

# Cellular Telephone Antennas Zoning Study

Planning Commission  
March 13, 2015

# Impetus

- FCC took action (its “Final Rules”)
- City land use policies have evolved since this code section was last updated (we now actively encourage finer grained mixed uses)

# Proposed Amendments

## Amendment

## Impetus

<b>1. Require CUP for &lt;60' residential buildings in B &amp; T districts</b> (in addition to residential districts)	Evolved land use policy
<b>2. Take future collocations into account in CUP reviews</b> (including more obtrusive designs or placements)	FCC Rules
<b>3. Increase minimum setbacks for towers</b> (to account for eventual permitted heights)	FCC Rules
<b>4. Reduce maximum tower heights in I districts</b> (to account for eventual permitted heights)	FCC Rules
<b>5. Eliminate allowance in R,T, &amp; B districts for 25' taller tower if built to accommodate 2 carriers</b> (to account for newly allowed "automatic" height increase)	FCC Rules

# FCC's Final Rules

- 2012 Spectrum Act debates, plus ongoing legal battles and requests to the FCC for clarification → **Final Rules** (published January 8, 2015, mostly effective April 8)
  - Spectrum Act interpretation
  - Re-evaluated the processing “shot clock”
  - Streamlined NEPA/Sec. 106 reviews and temporary tower registration

# Spectrum Act

- “...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.”

# Spectrum Act

- “...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.”

Base station =



or



...that already supports antennas or associated equipment

Substantial change of physical dimensions =

- Exceeds certain **size criteria**
  - Base station: >10' or 10% height increase, >6' outward protrusion
  - Tower (non-ROW): >20' or 10% height increase, >20' outward protrusion
- Defeats **concealment** elements
  - E.g. inside a steeple or painted to match building
- Does not comply with **prior approval conditions** (besides size-related)

“Shall approve” regardless of:

- Appearance
- Context
- Better options nearby

...and within 60 days.

Essentially requires administrative review.

# What's the problem?



# What's the problem?



\* Photosimulation for discussion purposes. This is not an actual proposal.



# What's the problem?



# What's the problem?



\* Photosimulation for discussion purposes. This is not an actual proposal.

# Proposed Amendments

## Amendment

## Impetus

<b>1. Require CUP for &lt;60' residential buildings in B &amp; T districts</b> (in addition to residential districts)	Evolved land use policy
<b>2. Take future collocations into account in CUP reviews</b> (including more obtrusive designs or placements)	FCC Rules
<b>3. Increase minimum setbacks for towers</b> (to account for eventual permitted heights)	FCC Rules
<b>4. Reduce maximum tower heights in I districts</b> (to account for eventual permitted heights)	FCC Rules
<b>5. Eliminate allowance in R,T, &amp; B districts for 25' taller tower if built to accommodate 2 carriers</b> (to account for newly allowed "automatic" height increase)	FCC Rules

# Questions?



↑ Photosimulation for discussion purposes. This is not an actual proposal.

