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CHAPTER 14.44 TELECOMMUNICATIONS FACILITY AND ANTENNA CRITERIA

14.44.010 Purpose.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Petaluma as set forth within the goals, objectives and policies of the Petaluma general plan; while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations and encouraging managed development of telecommunications infrastructure to insure Petaluma's role in the evolution of technology. It is also the stated intent of this chapter to provide a public forum to insure a balance between public concerns and private interest in establishing telecommunication and related facilities.

It is furthermore intended that, to all extent permitted by law, the city shall apply these regulations to specifically accomplish the following:

- A. Protect the visual character of the city from the potential adverse effects of telecommunication facility development and minor antenna installation;
- B. Insure against the creation of visual blight within or along the city's scenic corridors and ridgelines;
- C. Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives.
- D. Protect the inhabitants of Petaluma from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
- E. Protect the environmental resources of Petaluma;
- F. Insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructures are provided to serve the business community;
- G. Create and preserve telecommunication facilities that will serve as an important and effective part of Petaluma's emergency response network;
- H. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of Petaluma citizens;
- I. Provide for the charging of reasonable, competitively neutral, nondiscriminatory fees for use of the public right-of-way by telecommunication providers; and,
- J. Provide for the maximization of access and usability of an internet web site for the city of Petaluma.

(Ord. 2029 NCS (part), 1996.)

14.44.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:

A. "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. Antennas shall include cellular on wheels (COWs) and cellular on light trucks (COLTs) facilities; as well as dispatch carriers for Specialized Mobile Radio (SMR) services and Enhanced SMR (ESMR).

1. "Antenna - building mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than ten feet tall and six inches in diameter, or structure other than a telecommunication tower.
2. "Antenna - directional" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty degrees.
3. "Antenna - ground mounted" means any antenna with its base, single or multiple posts, placed directly on the ground or a mast less than ten feet tall and six inches in diameter.
4. "Antenna - omni-directional" transmits and/or receives radio frequency signals in a three hundred sixty degree radial pattern For the purpose of this chapter, an omni-directional antenna is up to fifteen feet in height and up to four inches in diameter.
5. "Antenna - parabolic" (also known as satellite dish antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
6. "Antenna - portable" means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.
7. "Antenna - vertical" means a vertical type antenna without horizontal cross-sections greater than one-half inch in diameter.

B. "Co-location" — See "telecommunication facility - co-located."

C. "Commercial use" means a use that involves the exchange of cash, goods or services, barter,

- a. A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located, with an antenna height not exceeding fifty feet;
- b. A ground- or building-mounted citizens band radio antenna including any mast, if the height (tower, support structure, post and antenna) does not exceed seventy feet;
- c. A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed seventy feet.
- d. A ground- or building-mounted receive-only radio or television satellite dish antenna, with diameter exceeding thirty-six inches but less than eight feet in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Exempt telecommunication facility located within a recognized historic district.
- f. City owned and operated antennas used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.

If a facility does not meet these criteria then it is considered either an "exempt," "minor" or "major" telecommunication facility.

4. "Telecommunications facility - minor" means any of the following:

- a. Antennas which meet the definition of "mini" with the exception of the height limit.
- b. Telecommunications facilities less than thirty-five feet in height and that adhere to Section 14.44.090.
- c. A single ground- or building-mounted whip (omni-) antenna without a reflector, less than four inches in diameter, whose total height does not exceed thirty-five feet, including any mast to which it is attached, located on commercial- and/or industrial-zoned property.
- d. A ground- or building-mounted panel antenna whose height is equal to or less than four feet and whose area is not more than four hundred eighty square inches in the aggregate (e.g., one-foot diameter parabola or two-foot by one-and-one-half-foot panel) as viewed from any one point, located on commercial- or industrial-zoned property. The equipment cabinets shall be designed, placed and screened to be unobtrusive and effectively unnoticeable.
- e. More than three antennas, satellite dishes (greater than three feet in diameter), panel antennas, or combination thereof, are proposed to be placed on the commercial or industrial parcel, including existing facilities.
- f. Building-mounted antennas which, in the opinion of the planning director, are unobtrusive or undetectable by way of design and/or placement on the building, regardless of number, when

- B. All the requirements established by the other chapters of the Petaluma Municipal Code and Petaluma zoning ordinance that are not in conflict with the requirements contained in this chapter;
- C. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;
- D. Any applicable airport land use compatibility criteria/policies and Federal Aviation Administration regulations;
- E. Any applicable easements or similar restrictions on the subject property, including adopted PUD standards;
- F. **Facilities** and minor antennas cannot be located in any required yard setback area of the zoning district in which it is located with the exception of possible encroachment of the antenna array into airspace over said setback;
- G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;
- H. All commercial telecommunication **facilities** and minor antenna shall comply at all times with all FCC rules, regulations, and standards;
- I. All telecommunication **facilities** shall maintain in place a security program, when determined necessary by and subject to the review and approval of the police chief that will prevent unauthorized access and vandalism; and
- J. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- K. All telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the city of Petaluma shall register with the city pursuant to Section 14.44.040 of this chapter.

(Ord. 2029 NCS (part), 1996.)

14.44.040 Registration of telecommunications carriers and providers.

- A. **Registration Required.** All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the city of Petaluma, or outside the corporate limits from telecommunications **facilities** within the city, shall register with the city pursuant to this chapter on forms to be provided by the planning director, which shall include the following:
 - 1. The identity and legal status of the registrant, including any affiliates.
 - 2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
 - 3. A narrative and map description of registrant's existing or proposed telecommunications **facilities**

within the city of Petaluma.

4. A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the city.
5. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utility Commission to provide telecommunications services or facilities within the city.
6. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the city.
7. Such other information as the planning director may reasonably require.

B. Registration Fee. Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee as set forth by resolution of the city council.

C. Purpose of Registration. The purpose of registration under this section is to:

1. Provide the city with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the city, or that own or operate telecommunication facilities within the city;
2. Assist the city in enforcement of this chapter;
3. Assist the city in the collection and enforcement of any license fees or charges that may be due the city; and
4. Assist the city in monitoring compliance with local, state and federal laws.

D. Amendment. Each registrant shall inform the city, within sixty days of any change of the information set forth in Section 14.44.040.

(Ord. 2029 NCS (part), 1996.)

14.44.050 Agreement.

No approval granted hereunder shall be effective until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy and use public ways of the city will be granted. (Ord. 2029 NCS (part), 1996.)

14.44.060 Nonexclusive grant.

No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes. (Ord. 2029 NCS (part), 1996.)

14.44.070 Rights granted.

No approval granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purposes and term stated in the approval. Further, no approval shall be construed as any warranty of title. (Ord. 2029 NCS (part), 1996.)

14.44.075 Exempt facilities — Basic requirements.

Exempt facilities defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any residential zoning district, except recognized historic districts, where such antennas are permitted under this title, without benefit of a building permit or other entitlement process, so long as all the following conditions are met:

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
- B. In a residential zone, no more than one support structure for licensed amateur radio operator, satellite dish eight feet or less in diameter, is allowed on the parcel;
- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2029 NCS (part), 1996.)

14.44.080 Mini facilities — Basic requirements.

Mini facilities defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any residential, commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a building permit which has received site plan and architectural review and approval by the planning director, so long as all the following conditions are met:

- A. In a commercial or industrial zone, no more than three antenna, satellite dish eight feet or less in diameter; where adequate screening, at the discretion of the planning director, is provided; and the telecommunication facilities are solely for the use of the project site tenants - location subject to the discretionary review and approval of the planning director.
- B. Replacement of pre-existing telecommunication facilities, installed under a prior approval under this chapter which is being proposed for replacement by equipment of identical or a smaller size, at the discretion of the planning director.
- C. In a residential zone, where more than one but no more than three antenna or satellite dishes (three feet or less in diameter) are proposed.
- D. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2029 NCS (part), 1996.)

14.44.090 Minor facilities — Basic requirements.

Minor facilities as defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a minor conditional use permit, so long as all the following conditions are met:

- A. The minor antenna use involved is accessory to the primary use of the property which is not a telecommunications facility.
- B. The combined effective radiated power radiated by all the antenna present on the parcel is less than one thousand five hundred watts.
- C. The combined NIER levels produced by all the antennas present on the parcel do not exceed the NIER standard established in Section 14.44.290 of this chapter.
- D. The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel, so as to create a negative visual impact.
- E. The antenna is located outside all yard and street setbacks specified in the zoning district in which the antenna is to be located and no closer than twenty feet to any property line.
- F. None of the guy wires employed are anchored within the area in front of the primary structure on the parcel.
- G. No portion of the antenna array extends beyond the property lines or into the area in front of the primary building on the parcel, so as to create a negative visual impact.
- H. At least ten feet of horizontal clearance exists between the antenna and any power lines, unless more clearance is required to meet CPUC standards.
- I. All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming.
- J. The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible.
- K. The installation is in compliance with the manufacturer's structural specifications and the requirements of the Uniform Building Code including Section 507. Exceptions Table SD, Table 23-24 and Section 3602, as applicable.
- L. The height of the facility shall include the height of any structure upon which it is placed, unless otherwise defined within this chapter.
- M. No more than two satellite dishes are allowed on the parcel, one of which may be over three feet in diameter, but no larger than eight feet in diameter, with adequate screening, at the discretion of the planning director.
- O. Any ground mounted satellite dish with a diameter greater than four feet that is situated less than five

G. An encroachment permit must be obtained for any work in the public right-of-way. (Ord. 2662 NCS § 2 (part), 2018)

14.44.100 Minor facilities — Referral.

The planning director may refer a conditional use permit for a minor telecommunications facility that meets all of the above standards if he/she determines, in his/her sole discretion, that the public interest would be furthered by having the planning commission review this matter. In that case and the case of any proposed facility that fails to meet one or more of the standards listed above, a use permit approved by the planning commission shall be required to construct the facility in question. (Ord. 2029 NCS (part), 1996.)

14.44.130 Telecommunications facilities — Minimum application requirements.

The following are the minimum criteria applicable to all telecommunications facilities, except exempt facilities as defined in Section 14.44.020.S. 1. In the event that a project is subject to discretionary and/or environmental review, mitigation measures or other conditions may also be necessary. All telecommunications facilities shall comply with the following:

A. The planning director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photomontages, visual impact analysis, NIER (non-ionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security considerations, lists of other nearby telecommunications facilities known to the city, master plan for all related facilities within the city limits of Petaluma and within one-quarter mile therefrom; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the director. The planning director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted; and

B. The planning director is explicitly authorized at his/her discretion to employ on behalf of the city an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the city. Any proprietary information disclosed to the city or the expert hired shall remain confidential and shall not be disclosed to any third party.

(Ord. 2029 NCS (part), 1996.)

14.44.140 Telecommunications facilities — Standard agreements required.

A. A maintenance/facility removal agreement signed by the applicant shall be submitted to the planning director prior to approval of the use permit or other entitlement for use authorizing the establishment or modification of any telecommunications facility which includes a telecommunication tower, one or more new buildings/ equipment enclosures larger in aggregate than three hundred square feet, more than three

satellite dishes of any size, or a satellite dish larger than four feet in diameter. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimate removal of the facility in compliance with the provisions of this chapter and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the city for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the city and/or its agents to enter onto the property and undertake said work so long as:

1. The planning director has first provided the applicant the following written notices:
 - a. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least forty-five calendar days to complete it; and
 - b. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the city's intent to commence the required work within ten working days.
2. The applicant has not filed an appeal pursuant to Section 14.44.350 within fourteen working days of the notice required under Section 14.44.140.1 above. If an appeal is filed, the city shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it taken in favor of the city;
3. All costs incurred by the city to undertake any work required to be performed by the applicant pursuant to the agreement referred to in Section 14.44.140 including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The applicant shall deposit within ten working days of written request therefor such costs as the city reasonably estimates or has actually incurred to complete such work. When estimates are employed, additional moneys shall be deposited as needed within ten working days of demand to cover actual costs. The agreement shall specifically require the applicant to immediately cease operation of the telecommunications facility involved if the applicant fails to pay the moneys demanded within ten working days. It shall further require that operation remain suspended until such costs are paid in full.

B. Standard agreement required by Section 14.44.140.A shall be accompanied by the payment of a fee, as established by resolution of the city council, into a trust fund established to cover expenditures for the removal, screening, enhancement or similar activities relating to the existence of telecommunications **facilities** within the city.

C. Standard agreement required by Section 14.44.140.A. shall include, but not be limited to, the following stipulations agreed to by the applicant:

1. Telecommunications **facilities** lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city of Petaluma. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, telecommunication **facilities** lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or

14.44.160 Telecommunications facilities — Structural requirements.

No telecommunications facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, except exempt facilities as defined in Section 14.44.020.S.1, located at a distance of less than one hundred ten percent of its height from a habitable structure, property line, or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the building official prepared by a structural engineer licensed by the state of California describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the planning director at least every five (self-supporting and guyed towers) ten (monopoles) years of an inspection report prepared by a California-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the building official may require repair or, if a serious safety problem exists, removal of the tower. (Ord. 2029 NCS (part), 1996)

14.44.170 Telecommunications facilities — Basic tower and building design.

All telecommunications facilities, except exempt facilities as defined in Section 14.44.020.S.1, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented:

- A. Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the city to be otherwise.
- B. Telecommunication towers taller than thirty-five feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the planning director or planning commission, as appropriate, that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
- C. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the planning director or planning commission, as appropriate, is submitted showing that this is infeasible.
- D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible.
- E. Telecommunication support facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.
- F. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their

profile.

G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that in the opinion of the planning director or planning commission, as appropriate, will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils trees or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.

H. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the "worst case" elevation perspective.

I. The city shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).

J. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2029 NCS (part), 1996.)

14.44.180 Telecommunication facilities — Critical disaster response facilities.

A. All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end all the following measures shall be implemented:

1. Non-flammable exterior wall and roof covering shall be used in the construction of all buildings;
2. Openings in all buildings shall be protected against penetration by fire and windblown embers;
3. The telecommunication tower when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to withstand the forces expected during the "maximum credible earthquake". All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it;
4. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by fire, flooding, and earthquake; and
5. Measures shall be taken to keep the facility operational in the event of disaster.

B. Demonstration of compliance with requirements subsection A.1., 2., 4. and 5. (fire only) shall be evidenced by a certificate signed by the city fire chief on the building plans submitted.

C. Demonstration of compliance with requirements subsection A.3. through 5. (earthquake only) shall be

14.44.200 Telecommunication facilities — Height determination.

The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. (Ord. 2029 NCS (part), 1996.)

14.44.210 Telecommunication facilities — Co-located and multiple-user facilities.

A. An analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the city and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The city may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

B. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the determination of the planning director or planning commission, as appropriate, this will minimize overall visual impact to the community.

C. The facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the city's permit files. Unresolved disputes may be mediated by the planning commission or city council. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.

D. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

(Ord. 2029 NCS (part), 1996.)

14.44.220 Telecommunications facilities — Lighting.

All telecommunication facilities shall be unlit except for the following:

- A. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. (Ord. 2029 NCS (part), 1996.)

14.44.230 Telecommunications facilities — Roads and parking.

All telecommunication facilities, except exempt facilities as defined in Section 14.44.020.5.I, shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

- A. Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the fire chief and director of engineering. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the fire chief and director of engineering;
- B. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be no larger than three hundred fifty square feet.

(Ord. 2029 NCS (part), 1996.)

14.44.240 Telecommunications facilities — Vegetation protection and facility screening.

All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020.S.1:

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to review and approval of the site plan and architectural review process. All trees, larger than four inches in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one-half feet high, and whether it is to be retained or removed with project development;
- B. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads

amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020.S.I:

- A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the planning commission;
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 60 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 8:30 am. and 4:30 p.m.; and
- C. Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete.

(Ord. 2029 NCS (part), 1996.)

14.44.280 Telecommunications facilities — Visual compatibility.

- A. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
- B. The facility is designed to blend with any existing supporting structure and does not substantially alter the character of the structure or local area.
- C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner; and
- D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the planning director. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

(Ord. 2029 NCS (part), 1996.)

14.44.290 Telecommunications facilities — NIER exposure.

- A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no

telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section 14.44.020 that exceed the ANSI (American National Standards Institute) C95.1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

B. Initial compliance with this requirement shall be demonstrated for any facility within four hundred feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the state of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the planning director. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the city may require, at the applicant's expense, independent verification of the results of the analysis.

C. Every telecommunication facility within four hundred feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed eighty percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state of California to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the planning director within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety days of the date said change becomes effective.

D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.

(Ord. 2029 NCS (part), 1996.)

14.44.310 Telecommunication facilities — Exceptions.

A. Exceptions to the requirements specified within this chapter may be granted through issuance of a conditional use permit by the planning commission. Such a permit may only be approved if the planning commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.

appeal the matter to the planning commission. Such appeal shall be made in writing and filed with the city clerk within fourteen calendar days of the ruling or interpretation. The city clerk will then transmit the appeal to the planning director, who will cause the matter to be placed on the agenda of the planning commission. If no appeal is made within that time, the ruling or interpretation shall be final. The appeal shall be addressed to the city clerk and shall set forth in writing the grounds for the appeal and the relief sought by the appellant. The hearing shall be scheduled within two regularly scheduled meetings. The planning director shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten calendar days prior to the meeting. The planning director shall transmit the application and all exhibits therewith to the planning commission for consideration. For the purposes of this section, a ruling is a discretionary action, e.g., a minor conditional use permit or a site plan and architectural review; and, an interpretation refers to the determination of the intent and application of provisions of this chapter. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 14.44.310 of this chapter. (Ord. 2029 NCS (part), 1996.)

14.44.350 Statutory/severability.

If any section, subsection, sentence, clause or phrase or word of this chapter is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council of the city of Petaluma hereby declares that it would have passed and adopted this chapter and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional. (Ord. 2029 NCS (part), 1996.)

The Petaluma Municipal Code is current through Ordinance 2674, passed November 19, 2018.

Disclaimer: The City Clerk's Office has the official version of the Petaluma Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.