CITY OF SAN DIMAS
DEVELOPMENT PLAN REVIEW BOARD AGENDA
THURSDAY, FEBRUARY 14, 2019 at 8:30 A.M.
245 EAST BONITA AVENUE
COUNCIL CHAMBERS CONFERENCE ROOM

CALL TO ORDER

1. DPRB Case No. 19-0007

Associated Cases: ACCELA PROJ-19-0009


Applicant: City of San Dimas  Planner: Jennifer Williams

ORAL COMMUNICATIONS

_MEMBERS OF THE AUDIENCE ARE INVITED TO ADDRESS THE BOARD ON ANY ITEM NOT ON THE AGENDA. UNDER THE PROVISIONS OF THE BROWN ACT, THE BOARD IS PROHIBITED FROM TAKING OR ENGAGING IN DISCUSSION ON ANY ITEM NOT APPEARING ON THE POSTED AGENDA. HOWEVER, YOUR CONCERNS MAY BE REFERRED TO STAFF OR SET FOR DISCUSSION AT A LATER DATE. THE PUBLIC COMMENT PERIOD IS LIMITED TO 30 MINUTES. EACH SPEAKER SHALL BE LIMITED TO THREE (3) MINUTES._

Adjournment

Copies of staff reports and/or other written documentation pertaining to the items on the agenda are on file in the Planning Department and are available for public inspection during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Notice Regarding Americans with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk’s Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request.
DEVELOPMENT PLAN REVIEW BOARD
FACT SHEET

DATE: February 14, 2019

TO: Development Plan Review Board

FROM: Jennifer Williams, Associate Planner

SUBJECT: DPRB Case No. 19-0007
Accela: PROJ-19-0009

FACTS:

On December 17th, 2015 the Planning Commission adopted Resolution PC-1555 implementing an interim policy on wireless communications facilities which included interim standards for facilities in the public right-of-way. Since the adoption of the interim standards, further state and federal laws and FCC rulings have pre-empted much local authority over "small cell" wireless telecommunications facilities in the public right-of-way as well as placed tight review and approval time frames on local jurisdictions.

Since the adoption of Resolution PC-1555, the wireless industry has approached Staff on a number of preliminary submittals in pursuit of the installation of "small cell" technology to provide future 5G service in the public right-of-way. A number of other cities in southern California have also been approached by the wireless industry and either have, or are in the process of, adopting codes and design standards addressing "small cell" facilities. In conjunction with the draft guidelines provided for the Board’s comments and recommendations, Staff is also preparing text for a Municipal Code Text Amendment to create standards and procedures for wireless communications facilities in the public right-of-way. The text will reference these design guidelines.

ANALYSIS:

Draft code text is currently being prepared for the Planning Commission’s consideration that would establish that:

1. If a proposal is designed in such a manner that it conforms with the design guidelines, the application can be approved ministerially by Staff.
2. If a proposal deviates from the design guidelines, it would require discretionary review by the Development Plan Review Board.
The intent is to provide clear, objective standards for both the wireless industry and for Staff as well as to streamline the process for facilities which meet the standards established by the City of San Dimas.

The guidelines were drafted to encourage facilities that have the least visual impact on the community as feasible.

RECOMMENDATION:

Provide comments on the attached design guidelines or recommend approval to the Planning Commission and City Council.

EXHIBITS:

Exhibit A - Design Guidelines
Exhibit B - Photos of Facilities in Other Jurisdictions’ Public Rights-of-Way
Exhibit C- Resolution PC-1555
1. **Height.** Overall height of the equipment and supporting pole or structure shall be similar to the surrounding poles and not exceed 35 feet in height.

2. **Width.** Poles shall be a maximum diameter of 16” at the base.

3. **Material, Shape, and Color.** Replacement poles shall be aggregate/marblite, in a mix, blend, and color to match existing poles in the vicinity, and shaped and contoured in a manner as to match existing poles in the vicinity. Equipment placed on existing wood or metal poles shall be painted to match the adjacent surface.

4. **Supporting Equipment.** All supporting equipment shall be located underground if possible. Antennas and RRUs that are required to be pole mounted shall be contained within a shroud atop the pole. Pole top shrouds should be the minimum width possible and are discouraged from exceeding the width of the pole. RRUs attached to the side of the pole are discouraged and required discretionary approval. If allowed with discretionary approval, side-mounted RRUs shall be the smallest volume possible and be placed close together with minimal distance from the pole.

5. **Construction approach, including powering and metering.** Separate free-standing meter pedestals shall be prohibited. Metering shall be wireless when possible, and underground or pole mounted if wireless metering is infeasible.

6. **Structural integrity/remediation approach.** The pole shall independently structurally support itself; methods that increase the mass of the pole or increase visual clutter such as but not limited to guide wires, bolts, sistering, etc. shall not be accepted.

7. **Electrical integrity/remediation approach.** Wires and cables shall be contained within the shroud and run inside the pole for an orderly appearance. If an existing pole is being utilized and wiring cannot be contained within the pole, all wiring shall be contained within a conduit.

8. **Signage.** Signage shall be limited to that required by government and electrical utility regulations and shall be as small and least visible as possible.
Exhibit B

Photos of Wireless Facilities in Other Jurisdictions' Public Rights-of-Way

Examples of Poorly Designed Facilities
Exhibit B Continued

Photos of Wireless Facilities in Other Jurisdictions' Public Rights-of-Way

Examples of Well Designed Facilities
RESOLUTION PC-1555

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS ADOPTING AN INTERIM POLICY ON WIRELESS COMMUNICATIONS FACILITIES TO COMPLY WITH AB 57 AND FCC ORDER 14-153

WHEREAS, the legislature of the State of California found and declared that a wireless telecommunications facility has a significant economic impact and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, but is a matter of statewide concern; and

WHEREAS, by way of Assembly Bill 57, Section 65964.1 is added to the Government Code to require a collocation or siting application for a wireless telecommunications facility be automatically deemed approved in certain circumstances; and

WHEREAS, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) states that a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the Federal Communications Commission (FCC) has issued Order 14-153 which, among other undertakings, defines substantial change for the purposes of interpreting Section 6409(a) of the Spectrum Act; and

WHEREAS, it is the desire of the City of San Dimas to encourage an aesthetically pleasing local environment. It is also the intent of the City to encourage the expansion of wireless technology because it provides a valuable service to residents and business persons in the city. It is the City’s goal to encourage wireless providers to construct new facilities disguised as public art pieces or to mount antennae on buildings in a way that blends architecturally with the built environment; and

WHEREAS, the City of San Dimas strives to comply with Federal and State mandates;

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

An interim policy and procedures document will promote compliance with both State Assembly Bill 57 and Federal Communications Commission (FCC) Order 14-153 while also promoting the avoidance of an unwanted or unintended automatic grant of approval.
PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission adopts the Interim Policy and Procedures Documents as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 17th day of December, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Secretary
EXHIBIT “A”

Policy and Procedures for Wireless Communications Facilities on Private Property

Preliminary Pre-Application Screen Check

Any and all wireless applications are required to submit a preliminary pre-application screen check for purposes of understanding the scope of work of the project and identifying the proper process and procedures. Any preliminary pre-application screen check submittal must include:

1. Plans of the proposed improvements which contain, among standard information:
   a. A detailed, narrative Scope of Work
   b. Dimensioned, to-scale plans of the existing facility and proposed modifications
   c. Reference to prior discretionary cases and building permits
2. Photosimulations
3. Completion of supplemental questionnaire and attachment of narrative explaining Applicant's identification of applicable federal and state law
   a. During the screen check phase the project applicant is responsible for identifying applicable legislation in the processing of such application and demonstrating how and why it applies

Within 15 business days of receipt of all of the above-requested information, a project planner will respond to the screen check inquiry by providing information on the necessary review levels, such as going straight into building plan check or needing DPRB, Planning Commission, and/or City Council review, and necessary application(s) or lack thereof, such as a Development Plan Review Board or Conditional Use Permit application.

Administrative Approvals

Collocations Subject to Section 6409(a)

Collocation wireless facilities and eligible facilities requests in accordance with Section 6409(a) of the Spectrum Act should be approved through the issuance of a building permit and shall not be subject to discretionary Staff, Development Plan Review Board, or City Council approval if the following requirements are met:

1. The proposed facility is located with an existing wireless communications facility that received approval from the Development Plan Review Board and/or the City Council as required under the San Dimas Municipal Code. Any colocation on a facility that has not received development plan review
board and/or city council approval, as applicable, shall require review by the appropriate bodies; and

2. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility in such a manner that:
   a. It would defeat the existing stealth or concealment elements of the tower or base station;
   b. For tower structures, the height is increased more than 10% or more than one additional antenna array over 20 feet, whichever is greater; or for non-tower structures, the height is increased more than 10% or 10 feet, whichever is greater;
   c. For tower structures, the width is increased more than 20 feet or the width of the tower at the level of the appurtenance, whichever is greater; or for non-tower structures, the width is increased more than 6 feet;
   d. Five or more equipment cabinets are involved;
   e. It involves any excavation outside of the lease or license area; or
   f. The proposed collocation would violate a prior condition of approval.

Collocations Not Subject to 6409(a)

Collocation wireless facilities that are not subject to Section 6409(a) should be administratively approved through the issuance of a building permit and should not be subject to discretionary Staff, Development Plan Review Board, or City Council approval, if the following requirements are met:

1. The collocation facility is consistent with requirements for the wireless communication facilities set forth in the Wireless Ordinance;
2. The proposed facility is located with an existing wireless communications facility that received approval from the Development Plan Review Board and/or the City Council. Any new facility which includes collocation shall require review by the appropriate bodies; and
3. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility.

Formal DPRB/CUP Application Submittal

After the initial preliminary pre-application screen check has been conducted, the project applicant may submit any necessary discretionary formal application(s) or submit for plan check to the Building Department if no discretionary application is deemed necessary.

Upon receipt of a formal discretionary application, a Staff planner will review the application and make a determination of completeness within 30 days. If the application is deemed incomplete, the planner will list the specific necessary
items that are outstanding and necessary for a complete application. Upon resubmittal, the Staff planner will respond within 10 days with a determination of completeness or incompleteness.

Once the application is deemed complete, the request will be scheduled for the next available meeting of the applicable review body.

Throughout the review, the Staff planner is responsible for tracking the time involved in review of the initial application and resubmittals as well as the time necessary for scheduling the request before the Development Plan Review Board, Planning Commission, and / or City Council, as may be appropriate. Planners should utilize the Supplemental Questionnaire and Time Tracking References and Forms to ensure compliance.
Supplemental Questionnaire for Screen Check and Applications for Wireless Communications Facilities on Private Property

1. Does the proposed project involve a new site or a collocation?

   ____ New Site   ____ Collocation

Section 6409(a) of Middle Class Tax Relief and Job Creation Act of 2012

2. Does the Applicant believe that the proposed project is subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012?

   ____ Yes   ____ No

   If Yes, attach a detailed narrative as to why the Applicant considers the proposed project to be subject to the provisions of Section 6409(a), attaching to the narrative all relied-upon references to rules, regulations, and agreements.

   If No, attach a detailed narrative as to why the Applicant considers the proposed project to not be subject to the provisions of Section 6409(a), attaching to the narrative all relied-upon references to rules, regulations, and agreements.

Section 332(c)7

3. Does the Applicant believe that the proposed project is subject to Section 332 of the Telecommunications Act of 1996?

   ____ Yes   ____ No

   If Yes, attach a detailed narrative as to why the Applicant considers the proposed project to be subject to the provisions of Section 332, attaching to the narrative all relied-upon references to rules, regulations, and agreements.

   If No, attach a detailed narrative as to why the Applicant considers the proposed project to not be subject to the provisions of Section 332, attaching to the narrative all relied-upon references to rules, regulations, and agreements.
Time-Tracking References and Forms for Staff Use with Wireless Communication Facilities Applications

New Site
150 Day Shot Clock
AB 57 Does Apply

SHEET 2
NEW SITE
150 DAY SHOT CLOCK
AB 57 DOES APPLY

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Collocation / Modification
90 Day Shot Clock
AB 57 Does Apply

SHEET 3
COLLOCATION NOT SUBJECT TO 6409(A)
90 DAY SHOT CLOCK
AB 57 DOES APPLY

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Collocation Subject to 6409(a)
60 Day Shot Clock
AB 57 Does Not Apply

Sheet 4
Collocation Subject to 6409(a)
60 Day Shot Clock
AB 57 Does Not Apply

Day 0
- Wireless Application Received by Loc. Gov.

Day 30
- Receive reply to incomplete letter, clock resumes ten days to review.

Day 60
- Receive reply to incomplete letter, clock resumes ten days to review.

Day 90
- Yes-No Decision on Project due by Day 90. If not approved or denied by City by Day 90, Project is denied or approved by operation of Federal Law.

Day 120
- Applicant delivers to Loc. Gov. a 60-day written Notice of Intent to Construct.

Day 150
- If Loc. Gov. has not filed suit to challenge OLCC's/or modified approval, applicant may commence construction.

Legend:
- Dark Gray: Days counted towards shot clock
- Light Gray: Days not counted waiting for applicant's action

Note: Timeline not to scale

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Procedure and Interim Standards for Facilities in the Public Right-of-Way

All wireless communications facilities located in the public right-of-way shall require an encroachment permit and review by both the Planning and Public Works Departments. Facilities shall be subject to the following requirements:

1. Facilities shall be mounted on marbilite poles.
2. The poles shall be a maximum height of 30' and a maximum diameter of eighteen inches at the base.
3. Marbilite monopoles shall be separated a minimum of one thousand feet from any existing monopole.
4. The pole shall be located to provide a minimum clearance of 18 inches from face of the pole nearest the street to the face of curb.
5. Pole placement shall maintain a minimum of 4 foot clearance for ADA pathway compliance.
6. Equipment must be painted with durable paint to match and blend in with the pole.
7. All supporting equipment shall be underground.
8. Engineering calculations shall be required for the pole foundation design.