

RESOLUTION NO. 4158-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING AESTHETIC GUIDELINES FOR DEPLOYMENTS OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE CITY OF FORT BRAGG

WHEREAS, the City Council at a special meeting on April 12, 2019, adopted Urgency Ordinance No. 947-2019, which became effective immediately upon adoption; and

WHEREAS, Ordinance No. 947-2019 authorizes the City Council to adopt aesthetic guidelines for wireless telecommunications facilities, including small cell wireless telecommunication facilities, to comply with the Federal Communications Commission ("FCC") adopted regulations ("Regulations"), which became effective on January 14, 2019; and

WHEREAS, the Regulations implement a Declaratory Ruling and Third Report and Order (FCC-18-133) by the FCC regarding small wireless facilities and interpreting the requirements imposed on local governments by the Telecommunications Act of 1996; and

WHEREAS, the Regulations published in 83 Federal Register at 51867 give local governments that wish to enforce aesthetic requirements on wireless facilities until April 15, 2019, to adopt standards that are: "(1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance"; and

WHEREAS, the aesthetic guidelines would not increase impediments to the installation of wireless communication facilities under Federal Telecommunications Act of 1996 but illustrates the desired level of design quality and configuration of any proposed wireless telecommunication facility; and

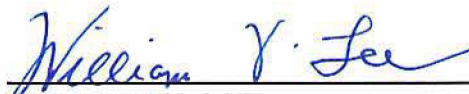
WHEREAS, The City Council has determined that the Aesthetic Guidelines for Telecommunications Facilities, attached hereto as Exhibit A, comply with the Regulations; and are necessary to protect and preserve the aesthetics in the community; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby adopt the Aesthetic Guidelines for Deployment of Wireless Communications Facilities in the City of Fort Bragg attached in Exhibit A. The City Council will review and confirmed, or review and revise the guidelines within a year of adoption, if no such action is taken to the guidelines, it will expire one year from adoption.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Albin-Smith, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 12th day of

April, 2019, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Lee.
NOES: None.
ABSENT: Councilmember Norvell.
ABSTAIN: None.
RECUSED: None.



WILLIAM V. LEE
Mayor

ATTEST:



for **June Lemos, CMC**
City Clerk



EXHIBIT A

City of Fort Bragg Aesthetic Guidelines for the Development of Wireless Telecommunication Facilities

Adopted April 12, 2019

APPLICABILITY: The following guidelines apply to all wireless communication facilities in addition to obtaining all necessary permits and paying any required fees. Government owned communications facilities used exclusively to protect public health, safety and welfare are encouraged to follow these guidelines to the extent possible or practicable. These guidelines have been developed to protect and preserve viewscapes, protect gateways, and create attractive public places.

BACKGROUND AND INTENT: These guidelines include requirements to minimize the visual impacts and aesthetic concerns about the location, size and appearance of wireless communications facilities and encourage co-location of those facilities, consistent with applicable federal and state law. These aesthetic guidelines should be used with the applicable provisions of the Fort Bragg City Code, but serve to provide specific standards and overall guidance for stakeholders involved in the design and development of wireless communications facilities in the City. The City Council can revise these guidelines by resolution. Public notice of any such proposed and adopted changes shall be provided as required by law.

The guidelines are designed to protect and promote public health, safety, community welfare, zoning integrity and the aesthetic quality of the City of Fort Bragg, and to minimize the adverse aesthetic impacts of wireless communications facilities, in conformity with goals and policies of the Inland General Plan and the Coastal General Plan, while providing for the communications needs of residents, business, visitors and government within the City.

The increasing number of wireless communications facilities, including, but not limited to, the anticipated deployment of 5G networks, has significant potential for visual impacts within the City of Fort Bragg. Wireless communications facilities are a vital link in the local emergency response network and in the general communications needs of residents, businesses, visitors and government within the City of Fort Bragg and their deployment is encouraged by federal law and the Federal Communications Commission. Structures associated with wireless communications facilities, including antennas, antenna towers, lighting, equipment shelters, generators, fences and access roads can interfere with views, natural vegetation, quiet seclusion, scenic values and quality of life. The cumulative effect of numerous facilities being developed by competing communication services providers can create unnecessary visual impacts through the development of separate redundant facilities. As such, wireless communications facilities shall be sited and designed to minimize aesthetic impacts on neighborhoods, vistas, and natural resources, to protect the public health, safety and welfare.

The City recognizes that guidelines for wireless communications facilities permit applications are needed to ensure consistent evaluation and uniform application of standards which are in compliance with the Telecommunications Act of 1996, which states that the City "...shall not unreasonably discriminate among providers of functionally equivalent services..." Further, the Act states "nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless facilities." The Federal Communications Commission's Declaratory Ruling and Third Report and Order interpreting the Act took effect January 14, 2019. The Declaratory Ruling states that local agencies may impose aesthetics requirements on wireless communications facilities and that these requirements are not preempted by the Act if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

These requirements prescribe clear, reasonable, and predictable criteria to assess and process applications in a consistent and expeditious manner. The purpose of these requirements is to assure a degree of uniformity and consistency in the wireless communications facility review process and provide direction to applicants, service providers and their consultants in regard to the types of facilities that are

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encouraged, as well as the types of facilities that are discouraged and/or will not be supported. The purpose is also to require all wireless communications facilities to minimize visual and aesthetic impacts by providing for installations that are designed carefully to maintain or improve upon the aesthetic quality of the site and surrounding area, by utilizing, to the extent feasible, the best siting, design, equipment, and construction methods and the smallest and least intrusive antennas, components and other necessary equipment available.

As further detailed below, to the extent possible, the applicant shall conceal or minimize the visual impact of the wireless communications facility(ies) through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape, and/or siting solutions.

STANDARDS: Standards for siting and building requirements and aesthetics are provided to help achieve a project that is consistent with the purpose and intent of the guidelines. It is the intent that these guidelines be followed to the greatest extent possible, recognizing that exceptions may be warranted by circumstances unique to specific applications. Whenever an applicant cannot comply with the strict application of these standards, it shall have the option to apply for a discretionary permit.

1. General:

- a. Communications facilities shall be co-located, in a stealth manner, which is defined in section 7 below, with an existing wireless telecommunications facility, whenever possible. If not possible to co-locate, facilities shall be located on existing structures or buildings, or on new facilities that are stealth facilities or located so as to be visually unobtrusive. Co-location is not required when it creates or increases adverse aesthetic effects and/or technical evidence demonstrates to the satisfaction of the City that it is not feasible due to physical, spatial, or technological limitations. Fiscal constraints or competitive conflicts are not considered justifiable reasons for not co-locating a new facility where the opportunity for co-location exists.
- b. If it is not possible for a wireless communications facility to be a stealth facility, a concealed facility may be installed instead. In principle, facilities seeking approval under this category must be designed such that they would be supported irrespective of the equipment they seek to conceal, and in a manner consistent with other adopted plans or design requirements or guidelines as applicable. In that concealed facilities often seek to mimic, recreate, or expand upon existing site or architectural features, colors, and materials, applicants are required to provide samples of the materials the applicant seeks to duplicate and compare those samples against the existing site features.
- c. Highly visible sites and sites within or near residential areas or schools are discouraged and will only be considered when there is compelling evidence that no other feasible alternative exists. Where possible, wireless communication facilities should be located in Industrial, Manufacturing, or Commercial zoning districts.
- d. The design of communications facilities should promote co-location among different communication services providers. To the extent feasible, lease areas, antenna towers, and equipment structures shall be designed to provide for the consolidation of future facilities to eliminate or minimize the visual clutter resulting from multiple communications structures. Applicant shall not enter into a lease that precludes possible co-location.
- e. Existing facilities should make available unutilized space for co-location of other antennas and equipment, including space for competing communication services providers.

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- f. If use of any portion of a communications facility is discontinued for more than one year, such portion of the facility no longer in use, above grade, shall be completely removed from the site and disused portions of the site shall be restored to a natural-appearing condition.
- g. No signs, other than those required or necessary for the safe operation of a communications facility shall be displayed on a communications facility site.
- h. An identification sign for each company responsible for operation and maintenance of facilities at the site, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the communications facility, and shall provide the name, address, and emergency telephone number of the responsible company.
- i. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, National Electrical Code, California General Order 95 and General Order 128, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by local, state and federal agencies.
- j. Towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.
- k. Roads constructed or improved to provide access to a communications facility shall be provided with drainage facilities sufficient to convey storm runoff to natural drainage channels to prevent erosion.
- l. Generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dba at the nearest off site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation.
- m. Antenna towers shall be subject to any setbacks required by the City Zoning Code.

2. Small Cells

- a. The above General Standards (Section 1) and Sections 4.b-l, 5.d-g and 6.c do not apply to small cell facilities in the right-of-way or installed on City owned facilities.
- b. Small cell system components may not be located on any poles, improvements or structures of any kind, whether within or without the right-of-way, that are located within one hundred feet (100') of any traffic light controlled intersection.
- c. Where City-owned poles or structures exist that can be made adequate for the attachment of equipment, an applicant may not install new poles or structures or create a parallel path or route for its equipment. However, an applicant may install additional poles or structures if necessary to complete a path or route where existing City-owned poles or structures terminate.
- d. Should a street light be selected for use, the street light must be replaced with a pole suitable for concealment of small cell equipment and battery backup equipment inside the pole.
- e. Should a wooden pole be selected for use, the small cell equipment and battery backup equipment should be concealed in a pad mounted cabinet if feasible, subject to the requirements of Section 2.l.

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- f. The diameter of the antenna shall not exceed the diameter of the top of the pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole.
- g. Antennas shall be cylindrical in shape.
- h. Color for all antennas and equipment cabinets shall match the color of the pole.
- i. All cables shall be concealed within a sleeve between the bottom of the antenna and the mounting bracket.
- j. Equipment cabinets may not exceed 7 cubic feet in volume if the cabinet is pole mounted, and may not exceed 28 cubic feet in volume if the cabinet is pad mounted.
- k. Equipment must be mounted directly behind any road signs located on a pole when possible.
- l. If the equipment is not mounted on a pole, the equipment shall be placed so as not to impede or impair public safety or the legal use of the right-of-way by the traveling public, including equal access requirements of the Americans with Disabilities Act (ADA).
- m. Equipment cabinets mounted on the pole shall be cylindrical or rectangular in shape, and shall be no wider than the maximum outside diameter of the pole to which it is attached, to the maximum extent possible.

3. Removal of Abandoned Equipment

Any and all equipment, or components thereof, that ceases to be in use for more than ninety (90) days shall be removed by the applicant, provider or property owner within one hundred twenty (120) days of the cessation of use. Any new permits will not be issued to an owner or operator for a Wireless Communications service until the abandoned equipment is removed.

Upon removal, all infrastructure must be returned to its original condition. For example, poles and sidewalks from which equipment has been removed shall be restored to their original condition or better.

4. Visual Appearance

- a. All exterior surfaces of structures and equipment associated with a communications facility shall be painted the same color as the pole or structure they are mounted on and shall use non-reflective materials.
- b. New wireless communication facilities shall not be located where they will be visible from highly used public locations such as a public trail, public park or other public outdoor recreational area or historic area, unless supported by a finding that it blends with the surrounding existing environment in such a manner as to be effectively unnoticeable.
- c. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance from off-site locations and to visually blend with the surrounding natural and built environments.

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- d. Faux trees are effectively a tower facility camouflaged to resemble a tree. Design of these facilities should include an assessment of the appropriate tree species, shape, and size, as well as the quality and longevity of materials (branches & bark), color, and finish in consideration of the facilities' surroundings. Detailed specifications must be provided. In addition to the general review criteria, all faux tree facilities shall comply with the following standards:

 - i. The tree species shall be selected based on its proposed surroundings and ideally placed in an established grove of trees of comparable size, height, species and shape as the proposed.
 - ii. Faux trees utilized must replicate the shape, structure, height, and color of live trees.
 - iii. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least 18 inches.
 - iv. The canopy shall be naturally tapered to mimic the particular tree species.
 - v. All faux trees must incorporate a sufficient number of branches (no less than 3 branches per foot) and design materials so that the structure is as natural in appearance as possible.
 - vi. Where branches are connected to the pole, the branches shall make a seamless connection with the faux bark cladding.
 - vii. All tower-mounted equipment, including, without limitation, antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat, natural colors to mimic the bark or branches of the particular tree species based on the predominant backdrop.
 - viii. All antennas and other tower-mounted equipment cabinets shall be covered with leaf or needle "socks" to blend in with the faux foliage.
 - ix. The entire vertical structure shall be covered with permanently-affixed three- dimensional faux bark cladding to mimic the particular tree species.
 - x. All coaxial cables must be routed directly from the ground up through the pole.
- e. Tower facilities include monopoles, lattice towers, guyed towers, freestanding towers, and/or other structures (other than faux trees) are to be designed to support antennas. Towers shall be designed to architecturally blend with the building, structure, and/or setting in which they are proposed. Towers shall be built at the lowest height possible. For flag poles, antennas must be enclosed within the pole or a radome. The wireless communications facility(ies) must fully comply with the U.S. Flag Code. All cables must be routed directly from the ground up through the pole. The overall height and diameter of the flag pole must be compatible with the surrounding area. Decorative elements must be included in the overall height measurement.
- f. Outdoor lighting shall be kept to a minimum. Towers requiring FAA lighting are discouraged. Tower lighting, if approved, shall be the minimum required by FAA regulations. Towers requiring strobe lighting shall be prohibited. Other outdoor lighting shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel.
- g. Satellite dishes and other parabolic antennas shall be located in the least visible functional location on the site. In general, preferred locations will be close to the ground, on a wall below the roofline, or back from the edge of a roof.
- h. Towers located in open areas are encouraged to utilize existing vegetation to screen the facility's presence. Clearing should be limited to the minimum area required to accommodate facilities.

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- i. The grouping of two (2) or more towers close together is strongly discouraged; however, the grouping of towers is acceptable if the visual impact is lower than other alternatives. If towers must be close together, appropriate camouflage and concealment techniques must be used.

5. Landscaping:

- a. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage during and after construction.
- b. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
- c. Areas of bare soil resulting from construction shall be replanted with vegetation compatible with that existing prior to construction, sufficient to stabilize soil and prevent erosion.
- d. Additional landscaping shall be installed and maintained where it would provide a useful reduction in the visual impact of a communications facility. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area. Non-native drought tolerant species compatible with surrounding vegetation may be used in urban settings.
- e. Vegetative landscaping, which uses a mix of native trees and shrubs of various heights and sizes and is placed in a "random" pattern to appear more natural is strongly preferred when landscape screening is warranted. Please refer to the City of Fort Bragg's Tree Management Guidelines for direction.
- f. The applicant shall enter into a landscape maintenance agreement with the City to ensure the installation and maintenance of required landscaping. Failure to maintain landscaping shall be grounds for revocation of the use permit. A surety bond shall be required, where deemed appropriate, to insure maintenance of landscaping (existing, native vegetation or new required landscaping).
- g. Communications facility sites, whether leased or purchased, shall be of sufficient size to include vegetative screening if landscaping would provide a useful reduction in visual impact.

6. Public Health and Safety:

- a. Communications facilities shall incorporate reasonable security measures to prevent unauthorized access or vandalism commensurate with measures used by existing equipment, when wireless facilities are co-located on an existing antenna tower owned or used by the City.
- b. Communications facilities shall comply with any applicable California Department of Forestry Fire Safe Regulations and local fire agency requirements.
- c. Equipment buildings and enclosures shall be equipped with automatic fire extinguishing systems acceptable to the responsible fire agency.
- d. All antennas and antenna towers shall comply with wind loading and other structural standards contained in applicable building and technical codes, industry codes, and manufacturer standards so as not to endanger the health and safety of residents, employees or travelers in

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- the event of structural failure due to extreme weather conditions, seismic events or other acts of nature.
- e. Communications facilities intended to provide services for the benefit of the general public during an emergency shall be designed to survive possible storm or seismic events without interruption of service.
 - f. The Wireless Communications Facility must comply in all respects with the applicable current standards of the American National Standards Institute (ANSI)
 - g. Antennas and antenna towers shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Department. Costs of the inspection and report shall be borne by the applicant.
 - h. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
7. **DEFINITIONS:** The terms used in these guidelines shall have the meanings here listed. Definitions for the listed terms from other sources shall not take precedence over the definitions here listed for the interpretation of these guidelines.
- 1. **Antenna.** A device used in communications designed to radiate and/or capture electromagnetic signals.
 - 2. **Antenna tower.** Any pole, tower, or other structure, over 10 feet tall, erected for the purpose of supporting one or more antennas.
 - 3. **Building-mounted.** Attached to and supported by a building or other structure more than 10 feet tall, other than an antenna tower.
 - 4. **Co-location.** The installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas.
 - 5. **Concealed Facility.** Wireless telecommunications facilities that result in new site or architectural features being added to a property in a manner which complements, enhances, or seamlessly integrates into their surroundings. While this category of facility design allows for limitless innovation, concealed facilities most frequently associated with this category include roof mounted, façade mounted, faux trees, towers, and public art.
 - 6. **Flush-mounted.** Attached to the face of the antenna support structure, existing building or structure such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the antenna support structure, existing building or structure to the nearest inside edge of the antenna.
 - 7. **Ground-mounted.** Supported directly on the ground, or on a structure not more than 10 feet tall erected to support one or more antennas.
 - 8. **Parabolic Antenna.** An antenna that uses a parabolic reflector, a curved surface with the cross-sectional shape of a parabola, to direct radio waves.

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9. Radome. A structural, weatherproof enclosure that protects a radar antenna

10. Small Cells. Low-powered wireless telecommunications installations designed to provide network coverage to smaller areas and that typically take the form of small antennas that are placed on existing infrastructure (both indoors and outdoors) and ground mounted equipment. These facilities help to compliment or stretch tower macrocell coverage and add capacity in high demand areas.

11. Stealth facilities. Wireless telecommunications facilities that blend the facility or additions with the natural or man-made environment and result in no perceptible visual impact. There are two primary categories of stealth facilities: (1) those which are completely integrated into an existing structure or architectural feature and (2) those which are imperceptible as a result of careful placement.

12. Stealth Structure. A self-supporting antenna tower designed to closely resemble a commonplace object that effectively blends with its surroundings.

13. Tower. See "antenna tower".

14. Tower mounted. Attached to and supported by an antenna tower.

15. Wireless communications. The transmission and/or reception of information through space using electromagnetic energy.

16. Wireless communications facility. Structures and/or equipment, including antennas, antenna towers, small cells, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.