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TOWN OF MORAGA

PLANNING DEPARTMENT SMALL CELL WIRELESS FACILITY SUPPLEMENTAL APPLICATION

Small Cell Wireless Facilities Guidelines

Please review the Town of Moraga adopted ordinance 297 found in Moraga Municipal Code (MMC) §8.144.035 for development standards and regulations pertaining to small cell wireless facilities. The following materials in the checklist below must be included with the application, see separate Planning application. Depending on the nature of the proposed project, the Planning Department staff may modify this list, as applicable. Please ask staff for more information.

All materials shall be provided in both paper and digital format. See “Submittal Checklist” for details and specifications. **Site Plans, Elevations, Roof Plans, and Landscape Plans**—Include **three full-sized copies** of each of the following plans. (Staff may request additional copies and sizes as needed.) These plans shall be drawn to scale, unless otherwise noted.

Electronic Documents. These documents shall be in “portable document format” (PDF), version 7 or later. Each PDF file must not exceed 25 MB. Please submit digital documents on a flash drive or provide a link where the files can be readily downloaded.

Small Cell Site Permit Fee Deposit must be submitted to fully cover the cost to the Town for processing the application. This includes staff time, a consultant review, any other legal and third-party services, and all other costs of whatever type or variety, incurred for the processing, review, commenting upon, evaluation, hearing, and consideration of the application. The Town of Moraga requires the submission of the required Small Cell Site Permit Fee Deposit as part of the submission of an application, and no application will be deemed to be submitted, nor shall submission be reviewed or acted on by the Town, until such application Fee is received.

For eligible facilities requests pursuant to 6409(a) of the Spectrum Act of 2012, in addition to submission of written documentation showing that a proposed modification is an eligible facilities request as described below, the Town of Moraga requires the submission of the applicable fee as the first procedural step required for submission of an eligible facilities request, and no application will be deemed to be submitted, nor shall be reviewed or acted on, until such fee is received.

SMALL CELL WIRELESS FACILITY. A “small cell wireless facility” means wireless communication facilities that meet the following conditions:

- a. Is a Wireless Communications Facility that meets the definition set forth in FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded

Small Cell Wireless Facilities – Fees/Deposits

Small Cell Wireless Facilities

Please see the Town of Moraga [Master Fee Schedule](#) for appropriate fee/deposit and note the following:

- All credit card transactions will incur a 4% processing fee.
- No application will be deemed to be submitted, nor shall the application be reviewed or acted on by the Town, until such fee is received.
- Deposit based projects: The Advanced Planning Surcharge is collected from the deposit.

Submittal Checklist Requirements

The following information is required for a complete application. Please contact the Planning Division to schedule a meeting to review this checklist and confirm specific requirements. The Town strongly encourages, but does not require, applicants to schedule and attend a pre- submittal conference with Town staff. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through collaborative, informal discussion. Up to five individual applications for a Small Cell Site Permit can be submitted as a “batched” application and will be reviewed together at the same time.

- 1. **Planning Application.** Complete the standard planning application including the signature of the property owner or a letter authorizing submittal of this application by the property owner. The Application shall include all information and documentation required by MMC § 8.144.035(D)(2).
- 2. **Filing Fees.** Provide the applicable Small Cell Site Permit application fee. Batched applications must include the applicable Small Cell Site Permit fee for each small wireless facility in the batch (See the Town's Master Fee Schedule for current year).
- 3. **Title Report.** For small cell wireless facilities proposed to be located on private property, a title report, prepared within the past three months of the submittal date, shall be submitted (two copies).
- 4. **Project Description.** The type of facility, including a full written project description of the proposed facility, its location, purpose, and specifications. Written statement that explains in factual detail whether and why the proposed facility qualifies as a “small cell wireless facility” as defined by MMC § 8.144.020 and the FCC in 47 C.F.R §1.6002(l). The analysis will state the applicable standard and all the facts that allow the Town to conclude the standard has been met. Bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a “structure” as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required findings for a Small Cell Site Permit as provided in MMC §8.144.035(D)(6).
- 5. **Building Elevations and Roof Plans.** Architecturally scaled and drawn building elevations and roof plan (for building- and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides. (MMC §8.144.035(D)(2)(a))

- 6. Geographic Service Area.** A written description identifying the geographic service area for the subject installation, accompanied by documents showing the geographic service area for the proposed small cell wireless facility installation, and all of Applicant's existing site installations in the Town or proposed site installations which are pending review by the Town at the time the application is submitted. (MMC §8.144.035(D)(2)(b))
- 7. Photos and Photo Simulations.** Photographs of facility equipment and an accurate visual impact analysis with photo simulations, including reasonable line-of-sight locations from public streets or other adjacent viewpoints, and a map that shows the photo location of each view angle. (MMC §8.144.035(D)(2)(c))
- 8. Radio Frequency Exposure Compliance Report.** Certification by a certified radio- frequency engineer that the Small Cell Wireless Facility installation will be in compliance with the FCC standards for RF emissions as they relate to the general public, as to both (i) the individual Small Cell Wireless Facility installed by the Applicant, and (ii) the total emissions that will be generated by all radio-frequency emitting equipment collocated on the same structure after installation of the new Small Cell Wireless Facility. The RF report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site. If the applicant submits a batched application, a separate RF report shall be prepared for each facility associated with the batch. A third-party review of the RF study may be required at the applicant's expense, by a consultant chosen by the Town, to verify that FCC requirements will be met. (MMC §8.144.035(D)(2)(d))
- 9. Documentation of location preference.** Documentation demonstrating compliance with the location preference standards in MMC § 8.144.035(C)(1) or the explanation as to the reason(s) for the failure to locate the Small Cell Wireless Facility in accordance with the preferred installation preferences. (MMC §8.144.035(D)(2)(e))
- 10. If Facility is located within Right-Of-Way.** If the application is for a facility that will be located within the public right-of-way, the applicant shall certify the basis for its claimed right to enter the right-of-way and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.
- 11. Master License Agreement.** For any small wireless facilities proposed to be installed on any structure owned or controlled by the Town and located within the public rights- of-way, an executed Master License Agreement on a form prepared by the Town is required.
- 12. Property Owner's Authorization.** Written authorization from the support structure owner(s) that authorizes the applicant to submit and accept a small cell site permit in connection with the subject support structure.
- 13. Non-Antenna Equipment.** Other than radios and electric meters, for small cell wireless facilities in the public right-of-way, shall be installed underground in any area in which the existing utilities are primarily located underground, unless the installation of such equipment underground is not technically feasible. If the applicant contends that undergrounding is technically infeasible, the applicant shall submit documentation to the Planning Director sufficient for the Planning Director

to make a determination of whether and to what extent such undergrounding is technically feasible. In all other areas, equipment shall be installed underground when the Planning Director finds that the above-ground equipment would impede pedestrian travel or cause the right-of-way to be inaccessible to pedestrian travel. This undergrounding requirement shall not apply to cabling and conduit necessary to mount the Antenna of a small cell wireless facility on a new or existing pole, nor apply to non-antenna equipment concealed from public view by being structurally integrated into the construction of a new or existing pole for any utility. (MMC § 8.144.035(C)(6))

- 14. Eligible Facilities Request.** If applicable, a request that this application be made as an eligible facility request under Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, and written documentation sufficient to establish that it will not cause a "substantial change" (as that term is defined by Section 1.6100(b)(9) of 47 CFR Part 1 Subpart U) to an existing facility.
- 15. Collocation Facility Eligibility.** If applicable, a statement that this application is for an eligible collocation facility as established under Government Code Section 65950.6, and written documentation sufficient to establish that the facility that is the subject of the application meets the requirements of that section.
- 16. Shot Clock Applicability.** A statement indicating whether the Applicant may be agreeable to extending this time period in accordance with Government Code Section 65964.1 and applicable FCC decisions, as defined within that section.
- 17. Construction Plans.** The following plans shall comprise the development plan set.
 - A. Title Sheet.** Include project name, address and location, assessor's parcel numbers, contact information for applicant, service provider, consultants, and property owner, location map with north arrow, size of property, General Plan designation, Zoning
 - B. Site Survey.** A survey prepared, signed, and stamped by a licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments, and other structures within 75 feet from the proposed project site and any new improvements, which includes without limitation all:
 - a. Traffic lanes;
 - b. All private properties and property lines;
 - c. Above and below-grade utilities and related structures and encroachments;
 - d. Fire hydrants, roadside call boxes and other public safety infrastructure;
 - e. Streetlights, decorative poles, traffic signals and permanent signage;
 - f. Sidewalks, driveways, parkways, curbs, gutters and storm drains;
 - g. Benches, trash cans, mailboxes, kiosks and other street furniture; and
 - h. Existing trees, planters and other landscaping features.
 - C. Site Plan.** Prepared by a licensed Civil Engineer, completely dimensioned and drawn at 1"=20' scale, with scale noted, a graphic bar scale, and north arrow. The plan shall include the following:
 - a. Property lines identified and dimensioned, adjacent street names, existing and proposed utility and access easements.
 - b. The location and use of all existing and proposed structures and improvements, equipment, and conditions related to the proposed project. Includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas,

- cables, trees, and other landscape features.
- c. Identify all potential support structures within 250 feet from the proposed project site and call out such structures' overall height above ground level.
- d. Existing topography and proposed grading at two-foot contour intervals for slopes up to 5% and less than five feet in height; and contour intervals of 5 feet for slopes over 5% or more than five feet in height. Include pad elevations, spot elevations, percent slope and retaining walls with TOW/BOW elevations. Contours shall extend beyond the property line onto adjacent properties 50 feet or to nearest off-site structures.

D. Site and Engineering Plan –Architectural or Engineering scaled detailed site and engineering plans for each proposed Small Cell Wireless Facility installation, including all Related Equipment necessary for its operation signed and stamped by a licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project; which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must:

- a. Contain cut sheets that contain the technical specifications for all existing and proposed, which includes without limitation the manufacturer, model number and physical dimensions;
- b. Identify all potential support structures within 250 feet from the proposed project site and call out such structures' overall height above ground level; Depict the applicant's preliminary plan for electric and data backhaul utilities, which shall include the anticipated locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and
- c. Demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.

E. Site Plan – A typical site plan shows the entire property on which the project will be located. At a minimum, a site plan shall include:

- a. Scale must either be 1" = 20' or 1" = 10', and include north arrow
- b. Property lines with length of each property line labeled
- c. Adjacent streets with names labeled
- d. Footprint (outline) of all buildings on the property, including all accessory buildings
- e. Location of the proposed wireless telecommunications facility(ies)
- f. Location of parking stalls and parking aisles with dimensions
- g. Driveways and pedestrian walkways

F. Elevation Drawings – Elevation drawings show the sides of the building(s) or structure(s). They shall include at a minimum:

- a. Scale must either be 1' = 1/8" or 1' = 1/4"
- b. Existing and proposed building forms and dimensions
- c. Existing and Finished grade
- d. Proposed height - as measured from the existing grade to the highest part of the roof exterior
- e. Exterior materials and colors
- f. Any architectural trim or detailing
- g. Any mechanical equipment or other exterior equipment
- h. Any exterior lighting that will be attached to or directed at the building
- i. Any proposed signs

G. Landscape Plan – Proposed landscaping and/or non-vegetative screening (including required safety fencing) plan for all aspects of the facility. Also include existing mature trees; and the proposed irrigation system.

H. If a new building or addition to an existing building is proposed, the applicant will need to complete a design review application AND submit the required drawings and information for the new construction in addition to the preceding steps and an additional set of plans may be required for review by the Moraga-Orinda Fire District.

I. Applicants shall obtain any permits required under Chapter 12.06 and Chapter 14.04 for installation of small cell wireless facilities in the public right-of-way.

18. Pursuant to MMC § 8.144.035(D)(3), the Town may retain a consultant, at the sole expense of the Applicant, with specialized training, experience and/ or expertise in telecommunications issues satisfactory to the Planning Director in connection with the review of any permit application. The Planning Director may request an independent consultant review any issue that involves specialized or expert knowledge in connection with the review of the small cell wireless facilities application, including but not limited to, whether and to what extent a proposed project will comply with applicable laws relating to radio frequency emissions and noise. Consultant fees shall be limited to the actual and reasonable cost for the services to be provided, as determined by the Planning Director. (MMC § 8.144.035(D)(3))