



City of Escondido

Guidelines for Deployment of Small Wireless Facilities in the Public Right-of-Way

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ESCONDIDO PLANNING DIVISION
201 N. BROADWAY
ESCONDIDO, CALIFORNIA 92025
Phone: (760) 839-4671
www.escondido.org/planning



Guidelines for Deployment of Small Wireless Facilities in the Public Right-of-Way

I. INTRODUCTION

The following processing and design guidelines (the “Guidelines”) have been developed to supplement and clarify the requirements of [Subsection 33-704\(k\)](#) of the Escondido Zoning Code, specifically related to small wireless facilities in the public right-of-way. These requirements are meant to provide a general overview of the procedures and requirements for installation of small wireless facilities. They also outline the City’s permitting process for small wireless facilities, and provide detailed development standards and design requirements which the City will use to review proposed facilities.

The Guidelines provide comprehensive information to all parties involved in the processing of applications for small wireless facilities proposed in the public right-of-way in the City of Escondido. Specifically, they are intended to help achieve the following goals:

- Protect the health, safety, and welfare of the public;
- Accommodate and support deployment of personal wireless service facilities to provide robust coverage and capacity throughout the city;
- Protect the City’s visual character from potential adverse impacts or visual blight created or exacerbated by personal wireless service facilities and related communications infrastructure;
- Create a clear set of development standards, siting criteria, design preferences, and other information for new facilities, additions and modifications to existing facilities to ensure that wireless service facilities are well-maintained and do not significantly detract from city streetscapes; and
- Provide definitions that are quantifiable and measurable.

These Guidelines have been adopted, and may be amended, by resolution of the City Council, as specified in Section 33-704(k) of the Escondido Zoning Code. Revisions to address clerical errors may be made administratively by the Director of Community Development.

II. APPLICABILITY

- A. Except as expressly provided otherwise, these Guidelines shall be applicable to all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, replace, relocate or otherwise deploy small wireless facilities in the public right-of-way, inclusive of applications which affect existing facilities.
- B. The provisions contained in these Guidelines do not apply to existing and proposed personal wireless service facilities which are:

1. Not in the public right-of-way; or
2. Not small wireless facilities.

III. APPLICATION PROCESSING

A. Voluntary Pre-Application Meeting

Federal laws and policies establish time limitations (referred to as a “shot clock”) related to processing of all types of wireless communication facilities. The City must take action on a project within the established shot clock timeframes. As such, applicants should ensure that the appropriate amount of research is done prior to submittal. Failure to do so may result in application materials that do not provide adequate or accurate information, which in-turn may result in denial of an application.

Pre-application meetings are strongly encouraged in order to ensure that proposed small wireless facilities comply with the requirements of Subsection 33-704(k) of the Escondido Zoning Code and these Guidelines, and that application materials include adequate and accurate information. Please contact the Planning Division, Community Development Department, at (760) 839-4671, and Land Development Division, Engineering Services Department, at (760) 839-4651, if you would like to schedule a voluntary pre-application meeting with either division. Alternately, preliminary plans can be emailed to the City for a courtesy review.¹ Contact the Planning Division or Land Development Division at the numbers above to obtain the email addresses for the staff members best suited to assist you.

B. Required Permits

Prior to commencement of any work required for the installation of a small wireless facility in the public right-of-way, appropriate permits must be secured by the applicant. Two permits from the City of Escondido are necessary, as described below. A master license agreement is also required for any provider wishing to place a small wireless facility on any structure in the right-of-way owned by the City of Escondido.²

In addition to the small wireless facility itself, the permits described below allow up to 50 feet of trenching for electrical/fiber connections to existing infrastructure. Any large infrastructure projects that are not small wireless facilities shall be processed in accordance with the Engineering Services Department’s standard procedures.³

¹ Plans which are emailed to City staff for a courtesy review are not considered a duly filed application with the City and therefore are not subject to FCC imposed time limits. The courtesy review is not exhaustive, and the City accepts no liability if it is determined, upon formal submittal, that the plans do not comply with these Guidelines.

² Additional permits from other government agencies may be required.

³ Encroachment permits for trenching in excess of 50-feet will be reviewed on a cost recovery basis in accordance with the City’s standard improvement plan review process. The owner of the proposed underground facilities will be required to execute a one-time Right-of-Way and Maintenance Agreement with the City or provide evidence of prior Franchise Agreement rights. A boiler plate version of this Agreement is available on the City website.

1. *Small Wireless Facility Permit*

A small wireless facility permit must be obtained by an applicant prior to commencement of any work required for the installation of a small wireless facility in the public right-of-way. Application packets are available at the Planning Division and Engineering Services Department public counters, or on the Planning Division's webpage at <https://www.escondido.org/applications-for-processing-development-requests.aspx>.

a. *Administrative Permit*

The administrative permit process is intended to provide a simple and efficient way to expedite the permitting process for a large majority of proposed facilities. As such, administrative permits are available for all small wireless facilities that comply with these Guidelines and do not require a Minor Conditional Use Permit, as outlined in Section 33-704(k) of the Escondido Zoning Code. Applications for administrative permits shall include all items necessary for the City to make a determination regarding compliance with the established design and development standards⁴, and applicants will be required to certify that their plans and other application materials conform to said standards. If it is determined, after review of applications for administrative permits in the manner described in the Processing of Applications section below, that the plans or other application materials do not demonstrate conformance with the standards, or the applicant does not certify such conformance, the permit will be denied.

b. *Minor Conditional Use Permit*

A Minor Conditional Use Permit is required for certain small wireless facilities as identified in Section 33-704(k) of the Escondido Zoning Code. Applications for Minor Conditional Use Permits will be processed and reviewed pursuant to Article 61, Division 1, of the Escondido Zoning Code.

2. *Encroachment Permit*

An encroachment permit is required for any small wireless facility placed in the City of Escondido's public right-of-way. An encroachment permit application, including all submittal requirements identified on said application form and all required fees and deposits, shall be submitted concurrently with the small wireless facility permit application unless the applicant voluntarily agrees in writing to defer said submittal, as described in the tolling agreement section later in these Guidelines.

3. *Master License Agreement*

Wireless service providers proposing to install small wireless facilities on existing, replacement, or new City-owned structures in the public right-of-way are required to enter into a master license agreement with the City prior to installation of said facility. If a master license agreement has not yet been secured by the provider, it must be submitted concurrently with the small wireless facility and encroachment permit applications, unless the applicant voluntarily agrees in writing to defer said submittal, as described in the tolling agreement section later in these Guidelines. If a master license agreement has already been secured by the provider, a master license

⁴ Submittal requirements are discussed later in these Guidelines.

agreement site addendum for each additional site shall accompany the small wireless facility and encroachment permit applications. Additional information related to master license agreements can be obtained by contacting the Real Property Division, Engineering Services Department, at (760) 839-4597.

C. Acceptance of Applications

Applications for small wireless facility and encroachment permits, and any master license agreements or addenda, including all items and fees required as part of an application package, shall be submitted concurrently to the Planning Division. The City requires a whole application in order to review a project in the timeline established by the FCC shot clock. Applications which do not include all required submittal materials for all applicable permits/agreements, including all applicable fees, will not be accepted and are not considered submitted and duly filed with the City. Alternately, an applicant may voluntarily defer submittal of a small wireless facility permit application, encroachment permit application, or master license agreement, through the execution of a tolling agreement, as described in the submittal requirements section below.

The City will establish set hours during which applications may be submitted. A minimum of eight (8) hours each week will be available for application submittal, and said hours will be posted on the Planning Division's website and at the Planning Division counter.⁵ Submittals may also be made by appointment outside of these posted hours for intake through the Planning Division. An appointment is not required to submit an application, however it is strongly encouraged, especially if an applicant intends to submit a batched application or individual applications for multiple facilities at one time.

Applications must be submitted in-person. Application materials delivered by U.S. mail or other delivery service will not be processed and do not constitute a submitted and duly filed application. An application is not considered duly filed and submitted unless it contains all items necessary to comprise a whole application, and is provided in-person to a representative of the Planning Division and assigned a planning case number.

D. Batched Applications

Applicants may submit multiple applications for small wireless facilities as a single, batched application, as long as all facilities included in the batch utilize the same size and type of equipment, and are mounted in the same configuration on the same type of support structure. If the equipment, configuration, and support structure used for any facility that is submitted as part of a batched application is not consistent with the other facilities in that batch, all applications that are inconsistent will be removed from the batch and must be processed as separate applications. Each application in a batch must meet all the requirements for a whole application.

E. Submittal Requirements

Small wireless facility permit application packets are available at the Planning Division public counter and on the Planning Division website at <https://www.escondido.org/applications-for-processing-development-requests.aspx>. In

⁵ Fewer hours will available if the posted hours fall on a city holiday.

absence of a voluntary tolling agreement, said packets contain a detailed list of items that must be provided in order for the application to be duly filed and accepted by staff for review. The applicant will be required to certify that the submittal materials contained in the application packet demonstrate conformance with these Guidelines.

Encroachment permit application packets are available at the Engineering Services Department's public counter and on the Field Engineering Division's website at <https://www.escondido.org/field-engineering.aspx>. In absence of a voluntary tolling agreement, said application packet contains a detailed list of items that must be provided, in order to duly file an application for review.

1. *Tolling Agreement*

The City recognizes that concurrent submittal and review of a small wireless facility permit, an encroachment permit, and a master license agreement may be problematic for a wireless service provider due to the nature of permitting and issuance of said permits and agreements. As such, an applicant may voluntarily elect to defer submittal of any permit or agreement which is otherwise required as part of a whole application. The voluntary deferral of any such permit or agreement shall toll the shot clock on that item. Once the voluntarily deferred item is received, the City will provide comments on any deferred submittal in the same manner as if it was a new application. The City will continue to process all other permits and agreements that are not deferred.

F. Authority Granted to the Director of Community Development

The City Council authorizes the Director to establish other reasonable rules and regulations to efficiently and effectively administer Section 33-704(k) of the Escondido Zoning Code and these Guidelines. All such rules and regulations must be in written form and publicly available.

G. Fees

Small wireless facility permit fees (administrative and minor conditional use permit), encroachment permit fees, master license agreement fees, and site administration fees for small wireless facilities shall be as established by resolution of the City Council. All fees shall be paid at time of application submittal.

H. Processing of Applications

Upon submission of a whole application for a small wireless facility permit, encroachment permit, and master license agreement meeting the requirements identified in these Guidelines (unless voluntarily deferred by the applicant, as described in the Submittal Requirements section above), the Director will verify conformance of the proposed facility with all applicable design and development standards and forward a copy of the application materials to the Engineering Services Department for review of technical information.

Upon completion of the review of an administrative permit application, the Director will either approve the application, conditionally approve the application, or inform the applicant that the application is considered incomplete. Upon completion of the review of a minor conditional use permit application, the Director will either forward the application

on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application; or inform the applicant that the application is considered incomplete. If the application is deemed to not be complete, the City will provide comments in the form of written correspondence or markups on the plans and other submittal materials identifying missing, incomplete, erroneous, or inaccurate information. The required corrections shall be made by the applicant and resubmitted to the Planning Division. The applicant will be required to certify that all corrections have been addressed and that the size, dimensions, location, etc., of the antennas and equipment have not changed, unless such changes are in response to comments provided by the City. Resubmitted materials shall include a response to any written correspondence, identifying where the revisions and modifications can be found on the plans and other submittal materials. If marked-up plans/documents were provided to the applicant, they must be returned with the resubmittal. Applications that are resubmitted without revisions identified or not accompanied by any marked-up plans and documents provided by the city, will be denied.

Upon review of the resubmitted materials for an administrative permit application, the Director will either approve or conditionally approve the application, or will inform the applicant that the application is still considered incomplete in the same manner as described above. Upon review of the resubmitted materials for a minor conditional use permit application, the Director will either forward the application on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application; or will inform the applicant that the application is still considered incomplete in the same manner as described above. After a second resubmittal for an administrative permit application, the application will either be approved, conditionally approved, or denied. After a second resubmittal for a minor conditional use permit, the Director will forward the application on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application. No further resubmittal of application materials will be accepted. Denied administrative permit applications will include a written determination identifying the reason(s) for denial. Actions of the Zoning Administrator shall follow the procedures identified in Article 61, Division 1 of the Escondido Zoning Code.

If a permit is approved, one set of approved plans will be provided to the applicant. If a master license agreement has not yet been entered in to by the applicant, said agreement shall be entered into prior to issuance of an encroachment permit. If an encroachment permit has not yet been secured, the applicant will be required to secure one prior to installation of the facility.

Applications for facilities that were denied may be submitted to the Planning Division as new applications at any time, without prejudice. Said new application will be processed as a completely separate application, with new submittal materials and fees required, and shall demonstrate compliance with these Guidelines.

I. Determinative Action

The approval or denial of a small wireless facility permit by the director (for administrative permits) or Zoning Administrator (for minor conditional use permits) of a duly filed application is the City's action in response to the request for authorization to place, construct, or modify personal wireless service facilities. Any denial of a permit must be in writing and supported by substantial evidence.

IV. DESIGN AND DEVELOPMENT STANDARDS

A. Introduction and Review

The general intent of these design and development standards is to preserve the character of the City's neighborhoods and corridors by requiring small wireless facilities to utilize the least intrusive design available with regard to appearance, size, and location, and to blend into the existing streetscape as much as possible. They also seek to prevent conflict with existing and planned roadway, utility, and storm drain improvements.

The Director shall determine whether an application for a small wireless facility utilizes the least intrusive design available. For purposes of these guidelines, least intrusive design available means the most preferred design or development standard as provided in these guidelines that is technically feasible. For individual antennas, shrouds/radomes, accessory equipment, mounting brackets/attachments and any other physical aspect of a facility, least intrusive shall mean the smallest such item that is technically feasible. Any application for a permit that does not use the least intrusive design available shall include a technical feasibility report in the form and with the information as provided by the Director.

If an application is made for a minor conditional use permit, the Zoning Administrator shall determine whether an application for a small wireless facility utilizes the least intrusive design available. Any application for a minor conditional use permit shall include a technical feasibility report in the form and with the information as provided by the Director.

B. Support Structures

Antennas shall be placed according to the following preferences, ordered from most to least preferred:

1. Existing or replacement street lights – top of pole
2. Existing or replacement street lights – flush-mount on pole
3. Strand-mounted on existing overhead utility lines
4. New street lights – top of pole
5. New street lights – flush-mount on pole
6. Existing wooden utility poles – top of pole
7. Existing wooden utility poles – flush-mount on pole
8. Other existing vertical structures
9. Existing, replacement or new street lights – projecting from pole
10. Existing wooden utility poles – projecting from pole
11. New vertical structures that are not street lights

Antennas associated with any new small wireless facility, or any addition or modification to an existing facility shall be placed on the most preferred support structure, unless the applicant demonstrates that a review has been conducted, and no more-preferred support structure, or combination of structures, is available which would meet the service objectives of the proposed facility. This review shall include, but is not limited to, identification of technically feasible alternative site(s) within 150 feet, reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.

C. Accessory Equipment

All accessory equipment (e.g., remote radio units, disconnect switch, converters, fuse box, etc.) required for small wireless facilities shall be installed utilizing the most-preferred placement that is technically feasible to serve the associated antenna(s). Ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole or support structure. If possible, one piece of accessory equipment that can support antennas in multiple locations (such as strand-mount facilities) shall be utilized. The list below prioritizes the preferred placement of accessory equipment from most desirable to least desirable.

1. Underground
2. Mounted on the same pole or support structure as the associated antenna
3. Above-ground equipment cabinet

Accessory equipment associated with any new small wireless facility, or addition or modification to an existing facility, shall follow this order, unless the applicant demonstrates that a review has been conducted which as determined that it is technically infeasible to achieve high-order preferences.

D. Prohibitions

Antennas and accessory equipment shall be prohibited on the following structures:

1. Traffic signals
2. Archways over roads or pedestrian plazas/walkways
3. Pieces of public art
4. Structures placed in the right-of-way through charitable donation(s)
5. Commemorative memorial structures
6. Utility poles and lines scheduled to be removed/undergrounded within 24 months of installation of the antenna or equipment, or required to be removed/undergrounded as a condition of approval of an existing entitlement.
7. New or replacement wooden utility poles

In addition to the prohibitions above, small wireless facilities (antennas and accessory equipment) shall not:

1. Compromise the purpose, performance, or integrity of any streetlight(s) or other support structures.
2. Be located closer than 40 feet to any residential unit unless said unit has no windows or doors on any wall facing the antenna. Proposed facilities which are less than 40 feet

- to any residential unit may be requested through the minor conditional use permit process.
3. Project from a support structure by use of an “arm” or other horizontal bracket/brace. Proposed facilities which project from a support structure by use of an “arm” or other horizontal bracket/brace may be requested through the minor conditional use permit process.
 4. Be placed in a location which would damage or require the removal or trimming of any mature or protected tree(s).
 5. Include ground-mounted equipment on blocks where a majority of equipment for other utility providers has been placed underground.
 6. Encroach over any adjacent property line(s).
 7. Be placed in a location or manner that negatively impacts Fire Department access and maneuverability.
 8. Include any signage or advertisement(s), unless required by law.
 9. Be placed in any fire lane.
 10. Conflict with requirements of the Americans with Disabilities Act or other disabled access criteria established by federal, state, or local codes.
 11. Be placed in a location or manner that negatively impacts the future planned installation or construction of public roadway, utility, or storm drain improvements.
 12. Obstruct visibility of any traffic signals, stop signs, or other traffic control signage.

E. Design Standards

All proposed installations must be the least intrusive possible with regard to appearance, size, and location. If installations are available (e.g., have been installed in other jurisdictions) that are less intrusive than those allowed herein, applicants must utilize those installations unless the Director or permit decision-maker determines that those installations are not feasible.

If an applicant proposes to install a facility that exceeds the height, size, or other quantitative criteria described below, they may submit an application for a minor Conditional Use Permit, which will be processed pursuant to Article 61 of the Escondido Zoning Code. Alternately, an applicant may request pre-approval of a design that exceeds the quantitative criteria below. Designs proposed for pre-approval must be approved by the City Council and will become appendices to these Guidelines.

1. Height
 - a. No facility shall exceed 50 feet in height or four feet above the support structure on which it is placed, whichever is less.
 - b. Replacement support structures shall be the same height as the existing structure that is being replaced.
 - c. New street lights shall be the same height as that identified for such structures in the City’s standard drawings.
 - d. Pole-mounted antennas and accessory equipment shall maintain a minimum clearance of ten feet above any pedestrian path of travel and 14 feet above any roadway or other vehicular access point.

2. Antennas

- a. All antennas and associated mounting equipment, hardware, cables or other connectors shall be concealed in a shroud or radome. The shroud/radome shall be painted a flat, non-reflective color to match the underlying support structure.
- b. All antennas must be placed within the same shroud/radome.
- c. Multiple facilities may be installed on one support structure as long as all antennas on that support structure are placed within the same shroud/radome.
- d. Antennas for any small wireless facility shall not exceed three cubic feet in volume, including the shroud or radome, If more than one antenna is provided on any support structure, the volume above shall be cumulative. Notwithstanding the foregoing, top-mount antennas and shrouds may have a maximum volume of six cubic feet if necessary to provide a tapered transition to the pole on which it is mounted.
- e. Top-mount antennas (including the shroud) shall be no more than 16 inches wide when placed on light poles, and shall not exceed the width of any wooden utility pole on which they are mounted.
- f. Any top-mounted antennas which are wider than the light pole on which they are mounted shall be tapered to match the width of the pole at the point of attachment to the pole.
- g. Side/flush mount antennas, including those with integrated radio units, shall not exceed 12 inches in width and nine inches in depth (measured from the face of the pole), including the shroud.

3. Accessory Equipment

- a. Underground equipment may be as large as allowed by the FCC for small wireless facilities.
- b. Pole-mounted accessory equipment shall not exceed a maximum cumulative volume of seven cubic feet for any facility. The maximum width of any piece of accessory equipment shall be 20 inches (except as specified below for wooden utility poles), and the maximum depth shall be 16 inches (measured from the face of the pole). These volume and dimensional limitations are inclusive of shrouds and cabinets.
- c. If multiple facilities are installed on one pole, the pole-mounted volume and dimensional criteria specified above shall be cumulative for all accessory equipment.
- d. Pole-mounted accessory equipment shall be painted a flat, non-reflective color to match the pole on which the equipment is mounted.
- e. All pole-mounted accessory equipment shall be installed within the same shroud.
- f. Ground-mounted equipment cabinets:
 - i. Shall fully screen the equipment inside them from view.
 - ii. Shall not exceed six cubic feet in residential zones or adjacent to properties developed with residential uses, and 12 cubic feet in all other locations.
 - iii. Shall not be placed in the front yard of residentially zoned properties, or in street-side yard of any single-family residentially zoned property where the front door of said property faces and takes access from that street-side yard.
 - iv. Shall not exceed 36 inches in height in single-family residential zones.

- v. No more than one above-ground equipment cabinet shall be provided for any small wireless facility. The use of one above-ground equipment cabinet to serve multiple small wireless facility antennas is strongly encouraged (e.g., for stand-mount wireless facilities)
- vi. Shall be painted dark green or the same color as any existing equipment cabinet (for other utility providers) within 25 feet of the proposed equipment cabinet.
- vii. Shall not block or interfere with driveways, gates, entrances, sidewalks, and other points of vehicular and pedestrian access to adjacent properties and rights-of-way, nor interfere with sight distances.
- viii. Shall be lockable or otherwise designed to prevent unauthorized access.
- ix. Shall maintain a minimum separation from fire hydrants and other above-ground mechanical equipment as required by the public agency and utility providers.

4. Street Lights

- a. Small wireless facilities shall be placed on existing street lights as long as the existing street light has been designed and engineered to support the proposed facility in accordance with applicable health and safety regulations. If the existing street light cannot support the proposed facility, the applicant must remove and replace the existing street light with one substantially similar to the City's standards and specifications, but designed to accommodate the proposed facility.
- b. Any existing street light pole that does not have the ability to have all cables, conduit, fiber, etc., placed inside shall be replaced
- c. New and replacement poles shall be concrete, steel, or composite, and shall be designed to match the design, alignment, distribution, height and color/texture of the pole it replaced.
- d. No more than one top-mount shroud/radome and one side-mount antenna/radio/equipment cabinet, or two side-mount antenna/radio/equipment cabinets shall be allowed per pole.
- e. Any penetrations through the pole shall be screened behind the antenna or accessory equipment shroud/radome.
- f. A replacement pole shall be located as close to the removed pole as possible, but in no case more than ten (10) feet away. Replacement poles located more than 10 (ten) feet away from the removed pole shall be considered new poles.
- g. New (non-replacement) street lights shall be located no closer than 75 feet from any existing street light on the same side of the street.
- h. All luminaires shall be replaced with LED luminaires in accordance with the Escondido design standards and standard drawings.
- i. Disconnect switches are required. They must be located within the underground handhole or integrated into the pole-mounted equipment cabinets.
- j. Lights must be shielded to prevent light-spillage onto adjacent properties.

5. Wooden Utility Poles

- a. Applicants that propose to install small wireless facilities on an existing wooden utility pole must install all antennas above the pole within a canister-type shroud

painted to match the pole, unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible.

- b. Antennas and equipment mounted onto the side of a pole shall not exceed the width of the pole.
 - c. All cables mounted onto the exterior of the wooden pole shall be sheathed (or enclosed) within a durable tubing material (e.g., conduit) of the smallest diameter and shortest length necessary to serve the facility. The conduit shall be flush mounted to the pole and painted to blend with the pole. No loose, exposed, or dangling wiring or cables shall be allowed.
6. New Support Structures
- Specifications for facilities proposed to be placed on new vertical structures that are not street lights will be reviewed as part of the Minor Conditional Use Permit process. In no case shall they exceed the most restrictive specifications for antennas and accessory equipment placed on other structures.
7. Orientation
- Pole-mounted antennas and equipment shall be oriented away from adjacent residential structures and shall be placed to minimize visibility from adjacent sidewalks and structures, in order to achieve concealment, as defined in Section 33-702 of the Escondido Zoning Code, to the extent technically feasible.
8. Obstructions – Public Safety
- All equipment located within the right-of-way shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel. Small wireless facilities and any associated equipment or improvements shall not physically interfere with, block visibility of, or impede access to:
- a. Any above-ground or underground infrastructure for traffic control, streetlights or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors, etc.
 - b. Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop
 - c. Worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency
 - d. Fire hydrants and other fire-prevention equipment or water valves
 - e. Fire escapes
 - f. Sight distance requirements
9. Electric Meter
- Small wireless facilities shall use a flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicant may install a shrouded smart meter. Separate ground-mounted electric meter pedestals are prohibited.

V. STANDARD CONDITIONS OF APPROVAL

All small wireless facilities which are subject to these Guidelines, whether approved by the City of Escondido or deemed approved by law, shall be automatically subject to all standard conditions of approval set forth below, in addition to any specific conditions applied to the specific facility. For the purpose of these Conditions of Approval, the term "Applicant" shall also include the permittee, wireless carrier, or its successor(s) in interest in any small wireless facility, as may be applicable.

- A. Should the applicant fail to protest these conditions and/or file a timely and valid appeal of this Small Wireless Facility Permit, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - 1. Acceptance of the permit by the applicant; and
 - 2. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Small Wireless Facility Permit or other approval(s) applicable to said permit.
- B. Compliance with all requirements contained in these Guidelines and Section 33-704(k) of the Escondido Zoning Code shall be strictly adhered to.
- C. The applicant shall remove any Notice of Public Hearing signage within 24 hours following a public hearing for any small wireless facility.
- D. All required permits and agreements must be in place prior to commencing installation of any facility.
- E. It shall be the responsibility of the applicant to secure any permits, approvals, agreements and authorizations from other agencies. Failure on behalf of the City of Escondido to ensure that said permits, approvals, agreements and authorizations have been secured shall not alleviate the applicant from this responsibility.
- F. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code, Escondido Municipal Code, and any other applicable policies and requirements of the City.
- G. The applicant shall pay all additional fees and deposits required by the City at the time of application for an encroachment permit, including those fees required by any master license agreement.
- H. All aspects of the facility shall strictly conform to the plans and other exhibits approved by the City and on-file with the Planning Division.
- I. As of the date of permit issuance, the applicant certifies that the facility utilizes the least intrusive design and that no less intrusive designs are available.
- J. Final inspections by the Planning and Field Engineering Divisions shall be required before commencement of operations of any facility. Any facility not installed in strict compliance with the approved permit(s) and these Guidelines shall be brought into compliance and subsequent inspection(s) shall be requested by the applicant. Operations shall not commence prior to the facility passing final inspection(s).
- K. Prior to commencement of operations, it shall be the applicant's responsibility to ensure that the facility has passed all inspections required by any other agencies with jurisdictional authority.
- L. Post-Installation Certification. Within 90 calendar days after the applicant commences full, unattended operations of a small wireless facility, the permittee shall provide documentation demonstrating that the facility has been installed and constructed in

compliance with the approved plans. Such documentation shall include without limitation as-built drawings, GIS data, and site photographs. Failure to provide such certification shall be cause for the City to rescind approval of the installation of the facility until such time as the certification has been provided.

- M. Build-Out Period. The small wireless facility permit and associated encroachment permit will automatically expire twelve (12) months from the approval date unless construction has commenced. Construction shall be completed within six (6) months of commencement.
- N. The applicant shall provide the City with a post-installation assessment report signed by a third-party RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations.
- O. Site Maintenance. The applicant shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean, and safe condition. Any such equipment, structures, etc., that, in the opinion of the Director, has become worn, weathered, or otherwise degraded, shall be repaired or replaced by the permittee at the permittee's sole expense. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- P. Applicant hereby agrees to investigate complaints related to possible interference with electronic equipment in the surrounding area, to determine the cause of the interference. If the facility is determined to be the cause of the electronic interference, applicant shall resolve the issue in a timely manner, to the satisfaction of the Director.
- Q. Any facility suspected of causing interference with Fire Department or public safety communications shall be immediately taken out of operation and said interference shall be investigated. Should the facility be found to be the cause of the interference, the issue must be resolved prior to recommending operation of the facility, to the satisfaction of the City of Escondido.
- R. The final location of any small wireless facility shall be verified in the field to not interfere with visibility of any traffic control device or signage, or reduce sight distance below City and ASSHTO requirements, to the satisfaction of the City of Escondido prior to commencing operation of the facility.
- S. Small wireless facilities installed on or as part of a new or replacement street light shall not be placed in locations subject to future public road widening or in conflict with future planned utility or storm drain infrastructure.
- T. No facility shall be expanded, relocated, or otherwise modified without approval of subsequent permits by the City of Escondido.
- U. Any application for the modification of an existing facility shall require replacement of any portion of the facility for which a less intrusive design has become available,
- V. Any trenching in excess of fifty (50) feet will require a separate encroachment permit including a construction drawings submittal to the Engineering Services Department, and the owner of the proposed underground facilities will be required to execute a one-time Right-of-Way and Maintenance Agreement with the City of Escondido or provide evidence of prior Franchise Agreement rights.
- W. Any City infrastructure removed in order to install a small wireless facility shall be so removed in a manner which does not damage said infrastructure, and said infrastructure

shall be delivered to the City of Escondido public works yard, as directed by Field Engineering and Public Works staff.

- X. Installation of any facility shall be in full compliance with all applicable city, regional, and state design standards and standard drawings.
- Y. The foundation of any removed street light shall be removed to a depth of at least two feet below finished grade.
- Z. All street light conduit and wiring splicing shall be reconnected in accordance with the City's standard drawings, to the satisfaction of the city engineer.
- AA. The applicant shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages which have occurred as a result of construction activities for the facility, to the satisfaction of the city engineer. All curb, gutter, sidewalk and driveway repairs and replacements shall be in accordance with standard drawing G-6-E.
- BB. The applicant shall be responsible to repair and resurface all trenched roadways per City of Escondido Standard Drawing G-2-E, to the satisfaction of the City Engineer.
- CC. The applicant or contractor will be responsible to implement Best Management Practices (BMPs) to prevent storm water pollution in accordance with the approved Erosion Control Plan, CASQA Guidelines and City of Escondido Municipal Code during all phases of project construction to the satisfaction of the City Engineer.
- DD. Erosion and sediment controls, and other storm water pollution control measures, shall be provided to control sediment and silt from construction work areas. The applicant and contractor shall be responsible for maintaining all erosion and sediment controls throughout the construction work.
- EE. Compliance with Conditions and Laws. The applicant shall comply with all conditions specified. Failure to comply with any condition shall constitute grounds for revocation of the small wireless facility permit. The applicant shall also maintain compliance at all times with all federal, state and local regulations applicable to the permittee, the subject property, and the small wireless facility, which includes without limitation any laws applicable to human exposure to RF emissions. In the event that RF emissions for the site exceed FCC standards, the applicant will be required to immediately cease operation of the facility until such time that the violation is corrected to the satisfaction of the Director. The applicant expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws.
- FF. No small wireless facility may encroach into, over, or across any adjacent property line.
- GG. No encroachment onto adjacent private property shall be allowed during the construction of any small wireless facility without express written consent of the adjacent property owner. This shall include private property owned by the City of Escondido.
- HH. Small wireless facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements requirements of the Zoning Code, these Guidelines, and all other applicable standards and permit conditions. Landscaping, painting, and other concealment treatment for any facility shall be maintained as such over time.
- II. The applicant shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal or other activities on or about the site. The

permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Escondido Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director may issue a stop work order for any activities that violate this condition in whole or in part.

- JJ. Applicant's Contact Information. The applicant shall furnish the city engineer with accurate and up-to-date contact information for the person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the city engineer with updated contact information if either the responsible person or such person's contact information changes.
- KK. Indemnification. The applicant, permittee, and any successor-in-interest thereof, shall defend, indemnify and hold harmless the City of Escondido, and its agent's officers or employees, from (1) any claim, action or proceeding against the City, its agents, officers or employees to attack, set aside, void or annul an approval of the City, arising out of or concerning the small cell wireless facility permit, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the small cell wireless facility permit or the small cell wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. Within ten calendar days of the service of a claim, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. The permittee expressly acknowledges and agrees that such indemnification obligations will survive the expiration, revocation or other termination of this small cell wireless facility permit.
- LL. Permit Revocation. Any permit granted under these Guidelines may be revoked by the Director if the facility is not operating in compliance with these conditions or any applicable federal, state, or local laws.
- MM. Abandoned Facilities. The small wireless facility authorized under this small wireless facility permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small cell wireless facility is abandoned or deemed abandoned, the applicant or support structure owner (if not on a City-owned support structure) shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Escondido Municipal Code and Escondido Zoning Code. In the event that neither the applicant or support structure owner (if not on City-owned infrastructure) complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice,

and the permittee and support structure owner (if not on City-owned infrastructure) shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and restoration activities.

- NN. Landscaping. The applicant shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged, destroyed or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in the nearest appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be a minimum 24-inch box specimen tree or larger, as determined by the Director, and shall be the same species as the tree which was removed unless determined by the Director that a different species is appropriate for the location. The applicant shall, at all times, be responsible to maintain any replacement landscape features and maintain any new landscaping installed in conjunction with the small wireless facility.
- OO. Protected trees. Any protected trees damaged as a result of the installation of a small wireless facility shall be assessed by a licensed arborist. All recommendations of the licensed arborist intended to restore the tree shall be carried out by the applicant. Should any protected tree be destroyed or otherwise displaced as a result of the installation of any facility shall be replaced at a ratio recommended by the licensed arborist. This condition shall apply to any protected trees damaged, destroyed or otherwise displaced during construction, operation and removal of any facility if the facility is determined to be the cause of said damage, destruction or displacement.
- PP. Cooperation with RF Compliance Evaluations. At all times relevant to this permit, the applicant and the property owner (if not on City-owned infrastructure) shall reasonably cooperate with efforts by the City to evaluate whether the facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but not be limited to: (1) furnishing the City with a post-installation assessment report signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; and (3) promptly responding to all requests by the City or its designee for information and cooperation with respect to any of the foregoing.
- QQ. Future Undergrounding Programs. If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public right-of-way where the applicant's small wireless facility is located, the applicant must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground in order to function. Accessory equipment that requires an environmentally controlled underground vault to function are not exempt from this condition. Such undergrounding shall occur at the applicant's sole cost and expense.
- RR. Small wireless facilities which have been installed on utility poles which are removed as part of a utility undergrounding project, and any facilities that are strand-mounted between such poles, shall be removed by the permittee with no compensation provided

by the City or other entity carrying out the undergrounding project. The existence of small wireless facilities shall not prevent the City or other entity from carrying out an undergrounding project. Replacement of the facility shall be subject to a new small wireless facility permit. This condition includes utility poles and lines which are required to be placed underground as a condition of approval of a development project.

- SS. Small wireless facilities which are required to be removed or relocated as a result of a public works project shall be so removed or relocated at the sole expense of the permittee.
- TT. Any relocation of a small wireless facility required as a result of public works or utility undergrounding projects shall be processed in the same manner as a new small wireless facility.
- UU. Electric Meter Upgrades. If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- VV. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- WW. Existing City-owned structures on which any small wireless facility is placed shall remain the property of the City. Any new or replacement structures in the right-of-way which are subject to a master license agreement shall become the property of the City of Escondido in the event that an applicant removes or abandons any small wireless facility installed on said structure(s).