing the service. Such techniques shall be employed to make the installation, appearance and operations of the facility as visually inconspicuous as practicable. To the greatest extent feasible, personal wireless service facilities shall be designed to minimize the visual impact of the facility by means of location, placement, height, screening, landscaping, and shall be compatible with existing architectural elements, building materials, other building characteristics, and the surrounding area.

B. In addition to the other design standards of this section, the following criteria shall be considered by the review authority in connection with its processing of any coastal development permit for a ~~telecom~~personal wireless service facility:

1. Blending. The extent to which the proposed ~~telecom~~personal wireless

service facility blends into the surrounding environment or is architecturally compatible and integrated into the structure.

2. Screening. The extent to which the proposed telecompersonal wireless service facility is concealed or screened by existing or proposed new topography, vegetation, buildings or other structures.

3. Size. The total size of the proposed telecompersonal wireless service facility, particularly in relation to surrounding and supporting structures.

4. Location. Proposed telecompersonal wireless service facilities shall be located so as to utilize existing natural or manmade features in the vicinity of the facility, including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening and blending with the predominant visual backdrop. TelecomPersonal wireless service facilities shall be sited outside any environmentally sensitive habitat area, wetland, or bluff and sited such that they have no adverse impact on public access and recreation.

5. Collocation. In evaluating whether the collocation of a telecompersonal wireless service facility is feasible, the criteria listed in subsections (A)(1) ~~through~~ (4) of this section shall be used to evaluate the visual effect of the combined number of facilities at the proposed location.

C. ~~B.~~—Public View Protection. ~~All new or modified telecom facilities~~The personal wireless service facility, whether approved by administrative or discretionary review, ~~shall comply~~complies with Section 21.30.100 ~~(Scenic and Visual Quality Protection)~~. ~~In general, telecom facilities.~~ The Personal wireless service facility shall be located outside any public viewshed to or along the ocean, bay, beach or coastal bluffs. Additionally, any potential ~~impacts~~impact from a new or modified telecompersonal wireless service facility to public views that are not identified by the Coastal Land Use Plan shall be evaluated to determine if inclusion in the Coastal Land Use Plan would be appropriate. If deemed appropriate for inclusion, the potential impacts to such public views shall be considered.

D. ~~C.~~—Height.

1. ~~1.~~—The ~~Planning Commission or City Council~~review authority may approve or conditionally approve a coastal development permit for a telecompersonal wireless service facility that exceeds the maximum allowable height limit for ~~the coastal zoning district in which the facility is located; provided, it does not exceed the maximum height limit by flat structures pursuant to Section 21.30.060(C)(2) by not more than~~ fifteen (15) feet; only after making ~~all of the following~~ required findings in Section 20.49.060(H) (Required Findings for

~~Telecom Facilities~~);

a. ~~2.~~—The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed personal wireless service facility and existing adjacent developments or public spaces; and

b. Establishment of the personal wireless service facility at the requested height is necessary to provide service.

2. All ~~telecom~~ personal wireless service facilities shall comply with height restrictions or conditions, if any, required by the Federal Aviation Administration.

3. ~~Telecom~~Any personal wireless service facilities installed on ~~streetlights~~streetlight, utility ~~poles~~pole, utility ~~towers~~tower or other similar ~~structures~~structure within the public right-of-way shall not exceed thirty-five (35) feet in height above the finished grade.

4. ~~Telecom facilities~~A personal wireless service facility may be installed on existing utility poles or utility towers that exceed thirty-five (35) feet above the finished grade where the purpose of the existing utility pole or utility tower is to carry electricity or provide other wireless data transmission; provided, that the top of the proposed antennas do not extend above the top of the utility pole or utility tower.

5. ~~Telecom facilities~~A personal wireless service facility disguised as ~~flagpoles~~flagpole may be installed provided ~~they meet it~~meets applicable height limits for flagpoles provided in Section 21.30.060.

E. ~~D.~~—Setbacks. ~~Proposed telecom facilities shall comply~~The personal wireless service facility complies with ~~the~~all required ~~setback established by the development standards~~setbacks for the coastal zoning district in which the facility is proposed ~~to be located~~. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure.

F. ~~E.~~—Design Techniques. ~~Design techniques shall result in the installation of a telecom~~The personal wireless service facility ~~that is~~shall be designed in harmony and scale with the surrounding area, ~~screens the installation~~screened from public view, and ~~prevents blended so that~~ the facility ~~from~~does not visually ~~dominating~~dominate the surrounding area. Design techniques may include the following:

1. Screening elements to disguise or otherwise hide the ~~telecom~~personal

wireless service facility from view from surrounding uses.

2. Painting and/or coloring the telecompersonal wireless service facility to blend into the predominant visual backdrop.
3. Siting the telecompersonal wireless service facility to utilize existing features (such as buildings, topography, vegetation, etc.) to screen or hide the facility.
4. Utilizing simulated natural features (trees, rocks, etc.) to screen or hide the telecompersonal wireless service facility.
5. Proportional sizing of ~~a size~~the personal wireless service facility so that, as determined by the City, ~~is not visually obtrusive such that any effort to screen~~the screening of the facility would not create greater visual impacts than the facility itself.
6. To the greatest extent practicable, new Class 4 facilities shall be designed and sited to facilitate ~~the~~ collocation of one~~an~~ additional telecom operator~~facility~~.

G. ~~F.~~—Screening Standards. For collocation and Section 6409(a) installations, the screening method shall be materially similar to those used on the existing telecompersonal wireless service facility, and shall not diminish the existing screening of the facility. If determined necessary by the review authority, use of other improved and appropriate screening methods may be required to screen the antennas and support equipment from public view. The following is a ~~nonexclusive~~non-exhaustive list of potential design and screening techniques that must be considered for all facility installations:

1. Class 1 (Stealth/Screened) Installations.
 - a. All telecompersonal wireless service facility components, including all antennas, antenna panels, cables, wires, conduits, mounting brackets, and support equipment, shall be fully screened, and mounted either inside the building or structure, or behind screening elements and not on the exterior face of the building or structure.
 - b. Screening materials shall match in color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment. ~~If determined necessary by the reviewing~~The review authority, may require additional screening to avoid adverse impacts to views from land or buildings at higher elevations ~~shall be required~~.

c. When a ~~telecom~~personal wireless service facility is proposed within an existing or new architectural feature such as a steeple, religious symbol, tower, cupola, clock tower, sign tower, etc., the facility shall be architecturally compatible with the existing structure or building.

2. Class 2 (Visible) Installations.

a. Building- or structure-mounted antennas shall be painted or otherwise coated to match or complement the predominant color of the structure on which they are mounted and shall be compatible with the architectural texture and materials of the building to which the antennas are mounted. No cables, wires, conduits, mounting brackets or any other associated support equipment shall be visible.

b. All antenna components and support equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background and/or adjacent architecture so as to visually blend in with the surrounding development. Subdued colors and nonreflective materials that blend with surrounding materials and colors shall be used.

3. Class 3 (Public Right-of-Way) Installations.

a. ~~a. Whenever feasible, new~~New antennas proposed to be installed in the public right-of-way shall be placed on existing utility structures, streetlights, or other existing vertical structures. when feasible. Antenna installations on existing or replacement streetlight poles or utility poles shall be screened by means of canisters, radomes, shrouds other screening measures whenever feasible, and treated with exterior coatings of a color and texture to match the existing pole.

b. New or replacement vertical structures may be allowed when authorized by this Code and approved by the Public Works Department. Replacement poles or streetlights shall be consistent with the size, shape, style, and design of the existing pole, including any attached light arms. New poles or streetlights may be installed, provided they match existing or planned poles within the area.

c. If antennas are proposed to be installed without screening, they shall be flush-mounted to the pole and shall be treated with exterior coatings of a color and texture to match the pole.

4. Class 4 (Freestanding Structure) Installations.

a. The installation of new lattice towers or monopoles with visible antennas or antenna arrays is strongly discouraged due to the visual effects of such facilities. Preferred monopole designs include fully screened antennas without visible brackets, cables, or conduits. Additionally, any lattice tower or monopole should be sited in the least obtrusive location as practicable.

b. The construction of new freestanding structures such as signs, monoliths, pyramids, lighthouses, or other similar vertical structures shall be designed and sited to appropriately complement a site and screen all elements of the telecompersonal wireless service facility.

c. The installation of artificial rocks shall match in scale and color with other rock outcroppings in the general vicinity of the proposed site. An artificial rock screen may not be considered appropriate in areas that do not have natural rock outcroppings.

d. The installation of artificial trees or shrubbery is strongly discouraged if they are obviously not natural to the average reasonable observer. When an artificial tree or shrubbery is proposed, it shall be designed for and located in a setting that is compatible with the proposed screening method. Such installations shall be situated so as to utilize existing natural or manmade features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening. All antennas and antenna supports shall be contained within the canopy of the tree design or other vegetation comparable to that being replicated by the proposed screening elements. Finally, ~~the addition of~~ new comparable living vegetation may be necessaryconditioned to enhance the artificial tree or shrubbery screening elements.-

e. Flagpoles shall not exceed twenty-four (24) inches in width at the base of the flagpole and also shall not exceed twenty (20) inches in width at the top of the flagpole.

5. Class 5 (Temporary) Installations. A temporary telecompersonal wireless service facility installation may require screening to reduce visual impacts depending on the duration of the permit and the setting of the proposed site. If screening methods are determined to be necessary by the review authority, the appropriate screening methods will be determined through the application review and permitting process in consideration of the temporary nature of the facility.

6. Support Equipment. All support equipment associated with the operation of

any ~~telecom~~personal wireless service facility shall be placed or mounted in the least visually obtrusive location practicable, ~~and shall be screened from view, and placed underground, where feasible.~~

a. Installations on Private Property. The following is a nonexclusive list of potential screening techniques for ~~telecom~~personal wireless service facilities ~~located~~proposed on private property:

i. Building-Mounted ~~Telecom~~Personal Wireless Service Facilities. For building- or structure-mounted antenna installations, support equipment for the facility may be located inside the building, in an underground vault, or on the roof of the building that the facility is located on; provided, that both the equipment and any screening materials are architecturally compatible and/or painted the color of the building, roof, and/or surroundings thereby providing screening.

ii. Roof-Mounted ~~Telecom~~Personal Wireless Service Facilities. All screening materials for roof-mounted facilities shall be of a quality and design compatible with the architecture, color, texture and materials of the building to which they are mounted. ~~If determined necessary by the~~The review authority, may condition additional screening to avoid adverse impacts to views from land or buildings at higher elevations ~~shall be required.~~

iii. Freestanding ~~Telecom~~Personal Wireless Service Facilities. For freestanding facilities installations, not mounted on a building or structure, support equipment for the facility may be visually screened by locating the support equipment in a fully enclosed building, in an underground vault, or in a security enclosure consisting of walls and/or landscaping ~~to effectively screen the support equipment at the time of installation.~~

iv. Landscaping. All wall and landscaping materials shall be selected so that the resulting screening will be visually integrated with the architecture and landscape architecture of the ~~surroundings~~surrounding area.

v. Screen Enclosures. Additionally, screening enclosure shall be made of non-reflective material and painted to blend with surrounding materials and colors. Additionally, screening enclosures ~~may~~shall utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a “closed-mesh” design ~~(i.e., with no more than~~ one-inch gaps) ~~or may consist of an~~

alternate enclosure design approved by the review authority. ~~In general, the screening enclosure shall be made of nonreflective material and painted to blend with surrounding materials and colors.~~

vi. Undergrounding and Venting. If placed in an underground vault, flush-to-grade vents, or alternatively, vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view ~~may~~should be utilized.

b. Installations in a Public Right-of-Way. The following is a ~~nonexclusive~~non-exhaustive list of ~~potential~~ screening techniques for ~~telecom~~personal wireless service facilities located in a public right-of-way:

i. Where existing utilities services (e.g., telephone, power, cable TV) are located underground, the support equipment shall be placed underground if required by other provisions of this Code. Flush-to-grade underground vault enclosures, including flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view, may be incorporated. Electrical meters required for the purpose of providing power for the proposed ~~telecom~~personal wireless service facility may be installed above ground on a pedestal in a public right-of-way provided they meet applicable standards of Title 13 unless otherwise precluded by this Code.

ii. Support equipment ~~approved to be located~~proposed above ground in ~~at~~the public right-of-way shall be painted or otherwise coated to be visually compatible with the existing or replacement pole, lighting and/or traffic signal equipment without substantially increasing the width of the structure.

iii. All transmission or amplification equipment such as remote radio units, tower-mounted amplifiers, and surge suppressors shall be mounted inside the utility or streetlight pole without materially increasing the pole diameter or shall be installed in the vault enclosure supporting the facility.

H. ~~G.~~—Night Lighting. ~~Telecom~~Personal wireless service facilities shall not be lighted except for security lighting at the lowest intensity necessary for that purpose or as may be recommended by the United States Flag Code (4 U.S.C. Section 1 et seq.). Such lighting shall be shielded so that direct illumination does not directly shine on nearby properties or upon any ocean, beach, bay, environmentally sensitive habitat area or

wetland. The review authority shall consult with the Police Department regarding proposed security lighting for facilities on a case-by-case basis.

~~H. Signs and Advertising. No advertising signage or identifying logos shall be displayed on any telecom facility except for small identification, address, warning, and similar information plates. Such information plates shall be identified in the telecom application and shall be subject to approval by the review authority. Signage required by State or Federal regulations shall be allowed in its smallest permissible size.~~

I. I. Signs and Advertising. The personal wireless service facility shall include discreet signage that continuously and accurately identifies the equipment, the permittee's site name or identification number, as well as a local or toll-free number to the permittee's network operations center. The personal wireless service facility shall not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended by the FCC, CPUC, or other United States or state governmental agencies.

I.J. Nonconformities. A proposed or modified ~~telecom~~personal wireless service facility shall not create any new or increased nonconformity as defined in this Implementation Plan, such as, but not limited to, a reduction in and/or elimination of required parking, landscaping, or loading zones unless relief is sought pursuant to applicable Zoning Code procedures.

J.K. J. Maintenance. The ~~telecom operator~~permittee shall be responsible for maintenance of the ~~telecom~~personal wireless service facility in a manner consistent with the original approval of the facility, including but not limited to the following:

1. Any missing, discolored, or damaged screening shall be restored to its original permitted condition of approval.
2. All graffiti on any components of the ~~telecom~~personal wireless service facility shall be removed promptly in accordance with this Code.
3. All landscaping required for the ~~telecom~~personal wireless service facility shall be maintained in a healthy condition at all times, and shall be promptly replaced if dead, dying, or damaged.
4. All ~~telecom~~personal wireless service facilities shall be kept clean and free of litter.
5. All equipment cabinets shall display a legible contact number for reporting maintenance problems to the ~~telecom operator~~permittee.
6. If a flagpole is used for a ~~telecom~~personal wireless service facility, flags

shall be flown and shall be properly maintained at all times. ~~The use of the United States flag shall comply with the provisions of the U.S. Flag Code (4 U.S.C. Section 1 et seq.).~~

~~K. — Prior Coastal Development Permit. Any proposed telecompersonal wireless service facility shall comply with the terms and conditions of any previously authorized coastal development permit that remains in effect. (Ord. 2025-14 § 1 (Exh. A § 19), 2025; Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~

~~21.49.090 Modification and Collocation of Existing Telecom Facilities.~~

~~Notwithstanding any provision in this chapter, a request to modify an existing facility that involves the collocation of new transmission equipment, the removal of existing transmission equipment, or the replacement of existing transmission equipment shall be subject to administrative review and approval without processing any discretionary permit provided that such modification does not substantially change the physical dimensions of the existing facility from the original permit for the facility. A substantial change means a single change, or series of changes over time, that exceed five percent of the physical dimensions of the original approved telecom facility, or as otherwise defined by applicable provisions of State or Federal law.~~

~~Each application submitted under this section for a modification or collocation to an existing telecom facility shall be accompanied by:~~

~~A. — A detailed description of the proposed modifications to the existing telecom facility(ies);~~

~~B. — A photograph or description of the telecom facility as originally constructed, if available; a current photograph of the existing facility; and a graphic depiction of the facility after modification showing all relevant dimensions;~~

~~C. — A detailed description of all construction that will be performed in connection with the proposed modification; and~~

~~D. — A written statement signed and stamped by a professional engineer, licensed and qualified in California, attesting that the proposed modifications do not constitute a substantial change of the existing permitted facility.~~

~~Any permit issued will be conditioned upon the accuracy of the application, and may be revoked, and the telecom facility shall be removed and restored to its pre-modification condition if any material statement made with respect to the facility application is false or the modifications as actually made would have required a discretionary review had the plan for the facility accurately depicted the modifications. (Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~

~~21.49.120 Removal of Telecom Facilities.~~

~~A. — Discontinued Use. Any telecom operator who intends to abandon or discontinue use of a telecom facility must notify the Director by certified mail no less than thirty (30) days prior to such abandonment or discontinuance of use. The telecom operator or owner~~

~~of the affected real property shall have ninety (90) days from the date of abandonment or discontinuance, or a reasonable additional time as may be approved by the Director, within which to complete one of the following actions:~~

- ~~1. Reactivate use of the telecom facility.~~
- ~~2. Transfer the rights to use the telecom facility to another telecom operator and the telecom operator commences use within a reasonable period of time as determined by the Director.~~
- ~~3. Remove the telecom facility and restore the site.~~

~~B. Abandonment. Any telecom facility that is not operated for transmission and/or reception for a continuous period of ninety (90) days or whose telecom operator did not remove the facility in accordance with subsection (A) of this section shall be deemed abandoned. Upon a finding of abandonment, the City shall provide notice to the telecom operator last known to use such facility and, if applicable, the owner of the affected real property, providing thirty (30) days from the date of the abandonment notice within which to complete one of the following actions:~~

- ~~1. Reactivate use of the telecom facility.~~
- ~~2. Transfer the rights to use the telecom facility to another telecom operator who has agreed to reactivate the facility within thirty (30) days of the transfer.~~
- ~~3. Remove the telecom facility and restore the site.~~

~~C. Removal by City.~~

- ~~1. The City may remove an abandoned telecom facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable codes at any time after thirty (30) days following the notice of abandonment.~~
- ~~2. If the City removes an abandoned telecom facility, the City may, but shall not be required to, store the removed facility or any part thereof. The owner of the premises upon which the abandoned facility was located and all prior operators of the facility shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefor is made. In addition, the City Council, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.~~

~~κ.L. D. City Lien on Property. Until the cost of removal, repair, restoration, and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the telecom facility was located for the full amount of all costs incurred by the City for the removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the Orange County Recorder, with the costs of filing,~~

~~processing, and release of such City lien being added to the other costs listed in this subsection. (Ord. 2016-19 § 9 (Exh. A)(part), 2016)~~