

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA,
CALIFORNIA, AMENDING SANTA CLARITA MUNICIPAL CODE CHAPTER 17.69
FOR THE REGULATION OF SMALL WIRELESS FACILITIES AND OTHER
INFRASTRUCTURE DEPLOYMENTS IN THE PUBLIC RIGHT-OF-WAY

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The City Council does hereby make the following findings of fact:

- A. On September 5, 2019, the City of Santa Clarita (City) (Applicant) initiated an application (Master Case (MC) No. 19-178 and Unified Development Code (UDC) Amendment No. 19-002) to create the Small Wireless Facility Policy (Policy) (Project) to ensure consistency with federal and state regulations and the General Plan, as required by state law. A copy of the proposed Policy is incorporated to this ordinance as “Exhibit A” and a copy of the UDC amendment is incorporated to this ordinance as “Exhibit B.”
- B. Pursuant to the California Constitution, Article XI, section 7, California Government Code section 37100, and other applicable law, the City Council may make and enforce within its limits all local, police, sanitary, and other ordinances, resolutions, and other regulations not in conflict with general laws.
- C. On June 16, 2013, the City Council adopted Ordinance No. 13-08 to add Chapter 17.69, Wireless Communications Facilities and Satellite Dish Antennas, to the Santa Clarita Municipal Code, which the City subsequently amended in 2015, pursuant to Ordinance No. 15-11.
- D. Since the City Council last amended Chapter 17.69, significant changes have occurred in federal laws that affect local authority over personal wireless service facilities and other related infrastructure deployments, including, but not limited to, the following:
 - On August 2, 2018, the Federal Communications Commission (FCC) adopted a Third Report and Order and Declaratory Ruling in the rulemaking proceeding titled *Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) (the August Order), that formally prohibited express and *de facto* moratoria for all personal wireless services, telecommunications services, and their related facilities under 47 U.S.C. § 253(a), and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis; and

- On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order in the same rulemaking proceeding, FCC 18-133 (rel. Sep. 27, 2018) (the September Order), which, among other things, creates a new regulatory classification for small wireless facilities, alters existing “shot clock” (time frame) regulations to require local public agencies to do more in less time, establishes a national standard for an effective prohibition that replaces the existing “significant gap” test adopted by the United States Court of Appeals for the Ninth Circuit, and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.
- E. In addition to the changes described above, local authority may be further impacted by other pending legislative, judicial, and regulatory proceedings, including, but not limited to:
- The “STREAMLINE Small Cell Deployment Act” (S. 3157) proposed by Senator John Thune that, among other things, would apply specifically to small wireless facilities, and require local governments to review applications based on objective standards, shorten the shot clock, require all local undertakings to occur within the shot clock limits, and provide a “deemed granted” remedy for failure to act within the applicable shot clock;
 - Further orders and/or declaratory rulings by the FCC from the same rulemaking proceeding as the August Order and September Order; and
 - Multiple petitions for reconsideration and judicial review filed by state and local governments against the August Order and September Order, which could cause the rules in either order to change or be invalidated.
- F. Given the rapid and substantial changes in applicable law, the federal prohibition on reasonable moratorium ordinances to allow local public agencies to study these changes and develop appropriate responses, and the significant adverse consequences for noncompliance with these changes in applicable law, the City Council desires to amend the Santa Clarita Municipal Code (SCMC) to allow greater flexibility and responsiveness to new federal and state laws in order to preserve the City’s traditional authority to the maximum extent practicable.
- G. On October 1, 2019, the Planning Commission held a duly noticed Public Hearing on this ordinance, reviewed and considered the staff report, other written reports, public testimony, and other information contained in the record, and, in a 5-0 vote, approved MC No. 19-178, which consists of UDC Amendment No. 19-002, recommending that the City Council adopt an ordinance amending Section 17.69.035 of the SCMC and adopt the Small Wireless Facility Policy.
- H. On November 12, 2019, the City Council held a duly noticed Public Hearing on this ordinance, reviewed and considered the staff report, other written reports, public testimony, and other information contained in the record, and approved MC No.

19-178, and adopted an ordinance which consists of UDC Amendment No. 19-002, amending Section 17.69.035 of the SCMC, and adopted the Small Wireless Facility Policy.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. The City Council has reviewed and considered the Initial Study prepared for the Project, and finds and determines as follows:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines § 15061(b)(3), the City Council finds that there is no possibility that this Project will have a significant impact on the physical environment. This ordinance merely amends the SCMC to authorize the City Council to regulate small wireless facilities and other infrastructure deployments. This ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new small wireless facility or other infrastructure deployment, and/or change to an existing small wireless facility or other infrastructure deployment, would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this ordinance would be exempt from CEQA under the General Rule.

SECTION 3. GENERAL FINDINGS FOR UDC Amendment No. 19-002. Based on the above findings of facts, recitals, and the entire record, including, without limitation, oral and written testimony, and other evidence received at the Public Hearings, reports and other transmittals from City staff to the City Council, and upon studies and investigations made by the City Council, the City Council finds as follows:

A. The proposal is consistent with the General Plan;

The Project is consistent with the General Plan because the proposed Policy carries out a number of General Plan policies and objectives, including the expansion of wireless telecommunications facilities. The Land Use Element of the General Plan dictates that the City expand infrastructure to attract and sustain new business. Land Use Policy LU 4.4.1 encourages the extension of state-of-the-art communication facilities to serve commercial and industrial areas, including wireless telecommunications facilities. The proposed Policy is consistent with Land Use Policy LU 4.4.1 by incorporating language that ensures compliance with the FCC orders and/or declaratory rulings, which establish guidelines to expedite the deployment of wireless telecommunications infrastructure by setting standards for the streamlined processing of small wireless facilities within the public right-of-way.

B. The proposal is allowed within the applicable underlying zone and complies with all other applicable provisions of the UDC;

The proposed Policy is a regulatory document that would ensure compliance with FCC regulations by allowing for the installation of small wireless facilities within the public right-of-way and does not include a proposal for physical development. All applications for small wireless facilities would be evaluated individually for consistency with the proposed Policy.

- C. *The proposal will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, or be materially detrimental or injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; and*

Nothing contained in the proposed Policy would endanger, jeopardize, or otherwise constitute a hazard to the public because the Project is regulatory in nature and the resulting document would modify applicable sections and provisions of the UDC to ensure compliance with federal regulations by allowing for the installation of small wireless facilities within the public right-of-way. Further, the proposed Policy would not result in the disturbance of land or the physical development of any property and would be consistent with the provisions of the General Plan.

- D. *The proposal is physically suitable for the site. The factors related to the proposal's physical suitability for the site shall include, but are not limited to, the following:*
1. *The design, location, shape, size, and operating characteristics are suitable for the proposed use;*
 2. *The highways or streets that provide access to the site are of sufficient width and are improved as necessary to carry the kind and quantity of traffic such proposal would generate;*
 3. *Public protection service (e.g., Fire protection, Sheriff's protection, etc.) are readily available;*
 4. *The provision of utilities (e.g. potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.) is adequate to serve the site.*

The proposed Policy is a regulatory document that implements policies and objectives of the General Plan and incorporates code language to ensure compliance with federal regulations. The Project does not propose land uses that would generate traffic volumes in excess of that anticipated in the General Plan, and further does not propose changes to the existing highways or streets that provide access to sites throughout the planning area. The City is currently served by the Los Angeles County Fire Department and the Los Angeles County Sheriff's Department, both of which provide adequate service levels. The City is likewise served by all applicable utilities. Nothing in the proposed Policy would increase the need for fire or police protection services, nor would the Project increase demand for utilities.

SECTION 4. ADDITIONAL FINDINGS FOR UDC AMENDMENT NO. 19-002. Based on the above findings of facts, recitals, and the entire record, including, without limitation, oral and written testimony and other evidence received at the Public Hearings, reports and other transmittals from City staff to the City Council, and upon studies and investigations made by the City Council, the City Council finds as follows for UDC Amendment No. 19-002, in accordance with UDC Section 17.28.120.I:

- A. *The amendment is consistent with the adjacent area, if applicable;*
- B. *The amendment is consistent with the principles of the General Plan;*
- C. *Approval of the amendment will be in the interest of public health, convenience, safety, and general welfare, and in conformity with good zoning practice;*
- D. *The amendment is consistent with other applicable provisions of this code; and*
- E. *It is necessary to implement the General Plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.*

The proposed UDC amendment modifies the existing UDC for the City and serves to implement the General Plan. The Project is consistent with the General Plan because the proposed Policy carries out a number of General Plan policies and objectives, including the expansion of telecommunications facilities. The Land Use Element of the General Plan dictates that the City expand infrastructure to attract and sustain new business. Land Use Policy LU 4.4.1 encourages the extension of state-of-the-art communication facilities to serve commercial and industrial areas, including wireless telecommunications facilities. The proposed Policy is consistent with Land Use Policy LU 4.4.1 by incorporating language that ensures compliance with FCC rulings, which establish guidelines to expedite the deployment of small wireless facilities by setting standards for the streamlined processing of this infrastructure. The approval of the proposed Policy would result in a document that is consistent with the General Plan and would therefore be justified by serving the general welfare of the public and serve as good zoning practice.

SECTION 5. CONFLICTS WITH PRIOR ORDINANCES. If the provisions in this ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date, the provisions in this ordinance will control.

SECTION 6. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or term (each a provision) in this ordinance, or any provision's application to any person or circumstance, is held illegal, invalid, or unconstitutional by a court of competent jurisdiction, all other provisions not held illegal, invalid, or unconstitutional, or such provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this ordinance, and each provision therein, whether any one or more of the provisions be declared illegal, invalid, or unconstitutional.

SECTION 7. The City Council hereby approves MC No. 19-178, which consists of UDC Amendment No. 19-002 and adopts the Small Wireless Facilities Policy.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective 30 days after its passage and adoption.

SECTION 9. PUBLICATION. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2019.

MAYOR

ATTEST:

CITY CLERK

DATE:_____

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, Mary Cusick, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance 19- was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 12th day of November, 2019. That thereafter, said ordinance was duly passed and adopted at a regular meeting of the City Council on the 26th day of November 2019, by the following vote, to with:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

AND I FURTHER CERTIFY that the foregoing is the original of Ordinance No. 19-3 and was published in The Signal newspaper in accordance with State Law (G.C. 40806).

CITY CLERK



City of Santa Clarita
POLICY/PROCEDURE

Number __ - ____

SUBJECT: Small Wireless Facilities

ORIGINAL ISSUE: 11/26/2019

EFFECTIVE: 12/27/2019

CATEGORY: Administration

RESPONSIBLE DEPARTMENT: Community Development

STANDARD MANAGEMENT PROCEDURE**I. BACKGROUND AND INTRODUCTION**

In 1996, Congress adopted the Federal Telecommunications Act (FTA) to balance the national interest in advanced communications services and infrastructure with legitimate local government authority to enforce zoning and other regulations to manage infrastructure deployments on private property and in the public right-of-way. Under FTA Section 704, which applies to personal wireless service facilities (i.e., cell sites), local governments retain all traditional zoning authority subject to specifically enumerated limitations.¹ FTA Section 253 preempts local regulations that prohibit or effectively prohibit telecommunication services (i.e., common carrier services), except competitively neutral and nondiscriminatory regulations to manage the public right-of-way and require fair and reasonable compensation.

Communication technologies have significantly changed since 1996. Whereas cell sites were traditionally deployed on tall towers and rooftops over low frequency bands that travel long distances, cell sites are increasingly installed on streetlights and utility infrastructure on new frequency bands that travel shorter distances. According to the Federal Communications Commission (FCC) and the wireless industry, these so-called “small wireless facilities” or “small cells” are essential to the next technological evolution. The industry currently estimates that each national carrier will need to deploy between 30 and 60 small cells, connected by approximately eight miles of fiber optic cable per square mile.

On September 26, 2018, the FCC adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (Small Cell Order), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. In general, the Small Cell Order: (1) restricts the fees and other compensation state and local governments may receive from applicants; (2) requires all aesthetic regulations to be reasonable, no more burdensome than those applied to other infrastructure deployments, objective, and published in advance; (3) mandates that local officials negotiate access agreements, review permit applications, and conduct any appeals within significantly shorter timeframes; and (4) creates new evidentiary presumptions that make it more difficult for local governments to defend themselves if an action or failure to act is challenged in court. The regulations adopted in the Small Cell Order

¹ Local zoning regulations cannot prohibit or effectively prohibit personal wireless services, unreasonably discriminate among functionally equivalent services or regulate based on environmental impacts from radiofrequency (RF) emissions. In addition, local decisions must be made within a reasonable time and any denial requires a written decision based on substantial evidence in the written record.

significantly curtail the local authority over wireless and wireline communication facilities reserved to state and local governments under FTA Sections 253 and 704 of the Federal Telecommunications Act.

II. PURPOSE

- (a) The City of Santa Clarita (City) intends a Small Wireless Facilities Policy (Policy) to establish reasonable, uniform, and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation, and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and state law. The standards and procedures contained in this Policy are intended to, and should be applied to, protect and promote public health, safety, and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include, without limitation, the aesthetic character of the City, its neighborhoods, and community. This Policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting and preserving the City's public right-of-way and municipal infrastructure located within the City's public right-of-way; and (5) promoting access to high-quality, advanced wireless services for the City's residents, businesses, and visitors.
- (b) This Policy is intended to establish clear procedures for application intake and completeness review. The Santa Clarita City Council (City Council) finds that chronically incomplete applications significantly contribute to unreasonable delay and create barriers to infrastructure deployment. Chronically incomplete applications unfairly prejudice other applicants who may be prepared to submit complete applications for infrastructure in the same or substantially the same location. Chronically incomplete applications also unfairly prejudice the City's ability to act on such applications within the "presumptively reasonable" timeframes established by the FCC. The provisions in this Policy afford applicants and City staff opportunities for direct, real-time communication about completeness issues to mitigate incomplete applications prior to submittal. The provisions in this Policy also encourage applicants to timely respond to incomplete notices.
- (c) This Policy is intended to establish regulations, standards, and guidelines for all infrastructure deployments, unless specifically prohibited by applicable law. The City Council recognizes that different infrastructure deployments may be managed through other mechanisms, such as franchise or license agreements. Although such deployments may be exempt from the "Administrative Permit" established in this Policy, the City Council intends that the City official or department that administers such deployment shall apply the same regulations, standards, and guidelines to the permit or other approval issued in connection with a request for authorization under such franchise, license, or other agreement. The City Council also recognizes that different infrastructure deployments may have different impacts on the public right-of-way that require different regulations, standards, or guidelines to protect public health, safety, and welfare. However, to the extent that different regulations, standards, or guidelines are applied to small wireless facilities or other infrastructure deployments, the City Council intends that one set be no more burdensome than the other when viewed under the totality of the circumstances.
- (d) This Policy is not intended to, nor shall it 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 entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations, or other legal requirements for right-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless 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 wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or state law; (6) impose any unreasonable, discriminatory, or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or state law.

III. DEFINITIONS

The definitions in this Section III will be applicable to the terms, phrases and, words this Policy. Undefined terms, phrases, or words will have the meaning assigned to them in the Santa Clarita Municipal Code or, if not defined therein, will have their ordinary meanings. If any definition assigned to any term, phrase, or word in this Section III conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

“Accessory equipment” means equipment other than antennas used in connection with a small wireless facility or other infrastructure deployment. The term includes “transmission equipment” as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), as may be amended or superseded, and “antenna equipment” as defined by the FCC in 47 C.F.R. § 1.6002(c), as may be amended or superseded.

“Administrative Permit” means a permit issued by the City, pursuant to the standards and procedures in this Policy, as a precondition to the construction, placement, and/or modification of any small wireless facility in the public right-of-way.

“Antenna” means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.

“Arterials” means a street designed to provide a high degree of mobility as major traffic carriers with access to collectors and some local streets. These roadways are referred to as “highways” in the Los Angeles County Highway Plan, a component of the Countywide General Plan, and in the Santa Clarita General Plan. Arterials are typically the widest streets in terms of right-of-way and pavement width, and generally have the highest speed limits. Arterials may be further classified as major or secondary, based on their width and capacity. The term “arterials” as used in this Policy is defined in the Santa Clarita General Plan Circulation Element, Part 1, Section C.

“Batched application” means more than one application submitted at the same time.

“Collectors” means a street designed to connect local streets with arterials and also provide access to adjacent land uses, thus balancing mobility with access. While a collector is not as wide as an arterial, it is often wider than local streets in terms of right-of-way and lane width. The term “collectors” as used in this Policy is defined in the Santa Clarita General Plan Circulation Element, Part 1, Section C.

“**Collocation**” means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.

“**CPUC**” means the State Public Utilities Commission established in the State Constitution, Article XII, § 5, or its duly appointed successor agency.

“**Decorative pole**” means any pole that includes decorative or ornamental features, design elements, and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.

“**Encroachment Permit**” means a permit issued by the City, pursuant to the standards and procedures in this Policy, as a precondition to the construction, placement, and/or modification of any small wireless facility in the public right-of-way.

“**FCC**” means the Federal Communications Commission or its duly appointed successor agency.

“**FCC Shot Clock**” means the presumptively reasonable time frame, accounting for any tolling or extension, within which the City generally must act on a request for authorization in connection with a personal wireless service facility, as such time frame is defined by the FCC and as may be amended or superseded.

“**Local street**” means a street designed to provide access to adjacent land uses exclusively, and are not designed or intended to carry through-traffic or allow for high speeds. Typically, residential streets within neighborhoods are designed as local streets. The term “local street,” as used in this Policy, is defined in the Santa Clarita General Plan Circulation Element, Part 1, Section C.

“**Ministerial permit**” means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, any Building Permit, construction permit, electrical permit, excavation permit, traffic control permit, Encroachment Permit and/or any similar over-the-counter approval issued by the City’s departments.

“**OTARD**” means an “over-the-air reception device” and includes all antennas and antenna supports covered by 47 C.F.R. § 1.4000(a)(1), as may be amended or superseded.

“**Personal wireless services**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(A), as may be amended or superseded.

“**Personal wireless service facilities**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(A), as may be amended or superseded.

“**Pole License Agreement**” means the City’s form contract that grants authorized telephone corporations and/or cable service providers property rights to attach wireless equipment to City-owned or controlled support structures within the public right-of-way.

“**Public right-of-way**” or “**public rights-of-way**” means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or

dedicated to or open to the use by the general public for road or highway purposes.

“**RF**” means radio frequency or electromagnetic waves.

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

“**Shot clock days**” means calendar days counted toward the presumptively reasonable time under the applicable FCC Shot Clock. The term “shot clock days” does not include any calendar days on which the FCC Shot Clock is tolled. As an illustration and not a limitation, if an applicant applies on February 1, receives a valid incomplete notice on February 5, and then resubmits on February 20, only four “shot clock days” have elapsed because the time between the incomplete notice and resubmittal are not counted.

“**Small wireless facility**” means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.

“**Support structure**” means a “structure” as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded, which defines that term to mean a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

“**Technically infeasible**” means a circumstance in which compliance with a specific requirement within this Policy is physically impossible and not merely more difficult or expensive than a noncompliant alternative.

“**Underground District**” means any area in the City within which overhead wires, cables, cabinets, and associated overhead equipment, appurtenances, and other improvements are either: (1) prohibited by ordinance, resolution, or other applicable law; (2) scheduled to be relocated underground within 18 months from the time an application is submitted; or (3) primarily located underground at the time an application is submitted.

IV. APPLICABILITY

- (a) **Small Wireless Facilities.** Except as expressly provided otherwise, the provisions in this Policy shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, remove, or otherwise deploy small wireless facilities within the public right-of-way within the City’s jurisdictional and territorial boundaries.
- (b) **Other Infrastructure Deployments.** To the extent that other infrastructure deployments, including, without limitation, any deployments that require approval pursuant to Santa Clarita Municipal Code Chapter 13.18 or involve the same or substantially similar structures, apparatus, antennas, equipment, fixtures, cabinets, cables, or improvements, the Director of Public Works, or his or her designee, shall apply the provisions in this Policy unless specifically prohibited by applicable law.

V. REQUIRED PERMITS AND APPROVALS

- (a) **Administrative Permit.** An Administrative Permit, subject to the Director of Community Development's review and approval in accordance with this Policy, shall be required for all small wireless facilities and other infrastructure deployments located in whole or in part within the public right-of-way.
- (b) **Exemptions.** Notwithstanding anything in this Policy to the contrary, an Administrative Permit shall not be required for:
- (1) wireless facilities or other infrastructure deployments owned and operated by the City for its use;
 - (2) OTARD facilities;
 - (3) requests for approval to collocate, replace, or remove transmission equipment at an existing wireless tower or base station, pursuant to Section 6409; however, will be subject to the current FCC rules and regulations "eligible facilities requests," as defined by the FCC and as may be amended or superseded; or
 - (4) wireless facilities or other infrastructure deployments covered by a valid franchise, Pole License Agreement, or other encroachment agreement between the applicant and the City.
- (c) **Other Permits and Approvals.** In addition to an Administrative Permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state, or local government agencies, which includes, without limitation, any ministerial permits and/or other approvals issued by other City departments or divisions. Any Administrative Permit granted under this Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the Administrative Permit requirement under Section V(b) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes, without limitation, any ministerial permits from the City.

VI. APPLICATION AND REVIEW PROCEDURES

- (a) **Application Requirements for Small Wireless Facilities.** In addition to any other publicly-stated requirements, all Administrative Permit applications for small wireless facilities must be submitted to the City's Planning Division, and must include the following information and materials:
- (1) **Application Form.** The applicant shall submit a complete, duly executed Administrative Permit application on the then-current form prepared by the Director of Community Development.
 - (2) **Application Fee.** The applicant shall submit the Administrative Permit application fee established by the City Council resolution. Batched applications must include the Administrative Permit application fee for each small wireless facility in the batch.
 - (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed, and stamped by a licensed or registered engineer, that depict all the

existing and proposed improvements, equipment, and conditions related to the proposed project, which includes, without limitation, any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees, and other landscape features. The construction drawings must (1) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes, without limitation, the manufacturer, model number, and physical dimensions; (2) identify all potential support structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (3) depict the applicant's preliminary plan for electric and data backhaul utilities, which shall include the anticipated locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (4) demonstrate that the proposed project will be in full compliance with all applicable health and safety laws, regulations, or other rules, which includes, without limitation, all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.

- (4) **Site Survey.** For any small wireless facility, the applicant shall submit a survey prepared, signed, and stamped by a licensed or registered engineer or land surveyor. The survey must identify and depict all existing boundaries, encroachments, and other structures within 75 feet from the proposed project site and any new improvements, which includes, without limitation, all (1) traffic lanes; (2) all private properties and property lines; (3) above and below-grade utilities and related structures and encroachments; (4) fire hydrants, roadside call boxes, and other public safety infrastructure; (5) streetlights, decorative poles, traffic signals, and permanent signage; (6) sidewalks, driveways, parkways, curbs, gutters, and storm drains; (7) benches, trash cans, mailboxes, kiosks, and other street furniture; and (8) existing trees, planters, and other landscaping features.
- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small wireless facility from a vantage point approximately 50 feet from the proposed support structure or location. The photo simulations and vicinity map shall be incorporated into the construction plans submitted with the application.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed facility qualifies as a "small wireless facility," as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement, the applicant must also include (1) whether and why the proposed support is a "structure" as defined by the FCC in 47 C.F.R. § 1.6002(m); and (2) whether and why the proposed wireless facility meets each required finding for an Administrative Permit, as provided in Section VII(b).
- (7) **RF Exposure Compliance Report.** The applicant shall submit an RF Exposure Compliance Report (RF Report) that certifies the proposed small wireless facility, both individually and cumulatively with all other emitters that contribute more than 5% to the cumulative emissions in the vicinity (if any), will comply with applicable federal RF exposure

standards and exposure limits. The RF Report must be prepared and certified by an RF engineer acceptable to the Director of Community Development. The RF Report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site, and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site. If the applicant submits a batched application, a separate RF Report shall be prepared for each facility associated with the batch.

- (8) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and state law to provide the services and construct the small wireless facility proposed in the application.
- (9) **Pole License Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public right-of-way, the applicant shall submit an executed Pole License Agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's Pole License Agreement, except as may be indicated on the form itself or as deemed by the City Manager, in consultation with the City Attorney, to be immaterial and/or non-substantive. Any unpermitted changes to the City's Pole License Agreement shall be a basis to deem the application incomplete. Refusal to accept the terms and conditions in the City's Pole License Agreement shall be an independently sufficient basis to deny the application without prejudice.
- (10) **Property Owner's Authorization.** For applications on third party-owned support structures, the applicant must submit a written authorization from the support structure owner(s) that authorizes the applicant to submit and accept an Administrative Permit in connection with the subject structure.
- (11) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by a licensed engineer for the proposed small wireless facility and all associated equipment, including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.
- (12) **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, and any safety and construction standards required by the utility.

(13) **GIS Shapefile and Identification.** The applicant shall submit a GIS shapefile and GIS coordinates for all proposed support structure locations in the deployment. In addition, the applicant shall provide the streetlight asset tag, utility pole identification number, or other means of support structure identification for the subject support structure(s).

- (b) **Voluntary Presubmittal Conference.** The City strongly encourages, but does not require, applicants to schedule and attend a presubmittal conference with City staff. This voluntary conference does not cause the FCC shot clock to begin. It is intended to (1) streamline the review process through collaborative, informal discussion that includes, without limitation, the appropriate project classification and review process; (2) identify any latent issues in connection with the proposed project and/or project site, including compliance with generally applicable rules for public health and safety; (3) discover potential concealment issues or concerns (if applicable); (4) facilitate coordination with other City departments implicated by the proposed project; and (5) address application completeness issues. Presubmittal conferences are especially encouraged when an applicant seeks to submit one or more batched applications so that the City may advise the applicant about any staffing or scheduling issues that may hinder the City's ability to meet the presumptively reasonable timeframes under the FCC shot clock. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications, plans, maps, or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable in their then-current form. The City will use reasonable efforts to provide the applicant with an appointment within approximately five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the staff time and services rendered in the presubmittal conference.
- (c) **Submittal Appointments.** All applications must be submitted in person to the City at a pre-scheduled appointment. Applicants may generally submit one application per appointment, or up to five individual applications per appointment as a batch. Applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project as determined by the City. The City shall use reasonable efforts to offer an appointment within five working days after receiving a written request from an applicant. Any purported application received without an appointment, whether delivered in-person, by mail, or through any other means, will not be considered duly filed, whether the City retains, returns, or destroys the materials received.
- (d) **Incomplete Applications Deemed Withdrawn.** Any application governed under this Policy shall be automatically deemed withdrawn by the applicant when the applicant fails to submit a substantive response to the Director of Community Development within 60 calendar days after the Director of Community Development deems the application incomplete by written notice. As used in this Subsection (d), a "substantive response" must include, at a minimum, the complete materials identified as incomplete in the written incomplete notice.
- (e) **Additional Administrative Requirements and Regulations.** The City Council authorizes the Director of Community Development to develop, publish, and update or amend permit application requirements, forms, checklists, guidelines, informational handouts, and other related materials that the Director of Community Development finds necessary, appropriate, or useful for processing any application governed under this Policy. The City Council further authorizes the Director of Community Development to establish other reasonable rules and regulations for duly filed applications, which may include regular hours for appointments and/or submittals

without appointments, as the Director of Community Development deems necessary or appropriate to organize, document, and manage the application intake process. All such requirements, materials, rules, and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

VII. DECISIONS

- (a) **Initial Administrative Decision.** Not more than 29 shot clock days after the application has been deemed complete, the Director of Community Development shall approve, conditionally approve, or deny a complete and duly filed application for an Administrative Permit without a public hearing.
- (b) **Required Findings for Approval.** The Director of Community Development may approve or conditionally approve a complete and duly filed application for an Administrative Permit when the Director of Community Development finds:
- (1) the proposed project complies with all applicable design standards in this Policy;
 - (2) the proposed project would be in the most preferred location within 500 feet from the proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 500 feet would be technically infeasible;
 - (3) the proposed project would be on the most preferred support structure within 500 feet from the proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 500 feet would be technically infeasible;
 - (4) the proposed project would not be located on a prohibited support structure identified in this Policy;
 - (5) if the proposed project involves a wireless facility, the proposed project fits within the definition for a “small wireless facility” as defined by the FCC; and
 - (6) if the proposed project involves a wireless facility, the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions.
- (c) **Conditional Approvals; Denials Without Prejudice.** Subject to any applicable federal or state laws, nothing in this Policy is intended to limit the Director of Community Development’s ability to conditionally approve or deny without prejudice any Administrative Permit application as may be necessary or appropriate to ensure compliance with this Policy.
- (d) **Application Decision Notice.** Within five calendar days after the City acts on an Administrative Permit application, the City shall provide written notice to the applicant. If the Director of Community Development denies an application (with or without prejudice) for a small wireless facility, the written notice must also contain the reasons for the denial.
- (e) **Appeals.** Any interested person or entity may appeal the decision by the City to the City Manager; provided that appeals of an approval shall not be permitted when based solely on the

environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines. An appeal notice must be filed within 10 calendar days after the date on the Director of Community Development's decision notice. The notice must contain a short and plain statement about the basis for the appeal, which may be supplemented after the notice period has expired but before the appeal hearing. The City Manager shall hear appeals *de novo* and issue the applicant, and any person making the appeal, a notice of a written decision within 95 calendar days after the appeal hearing. If the City Manager denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision.

VIII. CONDITIONS OF APPROVAL

- (a) **Standard Conditions.** Except as may be authorized in Subsection (b), all Administrative Permits issued under this Policy shall be automatically subject to the conditions in this Subsection (a).
- (1) **Permit Term.** This Administrative Permit will automatically expire 10 years and 1 day from its issuance unless California Government Code § 65964(b) authorizes the City to establish a shorter term for public safety reasons. Any other permits or approvals issued in connection with any collocation, modification, or other change to this wireless facility, which includes, without limitation, any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
 - (2) **Permit Renewal.** Not more than one year before this Administrative Permit expires, the applicant may apply for permit renewal. The applicant must demonstrate that the subject small wireless facility or other infrastructure deployment complies with all the conditions of approval associated with this Administrative Permit and all applicable provisions in the Santa Clarita Municipal Code and this Policy that exist at the time the decision to renew or not renew is rendered. The Director of Community Development may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with the Santa Clarita Municipal Code, this Policy, or other applicable law. Upon renewal, this Administrative Permit will automatically expire 10 years and 1 day from its issuance.
 - (3) **Post-Installation Certification.** Within 60 calendar days after the applicant commences full, unattended operations of a small wireless facility or other infrastructure deployment approved or deemed-approved, the applicant shall provide documentation reasonably acceptable to the City that the small wireless facility or other infrastructure deployment has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data, and site before/after photographs.
 - (4) **Build-Out Period.** The Administrative Permit will automatically expire 12 months from the approval date (the "build-out period") unless the applicant obtains all other permits and approvals required to install, construct, and/or operate the approved small wireless facility or other infrastructure deployment, which includes, without limitation, any permits or approvals required by the any federal, state, or local public agencies with jurisdiction over the subject property, support structure, or the small wireless facility or other infrastructure deployment and its use. The applicant may request in writing, and the City may grant in writing, one six-month extension if the applicant submits substantial and reliable written evidence demonstrating justifiable cause for a six-month extension. If the build-out period and any

extension finally expires, the permit shall be automatically void but the applicant may resubmit a complete application, including all application fees, for the same or substantially similar project.

- (5) **Site Maintenance.** The applicant shall keep the site, which includes, without limitation, any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition, in accordance with the approved construction drawings and all conditions in this Administrative Permit. The applicant shall keep the site area free from all litter and debris at all times. The applicant, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the applicant receives notice or otherwise becomes aware that such graffiti or other vandalism occurred. In the event that the applicant fails to timely remove the graffiti, the City may remove the graffiti at the applicant's expense. The applicant shall reimburse the City for all costs incurred to remove such graffiti within 30 days after the applicant receives the City's demand for payment, together with copies of invoices or other evidence to document the costs incurred.
- (6) **Compliance with Laws.** The applicant shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the applicant, the subject property, the small wireless facility, or other infrastructure deployment or any use or activities in connection with the use authorized in this Administrative Permit, which includes, without limitation, any laws applicable to human exposure to RF emissions. The applicant expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the applicant's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt, or enforce compliance with any applicable provision in the Santa Clarita Municipal Code, this Policy, any permit, any permit condition, or any applicable law or regulation, shall be deemed to relieve, waive, or lessen the applicant's obligation to comply in all respects with all applicable provisions in the Santa Clarita Municipal Code, this Policy, any permit, any permit condition, or any applicable law or regulation.
- (7) **Adverse Impacts on Other Properties.** The applicant shall use all reasonable efforts to avoid any and all unreasonable, undue, or unnecessary adverse impacts on nearby properties that may arise from the applicant's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal, and/or other activities on or about the site. The applicant shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Santa Clarita Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare an emergency within the City. The City may issue a Stop Work Order for any activities that violates this condition in whole or in part.
- (8) **Inspections; Emergencies.** The applicant expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors, or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the applicant. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors, or other designees may, but will not be obligated to, enter onto the site area without prior notice

to support, repair, disable, or remove any improvements or equipment in emergencies, or when such improvements or equipment threaten actual, imminent harm to property or persons. The applicant, if present, may observe the City's officers, officials, staff, or other designees while any such inspection or emergency access occurs.

- (9) **Applicant's Contact Information.** Within 10 days from the final approval, the applicant shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility or other infrastructure deployment, which includes, without limitation, such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The applicant shall keep such contact information up-to-date at all times, and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.
- (10) **Indemnification.** The applicant and, if applicable, the property owner upon which the small wireless facility or other infrastructure deployment is installed, shall defend, indemnify, and hold harmless the City, City Council, and City boards, commissions, agents, officers, officials, employees, and volunteers (collectively, the "indemnitees") from any and all (1) damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs, and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this Administrative Permit; and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the applicant's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this Administrative Permit or the small wireless facility or other infrastructure deployment. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the applicant and the private property owner (if applicable) and shall reasonably cooperate in the defense. The applicant expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or applicant (as applicable) shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The applicant expressly acknowledges and agrees that the applicant's indemnification obligations under this condition are a material consideration that motivates the City to approve this Administrative Permit, and that such indemnification obligations will survive the expiration, revocation, or other termination of this Administrative Permit.
- (11) **Performance Bond.** Before the City issues any permits required to commence construction in connection with the Administrative Permit, the applicant shall post a performance bond from a surety, and in a form acceptable to the Director of Public Works, in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or other infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes, without limitation, all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the Director of Public Works shall take into consideration any information provided by the applicant regarding the cost to remove the small wireless facility or other

infrastructure deployment to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility or other infrastructure deployment in accordance with this condition.

- (12) **Permit Revocation.** Any permit granted under this Policy may be revoked in accordance with the provisions and procedures in this condition. The City may initiate revocation proceedings when the City has information that the facility may not be in compliance with all applicable laws, which includes, without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before any public hearing to revoke a permit granted under this Policy, the City must issue a written notice to the applicant that specifies (1) the facility; (2) the violation(s) to be corrected; (3) the timeframe in which the applicant must correct such violation(s); and (4) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this Policy may be revoked only by the City Council after a duly notice public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes, without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the City shall provide the applicant with a written notice that specifies the revocation and the reasons for such revocation.
- (13) **Record Retention.** Throughout the permit term, the applicant must maintain a complete and accurate copy of the written administrative record, which includes, without limitation, the Administrative Permit application, Administrative Permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers, and other correspondence entered into the public record in connection with the Administrative Permit (collectively, “records”). If the applicant does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the applicant. The applicant shall protect all records from damage from fires, floods, and other hazards that may cause deterioration. The applicant may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City’s regular files will control over any conflicts between such City-controlled copies or records and the applicant’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the applicant from any other similar record-retention obligations under applicable law.
- (14) **Abandoned Facilities.** The small wireless facility or other infrastructure deployment authorized under the Administrative Permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility or other infrastructure deployment is abandoned or deemed abandoned, the applicant and/or property owner shall completely remove the small wireless facility or other infrastructure deployment and all related improvements, and shall restore all affected areas to a condition compliant with all applicable laws, which includes, without limitation, the Santa Clarita Municipal

Code. In the event that neither the applicant nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the applicant and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

- (15) **Landscaping.** The applicant shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance, or other work performed by the applicant or at the applicant's direction on or about the site. If any trees are damaged or displaced, the applicant shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers, under the supervision of a licensed arborist, shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The applicant shall, at all times, be responsible to maintain any replacement landscape features.
- (16) **Cost Reimbursement.** The applicant acknowledges and agrees that (1) the applicant's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (2) the applicant shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes, without limitation, costs related to application review, permit issuance, site inspection, and any other costs reasonably related to or caused by the request for authorization to construct, install, and/or operate the wireless facility or other infrastructure deployment; (3) any application fees required for the application may not cover all such reimbursable costs and that the applicant shall have the obligation to reimburse the City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (4) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the applicant.
- (17) **Future Undergrounding Programs.** Notwithstanding any term remaining on any Administrative Permit, if other utilities or communications providers in the public right-of-way underground their facilities in the segment of the public right-of-way where the applicant's small wireless facility or other infrastructure deployment is located, the applicant must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time. Accessory equipment, such as radios and computers that require an environmentally controlled underground vault to function, shall not be exempt from this condition. Small wireless facilities and other infrastructure deployments installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the applicant's sole cost and expense, except as may be reimbursed through tariffs approved by the California Public Utilities Commission for undergrounding costs.
- (18) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the applicant, on its own initiative and at its sole cost and expense, shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the applicant shall apply for any Administrative Permit and/or other ministerial permit(s)

required to perform the removal. Upon removal, the applicant shall restore the affected area to its original condition that existed prior to installation of the equipment.

(19) **Rearrangement and Relocation.** The applicant acknowledges that the City, in its sole discretion and at any time, may (1) change any street grade, width, or location; (2) add, remove, or otherwise change any improvements in, on, under, or along any street owned by the City or any other public agency, which includes, without limitation, any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles, and utility systems for gas, water, electric, or telecommunications; and/or (3) perform any other work deemed necessary, useful, or desirable by the City (collectively, “City work”). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this Administrative Permit. If the City determines that any City work will require the applicant’s small wireless facility located in the public right-of-way to be rearranged and/or relocated, the applicant shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the applicant fails or refuses to either permanently or temporarily rearrange and/or relocate the applicant’s small wireless facility or other infrastructure deployment within a reasonable time after the City’s notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the applicant’s sole cost and expense. The City may exercise its rights to rearrange or relocate the applicant’s small wireless facility or other infrastructure deployment without prior notice to applicant when the Director of Public Works determines that City work is immediately necessary to protect public health or safety. The applicant shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

(20) **Truthful and Accurate Statements.** The applicant acknowledges that the City’s approval relies on the written and/or oral statements by applicant and/or persons authorized to act on applicant’s behalf. In any matter before the City in connection with the Administrative Permit or the small wireless facility or other infrastructure approved under the Administrative Permit, neither the applicant nor any person authorized to act on applicant’s behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

(b) **Modified Conditions.** The City Council authorizes the Director of Community Development to modify, add, or remove conditions to any Administrative Permit as the Director of Community Development deems necessary or appropriate to (1) protect and/or promote the public health, safety, and welfare; (2) tailor the standard conditions in Subsection (a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment need for compliance with the Santa Clarita Municipal Code, this Policy, generally applicable health and safety requirements, and/or any other applicable laws. To the extent required by applicable FCC regulations, the Director of Community Development shall take care to ensure that any different conditions applied to small wireless facilities are no more burdensome than those applied to other infrastructure deployments.

IX. LOCATION STANDARDS

(a) **Location Preferences.** To better assist applicants and decision makers understand and respond to the community’s aesthetic preferences and values, this Subsection (a) sets out listed

preferences for locations to be used in connection with small wireless facilities in an ordered hierarchy. Applications that involve lesser-preferred locations may be approved so long as the applicant demonstrates by clear and convincing evidence in the written record that either (1) no more preferred locations or structures exist within 500 feet from the proposed site; or (2) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible. The City prefers small cells in the public right-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:

- (1) locations within Industrial zones or Commercial zones on or along arterials;
- (2) locations within Industrial zones or Commercial zones on or along collectors;
- (3) locations within Industrial zones or Commercial zones on or along local streets;
- (4) locations within Public/Institutional zones, Mixed Use zones, or Open Space zones on or along arterials;
- (5) locations within Public/Institutional zones, Mixed Use zones, or Open Space zones on or along collectors;
- (6) locations within Mixed Use zones or Open Space zones on or along local streets;
- (7) locations within Residential zones on or along arterials;
- (8) locations within Residential zones on or along collectors;
- (9) locations within Public/Institutional zones or Residential zones on or along local streets.

(b) **Prohibited Support Structures.** Except when authorized as a pre-approved design, pursuant to this Policy, small wireless facilities shall not be permitted on the following support structures:

- (1) decorative poles;
- (2) traffic signal poles, cabinets, or related structures;
- (3) new, non-replacement wood poles;
- (4) any utility pole scheduled for removal or relocation within 18 months from the time the City acts on the small cell application.

(c) **Encroachments Over Private Property.** No small cell antennas, accessory equipment, or other improvements may encroach onto or over any private or other property outside the public right-of-way without the property owner's express written consent.

(d) **No Interference with Other Uses.** Small cells and any associated antennas, accessory equipment, or improvements shall not be located in any place or manner that would physically interfere with or impede access to any (1) worker access to any above-ground or underground infrastructure for traffic control, streetlight, or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (2) access to any public transportation vehicles, shelters,

street furniture, or other improvements at any public transportation stop; (3) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (4) fire hydrant or water valve; (5) access to any doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or (6) access to any fire escape.

- (e) **Replacement Pole Location.** The City prefers that applicants replace the proposed pole with one designed to support the antenna and accessory equipment with interior conduit for power, fiber, and/or coaxial cabling. All replacement poles must (1) be located as close to the removed pole as possible; (2) be aligned with the other existing poles along the public right-of-way; and (3) be compliant with all applicable standards and specifications by the Director of Public Works or his or her designee.
- (f) **Additional Placement Requirements.** In addition to all other requirements in this Policy, small wireless facilities, other infrastructure deployments, and all related equipment and improvements shall:
 - (1) be placed as close as possible to the property line between two parcels that abut the public right-of-way;
 - (2) not be placed directly in front of any door or window;
 - (3) not be placed within any sight distance triangles at any intersections;
 - (4) be placed at least five feet away from any driveway or walkway between a residential structure and the public right-of-way (e.g. the walkway between the sidewalk and the front door to a residence);
 - (5) be placed at least 100 feet away from any driveways for police stations, fire stations, or other emergency responder facilities.

X. DESIGN STANDARDS

- (a) **Finishes.** All exterior surfaces shall be painted, colored, and/or wrapped in flat, non-reflective hues that match the underlying support structure or blend with the surrounding environment. All surfaces shall be treated with graffiti-resistant sealant. All finishes shall be subject to the Director of Community Development's prior approval.
- (b) **Noise.** Small cells and all associated antennas, accessory equipment, and other improvements must comply with all applicable noise control standards and regulations in the Santa Clarita Municipal Code Section 11.44.040, as either may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district. The applicant shall demonstrate compliance with this Subsection (b) by submitting the required materials provided in Section VI(a)(12).
- (c) **Lights.** All lights and light fixtures must be aimed and shielded so that their illumination effects are directed downwards and confined within the public right-of-way in a manner consistent with any other standards and specifications by the Director of Public Works or his or her designee. All antennas, accessory equipment, and other improvements with indicator or status lights must be

installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas.

- (d) **Trees and Landscaping.** Small wireless facilities and other infrastructure deployments on or beneath the ground surface shall not be installed (in whole or in part) within any tree drip line. Small wireless facilities and other infrastructure deployments may not displace any existing tree or landscape features unless (1) such displaced tree or landscaping is replaced with native and/or drought-resistant trees, plants, or other landscape features approved by the City; and (2) the applicant submits and adheres to a landscape maintenance plan. Only International Society of Arboriculture certified workers, under a licensed arborist's supervision, shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City. The applicant shall, at all times, be responsible to maintain any replacement landscape features.
- (e) **Signs and Advertisements.** All small wireless facilities and other infrastructure deployments that involve RF transmitters must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. Small wireless facilities and other infrastructure deployments may not bear any other signage or advertisements unless expressly approved by the City, required by law, or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
- (f) **Site Security Measures.** Small wireless facilities and other infrastructure deployments may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism. The Director of Community Development shall not approve any barbed wire, razor ribbon, electrified fences, or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from, or coated with, graffiti-resistant materials.
- (g) **Compliance with Health and Safety Regulations.** All small wireless facilities and other infrastructure deployments shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, which includes, without limitation, all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).
- (h) **Antennas.** The provisions in this Subsection (h) are generally applicable to all antennas.
 - (1) **Shrouding.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware must be installed within a single shroud or radome. For pole-top antennas, the shroud shall not exceed 1.5 times the median pole diameter and must taper down to pole. For side-arm antennas, the shroud must cover the cross arm and any cables, jumpers, wires, or other connectors between the vertical riser and the antenna.
 - (2) **Antenna Volume.** Each individual antenna associated with a single small cell shall not exceed three cubic feet. The cumulative volume for all antennas on a single small cell shall not exceed (A) three cubic feet in residential areas; or (B) six cubic feet in nonresidential areas.

(3) **Overall Height.** No antenna may extend more than five feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations.

(4) **Horizontal Projection.** Side-mounted antennas, where permitted, shall not project (1) more than 24 inches from the support structure; (2) over any roadway for vehicular travel; or (3) over any abutting private property. If applicable laws require a side-mounted antenna to project more than 24 inches from the support structure, the projection shall be no greater than required for compliance with such laws.

(i) **Accessory Equipment Volume.** The cumulative volume for all accessory equipment for a single small wireless facility or other infrastructure deployment shall not exceed (1) 9 cubic feet in residential areas; or (2) 17 cubic feet in nonresidential areas. The volume limits in this Subsection (i) do not apply to any undergrounded accessory equipment.

(j) **Undergrounded Accessory Equipment.**

(1) **Where Required.** Accessory equipment (other than any electric meter (where permitted) emergency disconnect switch) shall be placed underground when proposed in any (1) underground district; or (2) any location where the City finds substantial evidence that the additional above-ground accessory equipment would incommode the public's uses in the public right-of-way. Notwithstanding the preceding sentence, the City may grant an exception when the applicant demonstrates by clear and convincing evidence that compliance with this Subsection (j)(1) would be technically infeasible.

(2) **Vaults.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk.

(k) **Pole-Mounted Accessory Equipment.** The provisions in this Subsection (k) are applicable to all pole-mounted accessory equipment in connection with small wireless facilities and other infrastructure deployments.

(1) **Preferred Concealment Techniques.** Applicants should propose to place any pole-mounted accessory equipment in the least conspicuous position under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic, or other signs to the extent that the installation complies with applicable public health and safety regulations.

(2) **Minimum Vertical Clearance.** The lowest point on any pole-mounted accessory equipment shall be at least 10 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 10 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.

(3) **Horizontal Projection.** Pole-mounted accessory equipment shall not project (1) more than 20 inches from the pole surface; (2) over any roadway for vehicular travel; or (3) over any abutting private property. All pole-mounted accessory equipment shall be mounted flush to

the pole surface. If applicable laws preclude flush-mounted equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

(4) **Orientation.** Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment should be oriented away from prominent views. In general, the proper orientation will likely be toward the street to reduce the overall profile when viewed from the nearest abutting properties. If orientation toward the street is not feasible, then the proper orientation will most likely be away from oncoming traffic. If more than one orientation would be technically feasible, the City may select the most appropriate orientation.

(l) **Ground-Mounted or Base-Mounted Accessory Equipment.** The provisions in this Subsection (l) are applicable to all ground-mounted and base-mounted accessory equipment in connection with small wireless facilities and other infrastructure deployments. However, ground-mounted equipment is the least-preferred location for deployments.

(1) **Ground-Mounted Concealment.** On collectors and local streets, the City prefers ground-mounted accessory equipment to be concealed as follows (1) within a landscaped parkway, median, or similar location, behind or among new/existing landscape features, and painted or wrapped in flat natural colors to blend with the landscape features; and (2) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as mailboxes, benches, trash cans, and information kiosks. On arterial roads outside underground districts, proposed ground-mounted accessory equipment should be completely shrouded or placed in a cabinet substantially similar in appearance to existing ground-mounted accessory equipment cabinets.

(2) **Public Safety Visibility.** To promote and protect public health and safety and prevent potential hazards hidden behind large equipment cabinets, no individual ground-mounted accessory equipment cabinet may exceed four feet in height or four feet in width. Ground-mounted and base-mounted equipment cabinets shall not have any horizontal flat surfaces greater than 1.5 square-inches to prevent litter or other objects left on such surfaces.

(m) **Utilities.** The provisions in this Subsection (m) are applicable to all utilities and other related improvements that serve small wireless facilities and other infrastructure deployments.

(1) **Overhead Lines.** The Director of Community Development shall not approve any new overhead utility lines in underground districts. In areas with existing overhead lines, new communication lines shall be “overlashed” with existing communication lines to the extent technically feasible. No new overhead utility lines shall be permitted to traverse any roadway used for vehicular transit.

(2) **Vertical Cable Risers.** All cables, wires, and other connectors must be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires, and other connectors must be concealed from public view. To the extent that cables, wires, and other connectors cannot be routed through the pole, such as with wood utility poles, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying pole.

- (3) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled, or otherwise stored on the pole outside equipment cabinets or shrouds.
- (4) **Electric Meters.** Small cells and other infrastructure deployments shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. If the proposed project involves a ground-mounted equipment cabinet, an electric meter may be integrated with and recessed into the cabinet, but the Director of Community Development shall not approve a separate ground-mounted electric meter pedestal.
- (5) **Existing Conduit or Circuits.** To reduce unnecessary wear and tear on the public right-of-way, applicants are encouraged to use existing conduits and/or electric circuits whenever available and technically feasible. Access to any conduit and/or circuits owned by the City shall be subject to the Director of Public Works' prior written approval, which the Director of Public Works may withhold or condition as deemed necessary or appropriate to protect the City's infrastructure, prevent interference with the City's municipal functions, and public health and safety.

XI. PREAPPROVED DESIGNS

- (a) **Purpose.** To expedite the review process and encourage collaborative designs among applicants and the City, the City Council authorizes the Director of Community Development to designate one or more preapproved designs for small wireless facilities and other infrastructure deployments. Section X1 sets out the process to establish or repeal a preapproved design and the expedited review procedures and findings applicable to these applications.
- (b) **Adoption.** The City may, at the Director of Community Development's discretion, establish a preapproved design when the Director of Community Development finds that a proposed preapproved design substantially complies with the design standards in this Policy. The Director of Community Development shall post a public notice posted at Santa Clarita City Hall, with the City Clerk, and in a newspaper of general circulation within the City. The notice must generally describe the preapproved design, include a photograph or photo simulation, specify whether the preapproved design would be limited or restricted in any zones, and contain a reference to the appeal procedure. Unless appealed, pursuant to the Santa Clarita Municipal Code, the preapproved design shall become effective 15 days from the notice required in this Subsection (b). A decision by the Director of Community Development not to adopt a proposed preapproved design, or the Director of Community Development's failure to act on a request for a proposed preapproved design, is not appealable.
 - (1) The City has previously approved small wireless facilities and other infrastructure deployments, prior to the adoption of this Policy. All future small wireless facilities and infrastructure deployments shall utilize design measures that are consistent with these previously approved designs. Understanding that variations in design features may be necessary to accommodate new or different technology, each applicant shall propose a facility that is most consistent with these designs on file with the Director of Community Development and is subject to the discretion of the Director of Community Development.
- (c) **Repeal.** The Director of Community Development may repeal any preapproved design by written notice posted at Santa Clarita City Hall. The repeal shall be immediately effective.

The Director of Community Development's repeal, refusal to repeal, or failure to act on a request to repeal a preapproved design, is not appealable.

- (d) **Modified Review Process.** In nonresidential zones, applications for a preapproved design shall not be subject to any potential appeals under Section VII(e). In residential zones, applications for a preapproved design shall remain subject to any potential appeals under Section VII(e).
- (e) **Modified Findings.** When an applicant submits a complete application for a preapproved design, the Director of Community Development shall presume that the findings for approval in Sections VII(b)(1) and VII(b)(5) are satisfied, and shall evaluate the application for compliance with the findings for approval in Sections VII(b)(2), VII(b)(3), VII(b)(4), and VII(b)(6).
- (f) **Nondiscrimination.** Any applicant may propose to use any preapproved design, whether the applicant initially requested that the Director of Community Development adopt such preapproved design or not. The Director of Community Development's decision to adopt a preapproved design expresses no preference or requirement that applicants use the specific vendor or manufacturer that fabricated the design depicted in the preapproved plans. Any other vendor or manufacturer that fabricates a facility to the standards and specifications in the preapproved design with like materials, finishes, and overall quality shall be acceptable as a preapproved design.

XII. EXCEPTIONS

There are no exceptions to this Policy without the express authorization of the City Manager.

XIII. AUTHORITY

By the authority of the City Manager.

Kenneth W. Striplin
City Manager

EXHIBIT B

PROPOSED UNIFIED DEVELOPMENT CODE AMENDMENT

17.69.035 Exemptions

B. *Wireless Communications Facilities within City Right-of-Way*. The following procedures and design standards shall be required for issuance of a Public Works Encroachment Permit for the installation of wireless telecommunications facilities within City rights-of-way. These criteria are intended to guide and facilitate applicants in locating and designing facilities and supporting equipment in a manner that will be compatible with the purpose, intent, and goals of this section. It is the intent of the City to use its time, place, and manner authority to protect and preserve the aesthetics of the City and the health and safety of pedestrians and occupants of vehicles in City rights-of-way. However, any wireless telecommunications facility subject to the City Council adopted Small Wireless Facilities Policy, for the regulation of small wireless facilities and other infrastructure deployments within the City right-of-way, shall be subject to the provisions of the adopted Policy and any future revisions.