

Chapter 17.46

TELECOMMUNICATIONS AND WIRELESS FACILITIES¹

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17.46.010 Purpose.

The purpose of this chapter is to establish comprehensive requirements and development standards for the siting, design, construction, maintenance and monitoring of wireless communications facilities in Carmel-by-the-Sea. The regulations contained herein are designed to promote public health, safety and community welfare, preserve the natural resources and scenic quality of Carmel-by-the-Sea and protect the health and character of the City's residential neighborhoods while encouraging managed development of telecommunications infrastructure and services throughout the City.

The provisions of this chapter are intended to:

- A. Comply with all applicable goals, objectives and policies of the General Plan.
- B. Minimize adverse aesthetic impacts associated with wireless communications facilities in all districts.
- C. Comply with all Federal Communications Commission rules, regulations and standards.
- D. Comply with the California Public Utilities Commission regulations and standards.
- E. Protect the citizens of Carmel-by-the-Sea from the possible adverse health effects associated with exposure to high levels of radio frequency radiation.
- F. Create and preserve telecommunications facilities that will serve as an important and effective part of Carmel-by-the-Sea's emergency response network.
- G. Ensure that the operation of new facilities will not cause interference with existing nearby facilities such that the existing facility would be required to increase its source of power or other equipment to continue proper service. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.020 General Development Standards.

- A. Wireless communications facilities shall be allowed within all zones except the R-1 district. Such facilities shall be discouraged in open space areas, areas of extraordinary scenic quality and in the R-4 district.

B. A conditional use permit shall be required for the installation and operation of all wireless communications facilities except as provided in subsection (E) of this section. In reviewing applications for such permits, the Planning Commission shall establish reasonable conditions so as to implement the purpose, provisions and intent of this section.

C. All above-ground wireless communications facilities shall be subject to design review approval by the Planning Commission.

D. All applications for the establishment or modification of wireless communications systems shall conform to submittal standards as established by resolution of the Planning Commission. Applications shall provide sufficient information to make clear:

1. The relationship of the local wireless communications system to the regional system. This shall include the method of linkage (wireless transmission, land line) and the location of other established primary links in the regional system;
2. The service area to be covered by the local system facilities;
3. Alternatives to the proposed antenna sites including opportunities for co-location;
4. The visual impacts of the proposed local system and each local alternative site; and
5. Baseline radio field strength conditions at the frequency range of the proposed wireless communication facilities as found throughout the City prior to establishment of the proposed system.

E. The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this section:

1. A ground or building-mounted citizens' band radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post does not exceed zoning district height requirements of the zoning district;
2. A ground, building, or tower-mounted antenna operated by a Federally licensed amateur radio operator as part of the Amateur Radio Service; provided, that its maximum height does not exceed the height requirements of the zoning district;
3. A ground- or building-mounted receive-only radio or television satellite dish, which does not exceed 18 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided, the height does not exceed the height of the ridgeline of the primary structure on said parcel and the dish is not visible from the street; and
4. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

F. All power lines and wire-based communication lines to and from a wireless communications facility shall be undergrounded.

G. Providers of telecommunications services shall ensure that emergency communications services are available to the City on a priority basis in the event of a disaster or emergency. If telecommunications systems are rendered inoperable by a disaster, providers shall work with the City's Emergency Operations Center to restore or provide substitute communications systems as quickly as possible.

Telecommunications providers should not interfere with any City emergency service communications system. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.030 Field Strength.

Prior to the issuance of building permits, the approved telecommunications carrier shall submit an installation test plan for approval by the Department that describes the type of testing that will be performed in order to verify that operation of the facility will remain compliant with its licensing specifications and will not create adverse frequency impacts resulting in health hazards or interference with existing wireless facilities, network communications, computers, appliances, etc., in the vicinity. Upon activation, the approved telecommunications carrier shall submit the test results to the Department of Community Planning and Building. The City may require an approved carrier to conduct frequency testing at any time and report results to the City. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.040 Site Location.

A. Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the community. Facilities shall be integrated to the maximum extent feasible into the existing characteristics of the site and surrounding area.

B. Co-location is encouraged when it will decrease visual impact.

C. Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or negatively affect important public or private views as determined by the Planning Commission. Wireless communications facilities are discouraged in the public right-of-way.

D. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

E. Wireless communications facilities shall not be located in any required setback area of the zoning district in which it is located; all setbacks shall be measured from the base of the tower or antenna structure closest to the applicable setback line. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.050 Design Review.

All wireless telecommunications systems shall be subject to design review approval by the Planning Commission. The following criteria shall be used in evaluating proposed installations:

A. Minimum Visibility. Opportunities for installations that preclude public view of antennas and support facilities shall be studied by the applicant as part of each application. The Planning Commission shall encourage installations that use:

1. Antennas and support equipment attached directly to existing buildings in an architectural manner that causes the equipment to be visually indistinguishable from the underlying architecture;

2. Antennas and/or equipment located behind parapet walls or on roof areas not visible to the public from adjacent areas;

3. Associated equipment (vaults, equipment rooms, utilities and equipment enclosures) that is located inside existing buildings or located underground.

B. Approved Color. All antennas, support facilities, ancillary buildings, towers, poles and other components of a wireless telecommunications installation that remain visible to the public shall be of a color approved by the Planning Commission. If the Commission determines that the facility requires paint, it shall be initially painted with a flat paint color sample that is authorized for trial use at the site by the Commission.

C. Screening or Camouflage. All ground-mounted equipment, antennas, poles or towers shall be screened or camouflaged by existing development, topography or vegetation to the extent feasible. Additional new vegetation or other screening may be required.

D. Required Materials. Towers and monopoles shall be constructed of metal or other nonflammable material, unless specifically conditioned by the Planning Commission to be otherwise. Antenna and support structures shall be maintained to the satisfaction of the Public Works Director.

E. Support Facilities. Support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonflammable, nonreflective materials. Support facilities that cannot be located within existing buildings or underground shall either be located out of public view or shall be enclosed in an architecturally compatible structure on private property.

F. Monitoring. The provider/operator of each wireless telecommunications system located within the City shall be responsible for maintaining the facility in a safe manner, complying with the field strength monitoring requirements in CMC [17.46.030](#), and complying with all applicable Federal, State, regional and local health and safety standards. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.060 Noncompliance with Health or Safety Standards.

Upon notification of violations of any standard, the provider/operator shall have 10 calendar days to correct the violation. Failure to comply within this limit shall be cause for the revocation of the use permit authorizing the facility and cause for requiring its immediate removal. The City Building Official, City Fire Marshal and County Environmental Health Officer shall each have independent authority to require an immediate cessation of facility operations at any time if continued operations pose a significant and immediate threat to public health or safety. Any facility found to be out of compliance with standards shall, upon correction of the condition, provide adequate funds to the City to allow for separate, independent verification of compliance by a licensed professional. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.46.070 Termination or Abandonment.

Wireless communications service providers and property owners of sites containing wireless facilities shall be responsible for removing unused or abandoned equipment within six months of termination of use or abandonment. The site of any wireless communication facility shall be restored to its natural state by the provider or property owner within six months of termination of use or abandonment of wireless communications facilities on the site. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).