

## Section 4.14 Wireless Communication Facilities

### A. Intent

The intent of this article is to do each of the following:

1. Enhance the ability of telecommunication service providers to effectively and efficiently provide new wireless communication services.
2. Encourage the design and placement of wireless communication facilities in a way that minimizes their impact to the visual character, health, economic vitality, and biological resources.
3. Encourage and maximize the use of existing and approved wireless communication facilities, buildings, and other structures while taking into account the use of concealment technology in order to reduce the number of facilities needed to serve businesses and residents.
4. Ensure continuous maintenance of new and existing wireless communication facilities.
5. Ensure the timely removal of any unused or outdated wireless communication facilities.

### B. Exclusions

This article shall not apply to any tower or antenna that is less than one hundred five (105) feet in total height and that is owned and operated by a federally licensed amateur radio station operator. This article shall also not apply to any tower or antenna used for commercial radio or television purposes.

### C. Definitions

The following terms shall have the following meanings for purposes of this article:

1. **Antenna.** A device used for the purpose of transmitting and/or receiving wireless communication signals.
2. **Antenna structure.** An antenna and its associated support structure, such as a monopole or tower.
3. **Equipment enclosure.** Any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect the electronic and supporting equipment necessary for processing wireless communication signals. Supporting equipment includes, but is not limited to, air conditioners, emergency generators, and other back-up power suppliers.
4. **Monopole.** A vertical, unguyed structure erected on the ground to support an antenna.
5. **Telecommunication service provider.** The private sector entity that is responsible for providing wireless communication to the general public or the private sector entity that owns or operates a wireless communication facility.
6. **Tower.** A structure that supports, holds, or contains equipment that sends and/or receives wireless communication signals, including, but not limited to, antennas.
7. **Wireless communication facilities.** Facilities that send and/or receive personal wireless communication signals, including, but not limited to, antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated. Wireless communication facilities are classified as follows:
  - a. **Concealed wireless communication facilities.** Facilities blended into the environment so as not to be seen at all or, if seen, not to be recognized as wireless communication facilities.

Concealed wireless communication facilities include, but are not limited to, architecturally screened roof-mounted facilities, facade-mounted design feature facilities, clock tower facilities, and entry statement signage facilities. The Planning Director shall make the final determination as to whether a facility under review constitutes a concealed wireless communication facility.

- b. **Disguised wireless communication facilities.** Facilities designed and sited so as to be minimally visually intrusive. Disguised wireless communication facilities include, but are not limited to, disguised palm trees (monopalm), disguised pine trees (monopines), disguised ball field light poles, disguised water towers, disguised street lights, disguised electric utility poles, suspended wire antennas, and painted poles located within a grove of live trees. The Planning Director shall make the final determination as to whether a facility under review constitutes a disguised wireless communication facility.
- c. **Co-located wireless communication facilities.** Facilities owned by one telecommunication service provider that are attached to facilities owned by a different telecommunication service provider. The Planning Director shall make the final determination as to whether a facility under review constitutes a co-located wireless communication facility.
- d. **Other wireless communication facilities.** Facilities that are not concealed, disguised or co-located.

#### **D. Concealed Wireless Communication Facilities**

1. **Appropriate location.** Concealed wireless communication facilities may be located in any zone classification.
2. **Permit application.** An application for development review shall be made to the Planning Director. The application shall be classified as a development review that is not subject to the California Environmental Quality Act (CEQA) and that is not transmitted to any governmental agency other than the Planning Department for review and comment. A City public hearing on the application shall not be required. Notwithstanding above, the Planning Director may require the applicant to submit a separate application to the Airport Land Use Commission.
3. **Requirements for approval.** No development review application for a concealed wireless communication facility shall be approved unless:
  - a. The facility is designed so that it is not visible at all or, if visible, it is not recognizable as a wireless communication facility;
  - b. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view;
  - c. The application has met the processing requirements set forth in this article;
  - d. The application has met the location and development standards set forth in this article.
  - e. The Planning Director or approving body has either: (1) determined that notice to the Federal Aviation Administration is not required; or, (2) received a determination of No Hazard to Air Navigation for the project issued by the Federal Aviation Administration.

## E. Disguised Wireless Communication Facilities

1. **Appropriate location.** Disguised wireless communication facilities may be located in the following zone classifications: I-P, M-SC, M-M, M-H, A-1 (lots larger than two and one-half (2 and 1/2) acres), A-2, A-D, W-1, C-1/C-P, C-P-S, C-O. Disguised wireless communication facilities may also be located in the following zone classifications: A-1 (lots two and one-half (2 and 1/2) acres and smaller), R-3, R-5, R-R, R-A, R-1, R-2, PRD, R-6, R-T.
2. **Permit Application.** An application for a Minor Development Review shall be made to the Planning Director. A notice shall be sent to all property owners within six hundred (600) feet of the parcel on which the disguised wireless communication facility would be located.
3. **Requirements for approval.** No development review application for a disguised wireless communication facility shall be approved unless:
  - a. The facility is designed and sited so that it is minimally visually intrusive;
  - b. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view;
  - c. The application has met the processing requirements set forth in this article;
  - d. The application has met the location and development standards set forth in this code;
  - e. The application has met the requirements for approval set forth in Section 2.1 of this code.
  - f. The Planning Director or approving body has either: (1) determined that notice to the Federal Aviation Administration is not required; or, (2) received a determination of No Hazard to Air Navigation for the project issued by the Federal Aviation Administration.

## F. Co-Located Wireless Communication Facilities

1. **Appropriate location.** Co-located wireless communication facilities may be located in any zone classification.
2. **Permit Application.** An application for a Minor Development Review shall be made to the Planning Director. A notice shall be sent to all property owners within six hundred (600) feet of the parcel on which the disguised wireless communication facility would be located.
3. **Requirements for approval.** No application for a co-located wireless communication facility shall be approved unless:
  - a. The facility is owned by one telecommunication service provider and is attached to a facility owned by a different telecommunication service provider or tower owner or operator;
  - b. The height of the existing facility is not increased by more than ten (10) feet;
  - c. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view;
  - d. The application has met the processing requirements set forth in this article;
  - e. The application has met the location and development standards set forth in this article.

## G. Other Wireless Communication Facilities

1. **Appropriate location.** Other wireless communication facilities may be located in the following zone classifications: I-P, M-SC, M-M, M-H, A-1 (lots larger than two and one-half (2 and 1/2) acres) W-1.
2. **Permit application.** An application for a Conditional Use Permit is required.
3. **Requirements for approval.** No Conditional Use Permit for another wireless communication facility shall be approved unless:
  - a. The facility is not located within a sensitive viewshed;
  - b. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view;
  - c. The application has met the processing requirements set forth in this article;
  - d. The application has met the location and development standards set forth in this article.
  - e. The Planning Director or approving body has either: (1) determined that notice to the Federal Aviation Administration is not required; or, (2) received a determination of “No Hazard to Air Navigation” for the project issued by the Federal Aviation Administration

## H. Effect of Location on Public Property

Whether located on public or private property, wireless communication facilities cannot be constructed unless a permit has first been obtained in accordance with this section.

## I. Effect of Encroachment Permit Issuance

An encroachment permit does not, under any circumstances, authorize the construction of wireless communication facilities.

## J. Processing Requirements

1. In addition to the application requirements of the appropriate permit, all of the following shall be submitted with a wireless communication facility application:
  - a. A site plan drawn to scale by a California-licensed land surveyor or civil engineer showing property lines; the location of the proposed facility; the distance of the proposed facility from property lines; adjacent roadways and rights-of-way; contours; the height of the proposed facility and the facility type; guy wires and anchors; facility dimensions; setbacks; existing structures on the underlying property; elevation drawings depicting the typical design of the proposed facility; parking; access easements; elevation above mean sea level at the base of the antenna structure and at the top of the antenna structure and fencing;
  - b. A conceptual landscape plan indicating all existing vegetation, identifying landscaping that is to be retained on the site and identifying any additional vegetation that is needed to satisfactorily control erosion and screen the facility from adjacent land uses and public vistas. All existing trees larger than four (4) inches in diameter at a height of four and one-half (4 and 1/2) feet shall be identified in the landscape plan by species type, and the plan shall indicate whether the trees are to be retained or removed. Landscape plans are not required for concealed wireless communication facilities;

- c. Propagation diagrams showing the existing network coverage within one (1) mile of the site and the proposed coverage based upon the proposed facility at the proposed height;
- d. Photo simulations showing the proposed facility from all public roads and all residential developments within a half-mile radius of the site;
- e. A letter stating whether or not Federal Aviation Administration (FAA) clearance is required. If FAA clearance is required, a letter stating the type of lighting necessary and the tower color. The Planning Director and his or her designee shall independently determine whether FAA notice is required, based on the elevation information provided and the distance of the site from the runways at the Chino Airport.
- f. A fully executed copy of the lease or other agreement entered into with the owner of the underlying property. The lease or other agreement shall include a provision indicating that the telecommunication service provider, or its successors and assigns, shall remove the wireless communication facility completely upon its abandonment. The lease or other agreement shall also include a provision notifying the property owner that if the telecommunication service provider does not completely remove a facility upon its abandonment, the City may remove the facility at the property owner's expense and lien the property for the cost of such removal. Proprietary information in the lease may be redacted;
- g. A list of all towers owned by the applicant located within Eastvale. The list shall include:
  - 1) Zoning permit numbers
  - 2) Assessor's Parcel Number(s)
  - 3) GPS coordinates
  - 4) Street addresses
  - 5) Thomas Brothers map page and coordinates (identify edition used)
  - 6) Type of facility (concealed, disguised, co-located, other)
  - 7) Number of antennas on each facility
- h. If required by the City Geologist, a geotechnical report that shall include the following:
  - 1) Soils and geologic characteristics of the site based upon site-specific sampling and testing;
  - 2) Foundation design criteria for the proposed facility;
  - 3) A slope stability analysis;
  - 4) Grading criteria for ground preparation, cuts and fills and soil compaction;
  - 5) A geologic hazards evaluation to include regional seismicity, potential for strong ground shaking, all appropriate primary and secondary seismic hazards, and recommended mitigation measures;
  - 6) A detailed fault hazard evaluation prepared by a California-registered geologist or certified engineering geologist for any wireless communication facility located within an Alquist-Priolo Special Studies Zone, County Fault Zone, or within one hundred fifty (150) feet of any other active or potentially active fault; and

- 7) A detailed liquefaction hazard evaluation prepared by a California-registered geologist or certified engineering geologist for wireless communication towers located within a county liquefaction zone.
- i. If required by the City Biologist, a biological assessment that shall include the following:
  - 1) A proposed facility description including location, height of tower as measured from the ground, description of associated equipment, width and length of access roads and driveways, and length and right-of-way width of power and communication lines;
  - 2) Existing biological resources onsite including quantification of vegetation and habitat types, color photo documentation of onsite and surrounding vegetation, a description of water resources, potential habitat for federal and state-listed species, and sensitive species habitats;
  - 3) The results of any focused surveys for federally listed species (if required); and
  - 4) Impacts to biological resources including quantification of the habitat to be removed as a result of the proposed facility.

## K. Development Standards

All wireless communication facilities shall comply with the following development standards:

1. **Area disturbance.** Disturbance to the natural landscape shall be minimized. Disturbed areas shall be remediated immediately after construction. Remediation techniques may vary depending on the site.
2. **Fencing and walls.** All wireless communication facilities shall be enclosed with a decorative block wall, wrought iron fence, or other screening option at a maximum height of six (6) feet as deemed appropriate by the Planning Director. Such fencing/walls shall conform to the City Design Standards and Guidelines.
3. **Height limitations.** Concealed wireless communication facilities are subject to the height limitations of the zone classification in which they are located. Disguised wireless communication facilities in nonresidential zone classifications shall not exceed seventy (70) feet. Disguised wireless communication facilities in residential zone classifications shall not exceed fifty (50) feet. Co-located wireless communication facilities in the following nonresidential zone classifications shall not exceed one hundred five (105) feet: I-P, M-SC, M-M, M-H, A-1, A-2, W-1. Co-located wireless communication facilities in the following nonresidential zone classifications shall not exceed seventy (70) feet: C-1/C-P, C-P-S, C-O. Co-located facilities in residential zone classifications shall not exceed fifty (50) feet. Other wireless communication facilities shall not exceed one hundred five (105) feet. Notwithstanding the above height of any new wireless communication facility may be subject to lower maximum levels, if required in order to achieve a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration.
4. **Impacts.** All wireless communication facilities shall be sited so as to minimize adverse impacts to the surrounding community and biological resources.
5. **Landscaping.** All wireless communication facilities shall have landscaping around the perimeter of the leased area and shall match and/or augment the natural landscaping in the area. Wireless communication facilities constructed to look like trees shall have other similar tree species planted adjacent to and/or around the facility to enhance the concealing effect. If landscaping is deemed necessary in native habitats, only native plant species shall be used in order to avoid introduction

of exotic invasive species. All landscaping shall be irrigated, unless a water source is unavailable within the parcel on which the facility is located. If a water source is not available, indigenous plants shall be used and manually watered until established.

6. **Lighting.** Outside lighting is prohibited unless required by the FAA or the California Building Code, including the appendix and standards adopted by the California Building Standards Commission. All towers that require a warning light to comply with FAA regulations shall use the minimum amount possible. Any security lighting shall meet the requirements of the Neighborhood Preservation Standards in Chapter 5. Any lighting system installed shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and so as not to create a nuisance for surrounding property owners or a wildlife attractant. Telecommunication towers and related equipment shall be unlit except when a manually operated or motion detector-controlled light above the equipment shed door may be provided, except that the light shall remain off except when personnel are present at night.
7. **Noise.** All noise produced by wireless communication facilities shall be minimized, and in no case shall noise produced exceed 45 db (decibel) inside the nearest dwelling and 60 db at the property line.
8. **Parking.** Temporary parking for service vehicles may be permitted on site. No off-site parking shall be allowed for any service vehicle. Paving for the parking shall be required, where appropriate, and may not be removed without proper mitigation. No vehicles may remain parked overnight, with the exception of technicians working at the site during the night. If a new wireless communication facility is placed on existing parking spaces required by the use currently on-site, the parking spaces shall be replaced so that the current use has the necessary parking required. If such replacement of spaces is not feasible, a Variance may be requested.
9. **Paved access.** All wireless communication facilities located within residential developments containing lots eighteen thousand (18,000) square feet or smaller shall be accessed via a paved road. All wireless communication facilities within residential developments containing lots larger than eighteen thousand (18,000) square feet shall be accessed via an all-weather surface.
10. **Power and communication lines.** No above-ground power or communication lines shall be extended to the site, unless an applicant demonstrates that undergrounding such lines would result in substantial environmental impacts or a letter is received from the power company indicating it is unable to underground the wires. All underground utilities shall be installed in a manner to minimize disturbance of existing vegetation and wildlife habitats during construction. Removal of underground equipment upon the abandonment of a facility is not recommended unless leaving the equipment underground would pose a threat to health, safety or sensitive resources.
11. **Roof-mounted facilities.** Wireless communication facilities mounted on a roof shall be less than ten (10) feet above the roofline.
12. **Sensitive viewshed.** Wireless communication facilities proposed on ridgelines and other sensitive viewsheds shall be concealed and sited so that the top of the facility is below the ridgeline as viewed from any direction.
13. **Setbacks.** Concealed wireless communication facilities shall meet the setback requirements of the zone classification in which they are located. Disguised wireless communication facilities in or adjacent to nonresidential zone classifications shall be set back from habitable dwellings a distance equal to 125 percent of the facility height. Disguised wireless communication facilities in

or adjacent to residential zone classifications shall be set back from habitable dwellings a distance equal to 200 percent of the facility height or shall be set back from residential property lines a distance equal to 100 percent of the facility height, whichever is greater. Co-located wireless communication facilities shall meet the setback requirements of the zone classification in which they are located. Other wireless communication facilities shall be set back from habitable dwellings a distance equal to one thousand (1,000) feet.

14. **Support facilities.** Freestanding equipment enclosures shall be constructed to look like adjacent structures or facilities typically found in the area and shall adhere to the City Design Standards and Guidelines where appropriate. Where there are no structures in the immediate vicinity, equipment enclosures shall blend with existing naturally occurring elements of the viewing background and/or shall be screened from view by landscaping, fencing/walls or other methods. Equipment enclosures shall not exceed thirteen (13) feet in height.
15. **Treatment.** Wireless communication facilities shall be given a surface treatment similar to surrounding architecture. All finishes shall be dark in color with a matte finish and have a reflective rating of 38 percent.

#### **L. Abandoned Sites**

1. Any wireless communication facility that is not continuously operated for a period of sixty (60) days shall be deemed abandoned.
2. The telecommunications service provider shall have sixty (60) days after a notice of abandonment is mailed by the City to make the facility operable, replace the facility with an operable facility, or remove the facility.
3. Within ninety (90) days of the date the notice of abandonment is mailed, the City may remove the wireless communication facility at the underlying property owner's expense and shall place a lien on the property for the cost of such removal.
4. The owner of the property shall, within one hundred twenty (120) days of the City's removal, return the site to its approximate natural condition. If the owner fails to do so, the City can restore and revegetate the site at the property owner's expense.
5. If there are two (2) or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it.