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## WIRELESS COMMUNICATION FACILITIES

**Sec. 41-198. Wireless communication facilities--Purpose.** The purpose of these regulations and guidelines is to regulate the establishment of all wireless communication facilities to protect the public safety, general welfare, and quality of life of Santa Ana citizens. The city council has found and determined that these regulations and guidelines for wireless communication facilities are necessary to attain these goals. These regulations are intended to amend applicable provisions of this section, pertaining to communications facilities, Chapter 41 of this Code, and any other applicable provisions contained within this Code.

**Sec. 41-198.1. Same--Definitions.** Unless otherwise stated, the following definitions pertain to sections 41-198 through 41-198.14:

*Antenna* means a device used in communications which transmits or receives radio signals.

*Antenna, panel* means an antenna or array of antennae that are flat and rectangular and designed to concentrate a radio signal in a particular area. Also referred to as directional antennae.

*Antenna, whip* means an antenna that transmits signals in three hundred sixty (360) degrees. They are typically cylindrical in shape and are less than six (6) inches in diameter and measure up to eighteen (18) feet in height. Also called omnidirectional, stick, or pipe antennas.

*Building mounted* means mounted to the side of a building or to another structure such as a water tank, billboard, church steeple, freestanding sign, etc.

*California Public Utilities Commission (CPUC)* means the governmental agency which regulates the terms and conditions of public utilities in the State of California.

*Cell site* means a geographical area that contains both transmitting and receiving antennae.

*Cellular* means an analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennae.

*Certificate of public convenience and necessity* means a certificate issued by the California Public Utilities Commission.

*Co-location* means the locating of wireless communications equipment from more than one (1) provider on a single building mounted, roof mounted, or ground mounted or wireless communication facility.

*Electromagnetic field* means the local electric and magnetic fields caused by voltage and the flow of electricity that envelop the space surrounding an electrical conductor.

*Enhanced specialized mobile radio* means a digital wireless communication technology that specializes in providing dispatching services.

*Ground mounted* means mounted to a pole, monopole, lattice tower, or other freestanding structure specifically constructed for the purpose of supporting such antenna.

*Lattice tower* means a structure with two (2) or more support legs that supports a variety of antennae. These towers generally range in height from sixty (60) to two hundred (200) feet and are constructed in areas where great height is needed, microwave antennas are required, or where the weather demands a more structurally sound design.

*Major wireless communication facility* means a wireless communication facility that:

- (1) Is ground mounted; or
- (2) Is building or roof mounted and exceeds ten (10) feet in height.

*Microcell* means a wireless communication facility that:

- (1) Contains a maximum of four (4) whip and twelve (12) panel antennae. Each whip antenna does not exceed four (4) inches in diameter and four (4) feet in length. Each panel antenna does not exceed two (2) square feet in surface area.
- (2) Contains a maximum of one (1) microwave antennae no larger than ten (10) square feet in surface area.
- (3) Has an array of antennae less than ten (10) feet in height as measured from the base.
- (4) Is building or roof mounted.
- (5) Has a total height, if building or roof mounted, that does not exceed the maximum height permitted in the applicable zoning district in which the facility is located.

*Minor wireless communication facility* means a wireless communication facility that:

- (1) Consists of a microcell; or

- (2) Is building or roof mounted and is less than ten (10) feet in height and does not exceed the maximum height permitted in the zoning district in which the facility is located.
- (3) Is fully screened from view if roof mounted.

*Monopole* means a structure composed of a single spire used to support antennae and related equipment.

*Mounted* means attached or supported.

*Multi-purpose tower* means a structure that integrates a monopole into a light pole or other utility pole.

*Personal communication services* means a digital wireless communication technology that has the capacity for multiple communications services and will provide a system in which calls will be routed to individuals rather than places, regardless of location.

*Private wireless communication facility* means a wireless communication facility that has not been granted a certificate of public convenience and necessity by the CPUC.

*Public wireless communication facility* means a wireless communication facility that has been granted a certificate of public convenience and necessity by the CPUC.

*Radiofrequency radiation* means electromagnetic radiation in the portion of the spectrum from three (3) kilohertz to three hundred (300) gigahertz.

*Roof mounted* means mounted above the eave line of a building or on any portion of the roof area.

*Stealth facility* means any communications facility which is disguised to blend into the surrounding environment, typically one that is architecturally integrated into a building or other concealing structure. Also referred to as a concealed antenna.

*Wireless communication facility* means any public or private structure that supports antennae, microwave dishes, and other related equipment that sends and/or receives radiofrequency signals.

#### **Sec. 41-198.2. Same--Applicability.**

- (a) All wireless communication facilities for which applications were approved and/or building permits issued by the planning and building agency on or prior to the adoption date of this section are subject to the provisions of the nonconforming buildings and uses section of Chapter 41 (sections 41-679 through 41-689).

- (b) All wireless communication facilities for which building permits have expired, and have not been renewed on or prior to the adoption date of this section, shall be required to comply with the regulations and guidelines contained within this article.

**Sec. 41-198.3. Same--Permits required.**

- (a) *Minor wireless facilities.* A land use certificate is required for each installation.
- (b) *Major wireless facilities.* A conditional use permit is required for each installation.
- (c) *Multiple wireless communication facilities.* A multiple wireless communication facility program shall be adopted for multiple installations of minor wireless communication facilities on a single structure or building. The minor wireless communication facility program shall be reviewed or specified for minor wireless facilities. Each individual installation of a minor wireless facility pursuant to a minor wireless communication facility program requires approval of an installation permit pursuant to the procedures for a land use certificate.
  - (1) No permit shall be issued for multiple installations of any wireless communication facility, except pursuant to an approved multiple wireless communication facility program in accordance with this article.
  - (2) A wireless communication facility program for existing multiple installations of minor wireless communication facilities that do not have an approved program shall be adopted prior to the issuance of any additional wireless communication permits for multiple installations. Said program shall follow the implied program or predominant pattern in use of the existing installations.

**Sec. 41-198.4. Same--Improvement requirements.** Site improvements required for major wireless facilities include:

- (1) Landscaping around the base of the facility, including vines, groundcover, and a twenty-four (24) inch box tree;
- (2) Decorative fencing such as wrought iron or block around the wireless facility;
- (3) A solid wall, with a minimum height of six (6) feet, between a wireless facility and all property lines which abut property zoned or used for residential purposes;

The following improvements may be required, as determined by the planning manager, or his or her designee:

- (4) One (1) parking space for the wireless facility use, if on-site parking is not available;
- (5) Repairing, repaving and restriping of a parking lot which is in poor condition as identified by the planning division;
- (6) The repainting of building(s) on a site; and
- (7) The construction of a new trash enclosure.

**Sec. 41-198.5. Same--Development criteria.**

(a) *Screening criteria and guidelines.*

- (1) Major wireless communication facilities shall be a stealth facility as defined in section 41-198.1.
- (2) All wireless communication facilities shall be located in areas that will minimize their aesthetic intrusion on the surrounding community. For building mounted facilities, all screening shall be compatible with the existing architecture, color, texture, and/or materials of the building.

(b) *Site selection order of preference.*

- (1) Wireless communication facilities shall be located in the following order of preference:
  - a. On existing structures such as buildings, communication towers, church steeples, and freestanding signs.
  - b. In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
- (2) As part of the application process for major wireless communication facilities, the applicant shall be required to provide written documentation demonstrating a good faith effort in locating facilities in accordance with the site selection order of preference.

(c) *Other criteria and guidelines.*

- (1) Wireless communication facilities shall not bear any signs of advertising devices other than certification, warning, or other required seals or signage.

- (2) All accessory equipment associated with the operation of the wireless communication facility shall be located within a building, enclosure, or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.

**Sec. 41-198.6. Same--Locational criteria for all wireless communication facilities.** No wireless communication facility shall be established:

- (1) Within any property zoned or used for residential purposes; or
- (2) On property that contains any legally-established residential use.

**Sec. 41-198.7. Same--Locational guidelines for all minor wireless communication facilities.** Minor wireless communication facilities may be established on property within the city that is not zoned or used for residential uses.

**Sec. 41-198.8. Same--Locational guidelines for all major wireless communication facilities.** Providers requesting permission to establish major wireless communication facilities in the city are strongly encouraged to find sites that are separated from residential areas to the greatest extent feasible. No major wireless communication facility should be established within one hundred forty (140) feet of:

- (1) Any residential zone or land use district; and
- (2) Any legally-established residential use.

**Sec. 41-198.9. Same--Height criteria for all major wireless communication facilities.** No major wireless communication facility shall exceed sixty (60) feet in height from ground level as measured from the nearest street curb.

**Sec. 41-198.10. Same--Requirement for conditional use permit.** Each major wireless communication facility established in the city must first receive approval of a conditional use permit as established by section 41-198.3 of this Code.

**Sec. 41-198.11. Same--Requirement for design review.** Development review approval shall be required prior to the establishment of any major wireless communication facility in accordance with section 41-668 of this Code.

**Sec. 41-198.12. Same--Private wireless communication facilities.** Private wireless communication facilities shall be subject to the provisions of sections 41-198 through 41-198.14.

**Sec. 41-198.13. Same--Conditional use permit expiration.** Each major wireless communication facility approved pursuant to this article shall be approved for a period not to exceed five (5) years.

**Sec. 41-198.14. Same--Abandonment.** Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than ninety (90) days after the discontinuation of use. A wireless

communication facility is considered abandoned if it no longer provides wireless communication service. Such removal shall be in accordance with proper health and safety requirements.

A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have ninety (90) days to remove the facility or provide the planning division with evidence that the use has not been discontinued. The planning commission shall review all evidence and shall determine whether or not the facility is abandoned. All facilities not removed within the required ninety-day period shall be in violation of this Code and operators of the facility and the owners of the property shall be subject to penalties for violations under the enforcement and penalties provisions of this article.

**Sec. 41-198.15. Same--Violations; penalties.** Violations of sections 41-198 through 41-198.14 shall constitute a misdemeanor punishable by fine or imprisonment or both. Each day the violation continues is punishable as a separate offense pursuant to section 1-8 of this Code.

**Sec. 41-198.16. Same--Severability.** All of the provisions of sections 41-198 through 41-198.14 shall be construed together in order to accomplish the purpose of these regulations. If any provision of this part is held by a court to be invalid or unconstitutional, such invalidity or unconstitutionality shall apply only to the particular facts, or if a provision is declared to be invalid or unconstitutional as applied to all facts, all of the remaining provisions of sections 41-198 through 41-198.14 shall continue to be fully effective.