



CITY OF DANA POINT

COMMUNITY DEVELOPMENT DEPARTMENT
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
(949) 248-3564 | www.danapoint.org

ANTENNA USE PERMIT APPLICATION CHECKLIST

OFFICE USE ONLY:

PLANNER SIGNATURE: _____

DATE: _____

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FOR: _____

Requirements have been established to regulate the location and design of "Commercial Wireless Telecommunication Antenna Facilities" to protect scenic ocean and coastal public views; public safety; and the quality of residential neighborhoods in the City of Dana Point. These requirements also apply to non-commercial wireless telecommunication antenna facilities that are associated with local businesses, public agencies, utility services and emergency services. These requirements do not apply to "exempt antennas" under Section [9.07.020](#) (a) or "antennas and satellite dish antennas in residential districts" under Section [9.07.020](#) (c).

The Community Development Department cannot consider an application that is incomplete or incorrectly prepared. Particular attention should be given to the preparation of the Site Plans & Elevations. Both existing and proposed conditions must be shown. **The applicant or agent must electronically submit all required plans and exhibits to eTRAKiT.**

NOTE:

- ☐ **A STAFF PLANNER MUST SIGN & DATE ABOVE AND CHECK (X) THE APPROPRIATE BOXES BELOW BASED ON THE SCOPE OF WORK PROPOSED FOR EACH DISTINCT APPLICATION(S).**

A. ITEMS REQUIRED FOR FILING:

- All plans, legal descriptions, and other documents (unless otherwise stated) must be submitted electronically to eTRAKiT
 - All electronically submitted plans shall be scaled appropriately
 - Original Application Checklist completed by Planner (THIS FORM).
- ☐ **1. Completed Project Information Packet: Submitted electronically as an attachment to eTRAKiT.**
- ☐ Land Use Fact Sheet
 - ☐ Justification Statement
 - ☐ Environmental Assessment Form
- ☐ **2. Processing Fees Paid:**
- ☐ Application processing fee of ☐ Major \$3,543.00 ☐ Minor \$1,599.00
 - ☐ Environmental Assessment fee of \$50.00 (Separate Check-Made Payable to County of Orange)
 - ☐ Required Notification Postage (To be assessed at the current postage rate and added to the permit)
 - ☐ Deposit for third party review of "Exception Case Approval" (Deposit Amount to be determined by Staff)
- ☐ **3. Legal Description of Property: Submitted electronically as an attachment to eTRAKiT.**
- ☐ Provide one copy of recorded grant deed if property is not located in a recorded tract, where parcels are lot(s) in a recorded tract, the information may be noted on the plot plan by Tract and Lot Number
 - ☐ Provide a copy of a recent (within six months of the submittal date) preliminary title report for all property in which development is proposed
- ☐ **4. Site Plans: Submitted electronically as an attachment to eTRAKiT.**
(Containing the following information)
- ☐ Vicinity map which clearly shows the location of the site
 - ☐ Title Block (name and address or property owner of record)
 - ☐ Scale, north arrow and date prepared

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- ☐ Property lines of building site and their dimensions
- ☐ Ultimate street right-of-way lines designated
- ☐ Streets: location, name, and width, and existing improvements including sidewalks and bike facilities

☐ **5. Site Plans Submitted electronically as an attachment to eTRAKiT.**

- ☐ Identify all easements: locations, purpose, and width on site plan
- ☐ Buildings: existing and proposed, location and size, showing distances from property lines, existing and proposed rooflines
- ☐ Access: (driveways, etc.) existing and proposed location, add dimensions and materials
- ☐ Fencing, non-retaining walls: existing and proposed, type, location, height, and materials
- ☐ Retaining walls existing or proposed: type, location, height, and materials
- ☐ Topography, showing existing and proposed grades

*Refer to [Section 9.07.020\(b\)\(4\)](#) and Section [9.07.020\(b\)\(5\)](#) for additional site design criteria.

☐ _____.

☐ **6. Development Plans: Submitted electronically as an attachment to eTRAKiT.**

(Fully dimensioned and containing the following information)

Elevations:

- ☐ Provide views of elevations for all areas of improvement
- ☐ Indicate height limit and proposed height on elevations
- ☐ Height dimensioned from lowest point of structure
- ☐ Height dimensioned above grade
- ☐ All roof mounted equipment and screening locations

☐ **7. Additional Materials: Submitted electronically as an attachment to eTRAKiT.**

- ☐ **System Coverage Map-** Map showing existing and proposed coverage area
- ☐ **Computerized Visual Assessment-** Photo simulations before and after visual effects of proposed facility
- ☐ **Radio Frequency Report by qualified RF Engineer-** Applicant shall submit a report demonstrating that the proposed facility, as well as any co-located facilities complies with the current Federal RF emission standards. An radio-frequency testing report shall be required of all proposed facilities after the initial installation and once the site is operable to demonstrate that they are in compliance with government safety standards prior to final sign off of permits. *Provide qualifications of engineer providing report, including, but not limited to resume, licenses, and certifications indicating expertise in preparing report.
- ☐ **Technical Report demonstrating signal strength (with exhibits) for the proposed antenna facility**

Minor AUP

- ☐ **Required Findings-** (attached) **Complete and Submit electronically as an attachment to eTRAKiT.**
- ☐ **Stealth Installation Compliance Statement-** Applicant shall submit a statement which discusses how the proposed antenna facility complies with all of the stealth design criteria

Major AUP

- ☐ **Required Findings-** (attached) **Complete and Submit electronically as an attachment to eTRAKiT.**
- ☐ **Stealth Installation Non-Compliance Statement-** Applicant shall submit a statement which discusses how the proposed antenna facility cannot comply with the stealth design criteria
- ☐ **Exceptional Case Approval Documentation-** The applicant shall submit documents that conclusively demonstrate that the carrier is technically unable to satisfy system coverage objectives by any other means that would be consistent with the regulations adopted. The report shall be reviewed by a third

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party wireless telecommunication consultant to confirm accuracy of submitted documentation. Include a written statement that discusses why the proposed antenna facility cannot comply with all of the stealth design criteria described in Section 9.07.020(b) (5). If a Variance from the setback requirements is required, describe why the antenna facility cannot meet the setback requirements described in Section 9.07.020.

- ☐ **Exceptional Case Approval Findings-** (see attached)

- ☐ **8. Reduced Plans (11"x17") Complete and Submit electronically as an attachment to eTRAKiT.**
 - ☐ (1) Copy of Site Plans
 - ☐ (1) Copy Development Plans

- ☐ **9. Notification Package: Submit Certified List and Assessor Maps as an attachment to eTRAKiT.**
 - ☐ One copy of a certified list of the names and addresses of all owners (including all condominium unit owners) within a **500-foot radius** of the exterior boundary of the subject property prepared for the latest tax rolls
 - ☐ (2) sets of printed address labels for all properties within a **500-foot radius**
 - ☐ Copies of the Assessor's maps including properties and area within the 500-foot radius
 - ☐ Postage for mailing of notifications

 - ☐ **300-foot Radius (Non-Appealable Jurisdiction)**
 - ☐ One copy of a certified list of the names and addresses of all owners (including all condominium unit owners) within a **300-foot radius** of the exterior boundary of the subject property prepared for the latest tax rolls
 - ☐ (2) sets of printed address labels for all properties within a **300-foot radius**
 - ☐ Copies of the Assessor's maps including properties and area within the 300-foot radius
 - ☐ Provide the number count of labels

- ☐ **10. Photographic log of existing conditions: Complete and Submit electronically as an attachment to eTRAKiT.**
 - ☐ Front elevation of project site
 - ☐ Front elevation of the properties adjacent to the project site
 - ☐ Front elevation of properties directly across the street from subject property
 - ☐ Side elevations to properties adjacent to the subject property
 - ☐ Rear elevation of project site

B. NOTICE TO APPLICANTS:

1. To file an application, the applicant or his agent needs to submit the above noted application materials to the City's eTRAKiT portal. After a Staff Planner has briefly reviewed the plans and application to assure all the basic items are included and in requested format, and the fees have been paid, the project will be deemed filed.

2. Once filed, the project will be assigned to one of the City of Dana Point's Planners. The assigned Planner will be responsible for managing the City's review of the proposed project.

3. Acceptance of the electronically submitted application by the City does not represent a complete application. California Government Code Section 65943 provides for 30 days in which the City can review the application and

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determine completeness. The applicant will be provided with a notification during this time period stating whether the application is complete or that additional items are necessary.

4. It is recommended that the applicant, representative, or property owner be present at all hearings.

5. All correspondence and reports will be provided to the project applicant/authorized agent only.

6. Deficiencies and Refunds. The following provisions apply when full payment has not been made for an application or when an application is withdrawn:

- If any application is withdrawn, as provided in Section **9.61.070**, **within** 30 days from the date the application is filed, but prior to the publication of the notice of hearing, the City shall refund 50% of the fees paid.
- If any application is withdrawn, as provided in Section **9.61.070** **after** 30 days from the date the application is filed, but prior to the publication of the notice of hearing, the City shall refund 25% of the fees paid.
- No refund shall be made after the notice of public hearing has been published.
- If the application fee is a deposit based on an hourly rate, the refund will be the difference between the time expended by the City and the amount of the deposit.

7. If you have any questions regarding the above, please call the Planning Department at (949) 248-356



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REQUIRED FINDINGS

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- I. **Antenna Use Permit Required Findings.** The following are the required findings for every Antenna Use Permit.

Briefly describe how your proposal complies with the following:

1. That the proposed antenna facility will not create any significant or meaningful blockage to public views.

2. That the proposed antenna facility will be an enhancement to the City due to its ability to provide additional communication capabilities.

3. That the proposed antenna facility will be aesthetically integrated into its surrounding environment.

4. That the proposed antenna facility will not interfere with the reception or transmission of other wireless telecommunication signals with the surrounding community.

5. That the proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities.

6. That the public need for the use of the antenna facility has been documented.



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EXCEPTIONAL CASE APPROVAL FINDINGS

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II. In addition to the above findings, the following findings are also required when relevant for **Exceptional Case Approvals.**

1. That the proposed antenna facility cannot be implemented with the use of a freestanding antenna facility.

2. That the proposed antenna facility cannot reasonably operate without being located within the setbacks from residential uses, classrooms and scenic highways as established in this ordinance.

3. That the Carrier acknowledges that they shall be responsible for any damage or injuries that result from hazards with Fall Zones or otherwise from such freestanding facility.



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JUSTIFICATION STATEMENT FOR VARIANCE REQUESTS

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- III. The Planning Commission may grant a **Variance**, with such conditions as are found necessary to protect the public health, safety, and general welfare and assure compliance with the provisions and standards included in Title 9 of the Dana Point Municipal Code, provided the following findings can be made.

Briefly describe how your proposal complies with the following:

1. The strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of Title 9.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district.

3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints.

4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints.

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5. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience.

6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone.

8. For a Variance to regulations for off-street parking facilities or off-street loading facilities, the following additional findings shall be made:

- ☐ That neither the present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require the strict or literal interpretation and enforcement of the specified regulation(s).
- ☐ That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- ☐ That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of Title 9 of the Dana Point Municipal Code.

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9. That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.

10. Locating the antenna or satellite dish antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or, the cost of meeting the specifications of this section is excessive given the cost of the proposed antenna.

11. The variance application includes a certification that the proposed installation is in conformance with applicable City Building regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions within the building's support structure and certified by a registered engineer.

12. If it is proposed that the antenna or satellite dish antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be consistent with neighboring improvements, uses and architectural character.
