



CITY OF ENCINITAS
**WIRELESS COMMUNICATION FACILITY
APPLICATION SUPPLEMENT**
PLANNING AND BUILDING DEPARTMENT



INTRODUCTION:

Applicant/Permittees are to become familiar with the following items when considering the submission of an application for a wireless communication facility with the City of Encinitas. Items with a check box () next to them require materials to be submitted at the time of application in addition to those required in the Major Use Permit or Administrative Design Review Permit application (forms A-1 and A-2 respectively). The City will only accept wireless communication facility applications containing **all** of the items outlined within this supplement (Supplement W) having a check box () next to them, and **all** of the required items outlined in the checklists required in forms A-1 and A-2, respectively. These items must be completed and presented in their entirety at the scheduled intake appointment with the Planning and Building Department. If these materials are found adequate at the initial intake appointment, then the application will be accepted by the City. If you have questions as to the adequacy of these items, or want to schedule your initial intake appointment to make application for a wireless communications facility, please contact the Planning and Building Department at (760) 633-2710.

APPLICABILITY (Section No. 9.70.020 of the Encinitas Municipal Code):

Projects EXEMPT from these requirements:

This Chapter does not apply to:

- Hand held mobile phones.
- Satellite dishes.
- Amateur radio facilities.
- Receiving antennae for AM and FM radio and television, which may be governed by other law including, but not limited to, Municipal Code Chapters 23.08, 30.16, and 30.48.

Projects SUBJECT to these requirements:

The following materials are required of applications for wireless communications facilities within the limits of the City of Encinitas, California. Including facilities defined by the Telecommunications Act of 1996 and licensed by the FCC, including, but not limited to, the type commonly known as:

- Cellular.
- Personal communications services (PCS).
- Specialized mobile radio (SMR).
- Enhanced specialized mobile radio (ESMR).
- Paging.
- Land based repeaters for satellite broadcast services.
- Micro-cell antennae.
- All similar systems which exist now or may be developed in the future and exhibit technological characteristics similar to them.

- This ordinance shall also apply to wireless communication facilities within the public rights-of-way except as prohibited by State Law, City park facilities, City Fire Stations or similar City of Encinitas/San Dieguito Water District government owned or operated property.
 - For any application within a City owned or operated property (including applications proposed in the City’s public right-of-way), a “Pre-application” form with the City’s Wireless Facilities Group (WFG) shall be made prior to submittal of a Major Use Permit or Administrative Design Review Permit. The pre-application form is available at the Planning and Building Department and may be submitted through this department without an appointment.
 - The WFG consists of representatives from different City departments who are tasked to review pre-applications for wireless communication facilities on City owned or operated property. The WFG considers all applications within these areas and provides comment back to the applicant as to the feasibility of the proposed pre-application. If the WFG finds the pre-application feasible, then a letter of intent will be generated by the City Manager’s office (or Director of Parks and Recreation Dept. for park facilities; Fire Chief for fire stations) to be submitted as authorization with the applicable Discretionary Permit (A-1) or Administrative Permit (A-2) as defined in Chapter 9.70 of the Encinitas Municipal Code.

Applicable Municipal Code Chapters:

Wireless communications facilities proposed to be located within the City of Encinitas may be constructed only pursuant to a permit issued by the City in accordance with the following components of the Encinitas Municipal Code:

- Chapter 9.70 (Wireless Communication Facilities).
- Chapter 23.06 (Citizen Participation Program).
- Chapter 23.08 (Design Review).
- Title 30 “Zoning”.
- All other applicable laws and regulations.

PERMITS REQUIRED:

ADMINISTRATIVE DESIGN REVIEW PERMIT (pursuant to Section No. 9.70.050 of the Encinitas Municipal Code):

All applications for a wireless communications facility with an antenna array located **100 feet or greater** from elementary schools, middle schools, child day care centers, hospitals, and residential dwellings in the following zoning districts require an Administrative Design Review Permit:

- Commercial zoning designation.
- Industrial zoning designation.
- Public/Semi-Public zoning designation.

MAJOR USE PERMIT (pursuant to Section No. 9.70.060 of the Encinitas Municipal Code):

All applications for wireless communications facilities with an antenna array located **within 100 feet** of elementary schools, middle schools, child day care centers, hospitals, and residential dwellings proposed in the following zoning districts require a Major Use Permit:

- Commercial zoning designation.
- Industrial zoning designation.
- Public/Semi-Public zoning designation.

Pursuant to Section No. 9.70.070 of the Encinitas Municipal Code, all applications for wireless communication facilities within the following districts require a Major Use Permit. Such application may be granted only if the Applicant/Permittee submits evidence demonstrating that there is no other feasible alternative to the proposed location:

- Residential zoning designation.
- Open space zoning designation.
- Floodplain Overlay zone.
- Cultural/Natural Resources Overlay zone.
- Coastal Bluff Overlay zone.
- Historic sites.
- Sensitive habitat areas (where not otherwise prohibited).

Wireless Communication Facility Permits Required Chart

ZONING/SITE	PERMIT REQUIRED	
ZONING DISTRICTS		
Industrial Zones L1 BP	MUP MAJOR USE PERMIT AND SUPPLEMENTARY MATERIALS For antennae within 100 feet of Elementary School, Middle School, Child Day Care Center, Hospital or Residential Dwelling	ADR ADMINISTRATIVE DESIGN REVIEW PERMIT AND SUPPLEMENTARY MATERIALS For antennae no closer than 100 feet from Elementary School, Middle School, Child Day Care Center, Hospital or Residential Dwelling
Commercial Zones OP L-LC LC GC L-VSC VSC		
Public/Semi-Public Zones P/SP		
Residential Zones All Residential Zones	MUP MAJOR USE PERMIT AND SUPPLEMENTARY MATERIALS Such application may be granted only if the Applicant/Permittee submits evidence demonstrating that there is no other feasible alternative to the proposed location.	
Open Space Zones ER/OS/PK		
OVERLAY ZONES		
Coastal Bluff Overlay Zone	MUP MAJOR USE PERMIT AND SUPPLEMENTARY MATERIALS Such application may be granted only if the Applicant/Permittee submits evidence demonstrating that there is no other feasible alternative to the proposed location.	
Cultural/Natural Resources Overlay Zone		
Floodplain Overlay Zone		
Hillside/Inland Bluff Overlay Zone		
Agricultural Overlay Zone	As per underlying zoning.	
Public Facilities Overlay		
Scenic Viewshed Corridor		
SPECIAL SITES		
Historic Sites	MUP MAJOR USE PERMIT AND SUPPLEMENTARY MATERIALS Such application may be granted only if the Applicant/Permittee submits evidence demonstrating that there is no other feasible alternative to the proposed location.	

SUPPLEMENTARY MATERIALS REQUIRED (Section 9.70.080 of the Encinitas Municipal Code):

All applications must include the following supplementary materials with the initial intake appointment. The City retains a third party consultant, at the applicant's expense, to review and assess technical data.

Documentation of the following concerning the proposed wireless communications facility:

- Location;
- Type;
- Capacity;
- Field strength or power density (include three copies of a Radio Frequency Emission (RFE) report. A cumulative report is required if multiple carriers are present on the subject location);
- Calculated geographic service area (shown in a map format. This map shall clearly delineate the coverage area to be gained by the proposed wireless communications facility); and
- A noise study (include three copies) demonstrating compliance with Chapter 30.40 (Performance Standards) of the Encinitas Municipal Code for the proposed equipment powering the proposed or existing wireless communications facility to be modified.
- Documentation that the Applicant/Permittee has obtained and is in compliance with all applicable licenses, permits or authorizations required by the Federal Communications Commission (FCC).
- Provide a map and description showing the location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permittee's network located in the City and within one-half mile of the City's corporate limit in any direction.
- A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permittee's network.
- If the proposal does not include collocation, written documentation of all efforts made to collocate at another site, and justification for the decision not to collocate.
- In the instance where a facility is proposed within 100 feet of an elementary school, middle school, child day care centers, hospitals and residential dwellings, the Applicant/Permittee shall submit a narrative description of alternative sites considered, if any, and include specific reasons these alternative sites were not chosen.
- Show the location of the proposed wireless communications facility, relative to elementary schools, middle schools, child day care centers, hospitals and residential dwellings. Drawings shall include the locations of all elementary schools, middle schools, child day care centers, hospitals and residential dwellings within 100 feet of the antenna array. Provide a 100-foot radius (measured from the antenna face), around all proposed antennas on the project site plan.

DESIGN (Section 9.70.080(2) of the Encinitas Municipal Code):

All project applications for wireless communications facilities shall adhere to the following design criteria:

- **Height:**
With the exception of installations on pre-existing structures, the installation shall not exceed the height limitations for the zoning district or specific plan.
- **Most diminutive technology:**
Use of the smallest components necessary to provide service that are in use or proposed for use within San Diego County.
- **Most efficient technology:**
Use of the most efficient components to serve the City of Encinitas. In this context, “most efficient” technology is that which allows the Applicant/Permittee to use the fewest number of wireless communication facility installations to serve the City of Encinitas.
- **Stealth Design:**
The facility shall be designed to visually and operationally blend into the surrounding area, in a manner compatible with the local community character. The facility shall use the quietest cooling equipment and “whisper” emergency generating apparatus. Artificial “trees” may be permitted in exceptional circumstances but are generally disfavored. When artificial trees are proposed, all paint, materials and colors shall be listed by manufacturer and color number. When an artificial tree is proposed, the Applicant/Permittee shall provide sufficient samples, models or other information to demonstrate that alternative designs have been considered and rejected, and the reasons for the rejections.
- **Landscaping:**
In the event portions of the facility will be exposed to public view, and if additional plantings would further minimize the visual impact of the facility, the Applicant/Permittee shall provide a landscape plan, with an emphasis on native plants. When trees with a trunk width of four inches or more (measured by caliper, four feet above grade) are proposed to be removed or trimmed for the installation or operation of a wireless communications facility, the Applicant/Permittee shall identify the location of said trees by species and size. In such an instance, trimming shall be minimal and subject to approval by the City, plus, when trees are proposed to be removed, replacement trees shall be shown in the landscape plan to the satisfaction of the Director.
- **Setbacks:**
The Applicant/Permittee may propose to locate any wireless communications facility component within a required setback if the proposed location would reduce visual impact, improve safety or otherwise exhibit superior design attributes.

OPERATION (Section 9.70.080(3) of the Encinitas Municipal Code):

All project application for wireless communication facilities shall include written assurance to operate in accordance with the following criteria:

- **Security lighting:**
Security lighting shall be kept to a minimum in every instance and should only be triggered by a motion detector where practical. The negative effects of security lighting into residential districts shall be minimized.
- **Maintenance:**
All facilities, landscaping, and related equipment shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within 30 calendar days. Damaged, dead or decaying plant materials shall be removed and replaced within 30 calendar days.
- **Maintenance hours:**
Routine maintenance of equipment located in residential zones or within 100 feet of a residential zoning district shall be conducted only during the hours of 8 AM to 5 PM weekdays, not including holidays. In other areas, routine maintenance may be conducted at any time. Emergency repairs and maintenance shall be conducted only in the cases of power outages and equipment failure or malfunction. Equipment “change out” and overhaul can occur any time with 30 days notice to the Director to allow notice to property owners and residents within 300 feet of the facility.
- **Monitoring:**
Once the wireless communications facility is operating, the City may require the Applicant/Permittee to submit documentation that the facility is operating within the technical standards as described in the application and the Federal Communications Commission permit. Independent field strength or power density measurements shall be provided to the Director within 30 days of written request to the Applicant/Permittee.

Within 30 days before or after the first annual anniversary of when the City issues any permit authorized by this Chapter, and thereafter at five year intervals, the Applicant/Permittee shall submit the following information, in writing, to the Director.

- Conformation that the facility continues to operate in compliance with all terms and conditions of approval by the City.
- Independent field strength or power density measurements taken within the past 30 days that verify that the facility continues to operate in compliance with all terms and conditions and emissions standards imposed by the Federal Communications Commission.
- Confirmation that there is no equipment available that would enhance the safety, efficiency or visibility of the facility or reduce the size of the facility.
- Confirmation that there are not more appropriate locations available for the facility.
- Confirmation that the facility continues to function as an essential element of the Applicant/Permittee’s network.
- Documentation of any complaints received by the Applicant/Permittee since the inception of operations regarding the operation and maintenance of the facility, including the Applicant/Permittee’s actions to address the complaints.

- Construction time, abandonment and decommissioning:

All wireless communications facilities which receive a permit under this Chapter shall be completed and operational within 180 calendar days of the issuance of the permit and all related permits or licenses. The construction time may be extended for an additional 180 calendar days upon a showing of good faith efforts to complete the facility, which shall take into account complications beyond the control of Applicant/Permittee. If the facility is not completed and operational by the end of the extension period, then the permit shall expire, and the Applicant/Permittee must reapply for the permit; however, this provision shall not apply when the Applicant/Permittee demonstrates to the satisfaction of the Director that the operational delay is due entirely to factors beyond the control of the Applicant/Permittee, in which event the Director may extend the construction time in his or her discretion.

Any facility that ceases operating for more than 90 consecutive days shall be considered abandoned. In such an event the Applicant/Permittee must either 1) apply for all permits required at the time of expiration to reactivate the operation, or 2) remove all elements of the facility and restore the site. In the event the Applicant/Permittee fails to apply for permits or perform the removal and restoration within.