



# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

**CH-1**

**H-2**

March 13, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration ND-11-17;

Declare an Ordinance amending Chapter 21.56 (Wireless Telecommunications Facilities) and Title 15 (Public Utilities) of the Long Beach Municipal Code read for the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program; and,

Adopt a Resolution authorizing the City Manager, or designee, to execute License Agreements, and any necessary amendments, with wireless telecommunication providers and carriers, for the non-exclusive use of City-owned properties for wireless telecommunications facilities, for ten-year terms. (Citywide)

## DISCUSSION

On February 15, 2018, the Planning Commission adopted Negative Declaration ND-11-17 and approved a Zoning Code Amendment (ACA17-008) and Local Coastal Program Amendment (LCPA 17-001) to remove from Title 21 of the Long Beach Municipal Code (LBMC) those provisions that relate to the regulations of wireless telecommunications facilities in the public right-of-way (ROW). The regulation of wireless telecommunications facilities in the public ROW will now fall under Title 15 of the LBMC and be under the jurisdiction of the Department of Public Works (PW), which will review all applications related to the installation of such facilities in the public ROW. The Department of Development Services will continue to regulate the installation of wireless telecommunications facilities that are outside the public ROW, pursuant to Chapter 21.56 of the LMBC.

In addition to shifting departmental responsibility, this action follows through a series of substantial Ordinance changes that began last year. On May 2, 2017, the City Council adopted a Zoning Code Amendment for time-critical regulations for small cell wireless telecommunications facilities. These facilities, which are commonly located on City infrastructure such as street lights, are often referred to as small cells. This amendment was intended to be a short-term patch to implement several aesthetic standards and regulations, with the understanding that a more complete Ordinance would follow. Since then, City staff has collaborated to produce a comprehensive Ordinance regulating small cells in the ROW that

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March 13, 2018

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addresses not only design and aesthetic standards, but sets forth a new streamlined review and approval process.

Before 2016, wireless development was occurring principally through macro wireless telecommunications facilities on monopoles, building rooftops, or electrical transmission towers. Most of these facilities are large and located on private property. To date, there are over 120 macro wireless telecommunications facilities in the City and provide broad area coverage to the wireless carriers' customers throughout Long Beach.

Small cells are often located in the public ROW. They are placed on existing or new poles, such as street lights, and are considerably smaller in scale than macro facilities. They consist of a single small omnidirectional antenna, or up to three small panel antennas concealed behind a cylindrical shroud at the top of a pole, inside of the pole, or in an underground vault (Exhibit A). These small cells fill small- and intermediate-sized gaps in the carriers' macro coverage. They also provide for greater communications capacity in areas of existing macro coverage, as necessary, to accommodate the significant increases in data consumption over wireless networks.

In 2016, the wireless telecommunications industry shifted to large-scale deployment of small cells. With the sudden increase in the volume of applications for wireless telecommunications facilities in the public ROW, it became apparent that the City's regulations for small cells needed to be updated to ensure a balance between the City's visual and aesthetic standards, and the demand and desire for more abundant access to wireless services. Among other issues, the previous small cell regulations did not contain sufficient development standards to avoid visual clutter on the City's vertical infrastructure. Staff in PW and the City Attorney's Office worked with the Planning Bureau of the Development Services Department to update wireless ROW regulations to better respond to the current market for small cell development.

The 2017 regulations in Chapter 21.56 of the LBMC provided more appropriate aesthetic and location standards for Long Beach residents and stakeholders, while providing increased clarity of regulations and efficiency of processing for the wireless industry. The 2017 Ordinance implemented the most crucial changes and allowed City staff time to develop a more comprehensive update of the wireless telecommunications regulations, while also allowing aesthetically-appropriate small cell projects to proceed.

The proposed Ordinance amending Chapter 21.56 (Wireless Telecommunications Facilities) and Title 15 (Public Utilities) of the LBMC completes this effort (as to ROW installation) by establishing comprehensive regulations for small cells in the ROW, and creates a streamlined, uniform review process based on the best practices of several other jurisdictions at the forefront of wireless ROW regulation. The proposed Ordinance includes new standards for location, size, intensity, and aesthetics of wireless small cells. Sites meeting the stricter development and location standards are eligible for ministerial (by-right) approvals. More discretionary (conditional) approval processes are reserved for circumstances when aesthetic and other considerations require site-specific analysis. The proposed Ordinance also creates consistent expectations and gives the City the ability to expeditiously permit these technological infrastructure projects while protecting the City's vital interests in its visual environment and public ROW.

Most small cells consist of two components: an antenna and associated equipment. The proposed Ordinance sets the preferences for the small cell antenna to be placed on an existing street light pole, replacement street light pole, or an existing structure other than a street light pole or utility pole in the public ROW. As a last resort, small cells may be allowed on an existing wood pole, new wooden poles may not be installed, but only if the applicant is able to show that all higher preferences are infeasible. For the required small cells equipment (e.g., radio units, power supplies, voltage converters, etc.), the preference is that they be located within a below-grade equipment vault, enclosed at the base or skirt of the pole, or on the utility pole itself. As a last resort, a new equipment enclosure mounted at grade may be allowed, but only if the applicant is able to show that all higher preferences are infeasible.

Review of applications for new small cells in the public ROW will be split into two categories: Tier A and Tier B. Tier A applications are for proposed facilities that applicants have demonstrated would not significantly detract from any of the defining characteristics of the neighborhood. Staff review of Tier A applications should take no more than 20 business days to process following receipt of a completed application. Tier B applications require additional review, as the proposed location is within, or adjacent to, a protected location. For Tier B applications, a finding that the proposed wireless telecommunications facility would not significantly detract from any of the defining characteristics of that protected location will be necessary. Staff review of Tier B applications should take no more than 40 business days to process following receipt of a completed application. Protected locations proposed under the Ordinance include, Planning Protected Locations, Coastal Zone Protection Locations, or Zoning Protected Locations, as defined in the City's General Plan.

Since February 15, 2018, City staff has made significant revisions to the proposed Ordinance as a response to public comments received before and during the Planning Commission hearing. Staff has also continued to meet with stakeholders on the proposed Ordinance. Major revisions to the proposed Ordinance since the Planning Commission Hearing, include, but are not limited to:

- Removal of the absolute prohibition to place small cells on wooden poles;
- Clarified that equipment on poles is allowed if undergrounding equipment is infeasible;
- Removal of restrictions associated with the installation of small cells near schools or parks;
- Clarified that manufacturers specification sheets may be used in lieu of noise studies if they prove that the equipment will not exceed the noise threshold.

In addition, for wireless telecommunication providers and carriers that wish to use City-owned property, such as street light poles, they will each be required to enter into a License Agreement with the City. As part of the License Agreement, the licensees will be responsible for installation, maintenance, bonding and insurance, restrictions on transfers, and other obligations. To compensate the City for use of street light poles and other City-owned facilities in the ROW, the licensees shall provide the City with negotiated annual license fees, proposed at \$3,000 per site, and/or other valuable non-monetary considerations.

In accordance with the California Environmental Quality Act, Mitigated Negative Declaration No. ND-11-17 was issued and circulated, and adopted by the Planning Commission on February 15, 2018 (Exhibit B).

A Notice of Public Hearing was published in the local newspaper of record, as required, on February 26, 2018, and no responses were received as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

This matter was reviewed by Deputy City Attorney Linda T. Vu on and by Budget Analysis Officer Julissa José-Murray on March 1, 2018.

TIMING CONSIDERATION

City Council action is requested on March 13, 2018, to move forward with the implementation of a more streamlined process for review and approval of applications for small cells throughout the City, while protecting the City's interests in the visual environment and public ROW.

FISCAL IMPACT

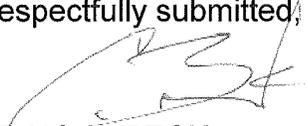
The proposed Ordinance includes a component where telecommunication companies would pay a \$3,000 annual license fee per site for use of City facilities in the public ROW. The amount generated by the executed annual license fee will depend on the total approved locations and is unknown at this time.

Approval of this recommendation will provide continued support to the local economy. The number of local jobs created by this action is not known.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
CRAIG A. BECK  
DIRECTOR OF PUBLIC WORKS

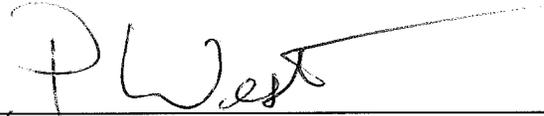


TOM MODICA  
INTERIM DIRECTOR OF DEVELOPMENT  
SERVICES

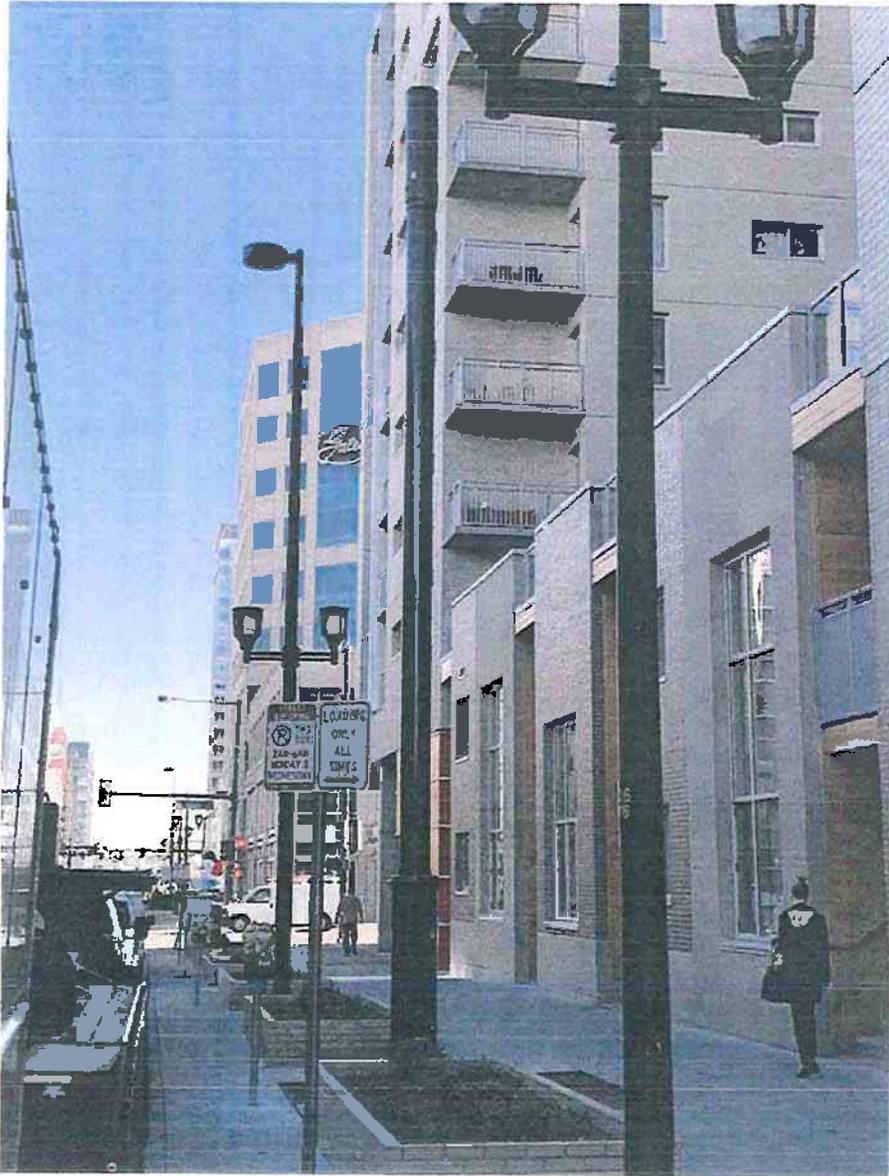
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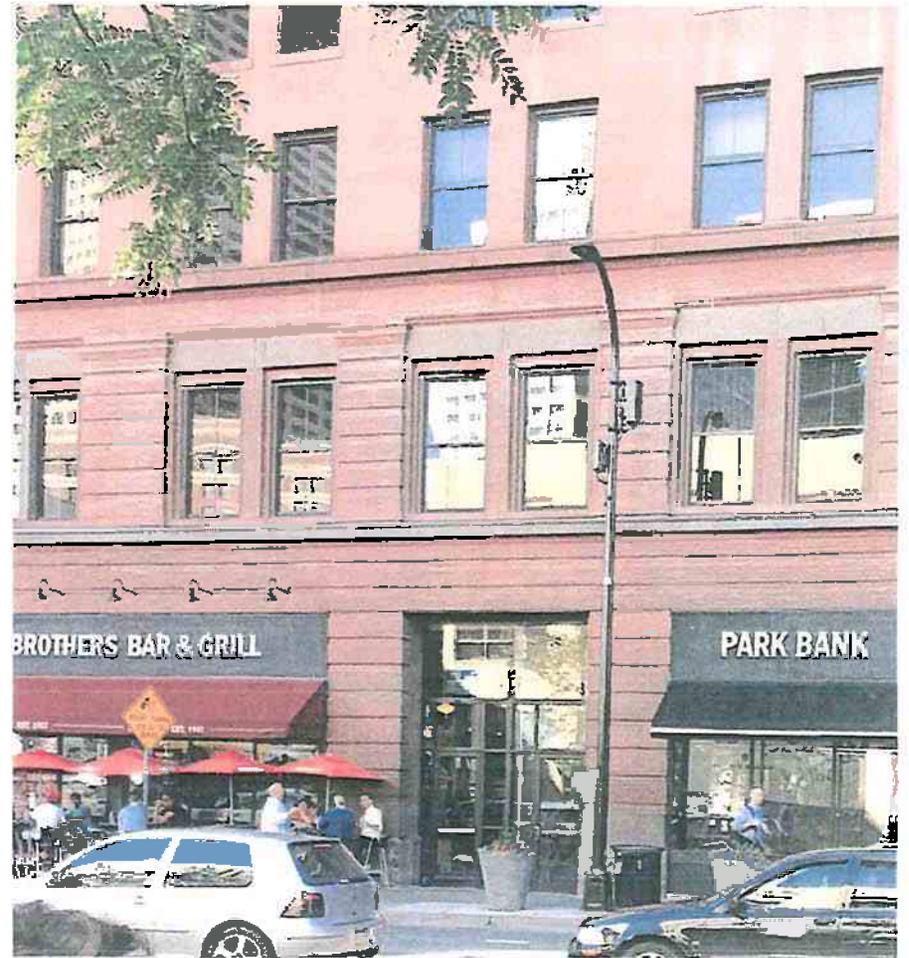
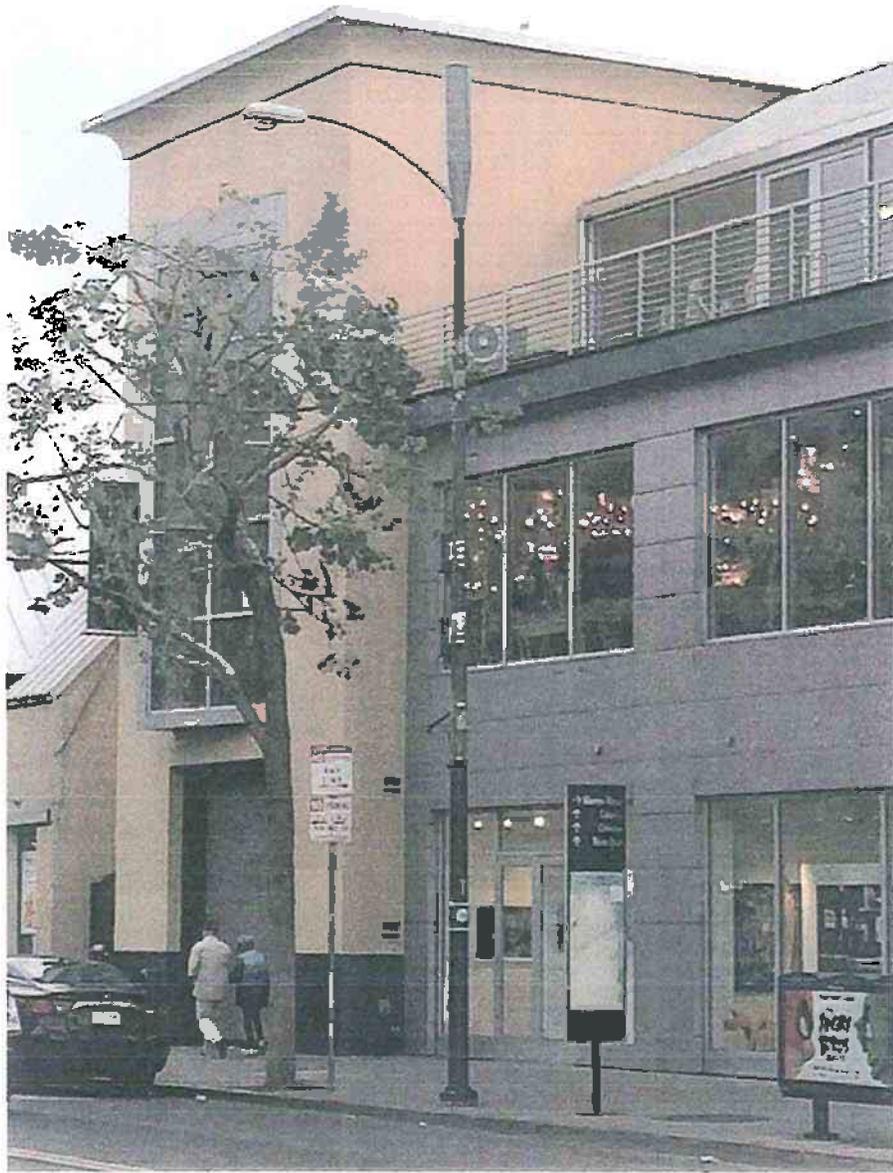
ATTACHMENTS: EXHIBIT A – SMALL CELL PHOTOS  
EXHIBIT B - NEGATIVE DECLARATION ND-11-17  
CITY COUNCIL ORDINANCE  
CITY COUNCIL RESOLUTIONS

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

# EHXIBIT A







**Long Beach  
Wireless Telecom Facilities  
Municipal Code Amendment**

**NEGATIVE DECLARATION**

**ND 11-17**

*Prepared by:*

**City of Long Beach  
Department of Development Services  
Planning Bureau**

## INITIAL STUDY

**Project Title:**

Long Beach Wireless Telecom Facilities Municipal Code Amendment

**Lead agency name and address:**

City of Long Beach  
333 W. Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802

**Contact person and phone number:**

Craig Chalfant, Senior Planner  
(562) 570-6368

**Project Location:**

City of Long Beach, County of Los Angeles, California.

**Project Sponsor's name and contact information:**

City of Long Beach, Long Beach Development Services  
c/o Christopher Koontz  
333 W. Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 570-6288

**General Plan:**

The proposed Wireless Telecom Facilities Municipal Code Amendment would cover the public right-of-way in all General Plan Land Use Districts, Specific Plans and Planned Development (PD) districts in the City of Long Beach.

**Zoning:**

The proposed Municipal Code Amendment applies to the public right-of-way in all zoning districts in the City of Long Beach.

**Project Description:**

The City of Long Beach has initiated a Municipal Code Amendment pertaining to the City's regulation of wireless telecommunications facilities in the public right-of-way. These facilities are sometimes known as "small cells," in contrast to the larger sites commonly located on non-right-of-way properties (termed "macro cells"). Small cells are typically sited on "vertical infrastructure" in the public right-of-way, such as street light standards. A small cell may consist of several different implementations: 1) a single integrated radio/power converter/antenna unit no larger than a small briefcase mounted on the subject pole, 2) A single or multiple-carrier omnidirectional antenna unit, with one or several separate radio units, and a separate power converter unit, all mounted on the subject pole, or 3) Several small (4'-0" or less) panel antennas, with one or several

separate radio units, and separate power converters and equipment cabinets, mounted either on the subject pole, or at grade in the public right-of-way.

The scope of this Municipal Code Amendment is limited only to wireless telecommunications facilities located in the public right-of-way, and does not change or affect regulations for wireless facilities on non-right-of-way property, public or private.

This proposed Code Amendment would remove the regulations for wireless telecommunications sites in the public right-of-way from Section 21.56.130 in Title 21 (Zoning) of the Long Beach Municipal Code (LBMC), and establish revised regulations in LBMC Title 15 (Public Utilities), under a new Chapter 15.34 – Wireless Telecommunications Facilities in the Public Rights of Way. Administration of these revised regulations and permitting process would transfer from the Department of Development Services to the Department of Public Works.

The revised regulations would change the permitting process for wireless sites in the right-of-way from a quasi-discretionary administrative permitting process to a ministerial permitting process in most cases. Currently, under LBMC Section 21.56.130 regulations, an application for a wireless site in the right-of-way is subject to an “administrative review” to determine compliance with the zoning regulations for such wireless sites. This has been carried out under the authority of the Site Plan Review (SPR) Committee, a quasi-discretionary decision-making body similar to an internal design review board. The SPR Committee is composed of the Director of Development Services and two planning officers designated by the Director (LBMC Section 21.21.105.D). Under the proposed Municipal Code Amendment, the permitting process for wireless sites in the public right-of-way would become a by-right/ministerial process carried out by the staff of the Department of Public Works in most cases. In certain other cases, where a wireless facility is proposed in a “protected location,” the determination of approval or denial by the Public Works Department would be appealable to the City Council.

Under this Municipal Code Amendment, the development standards for wireless sites in the right-of-way would be slightly more restrictive than those currently in place under LBMC Section 21.56.130, largely in the areas of aesthetics and protection of the public right-of-way for pedestrian/cyclist circulation and safety.

**Surrounding land uses and settings:**

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach.

**Public agencies whose approval is required:**

Long Beach Planning Commission (recommend City Council adopt Negative Declaration 11-17 and approve Application No. 1712-01)

Long Beach City Council (adopt Negative Declaration 11-17 and approve Application No. 1712-01)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Craig Chalfant  
Senior Planner

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Date

## **EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Supporting information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) The explanation of each issue should identify:
  - a) The significance criteria or threshold. If any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

**I. AESTHETICS**

**a. Would the project have a substantial adverse effect on a scenic vista?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The proposed Wireless Telecom Facilities Municipal Code Amendment (Wireless Telecom MCA) would not result in significant adverse effects to any scenic vistas or public views of scenic vistas. The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of the San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility (primarily during the winter months).

The Wireless Telecom MCA involves amendments to the City's Municipal Code regarding the regulation of massage establishment land uses. Implementation of the proposed Wireless Telecom MCA would allow for the orderly operations of massage establishments in a manner providing greater public protection from potential adverse effects of such land use operations (e.g., operating in unsanitary conditions). This proposed project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of this environmental issue is necessary.

**b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no State scenic highways located within the City. No scenic resources, trees or rock outcroppings would be damaged as a result of Wireless Telecom MCA implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

**c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section I.a. and b. above for discussion.

**d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

All future massage establishment operations would be required to comply with all applicable regulations, including Long Beach Municipal Code Chapter 9.37 (Long Beach Nuisance Code). Since Wireless Telecom MCA implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

**II. AGRICULTURE RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

**a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**c. Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

For Sections II. a., b. and c. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century. The Wireless Telecom MCA would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

### III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

**a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with the growth forecasts for the subregion in which it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. Since the Wireless Telecom MCA does not propose any specific developments or growth inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no further analysis is required.

**b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Wireless Telecom MCA implementation would not significantly lower air quality standards or contribute to an air quality violation. Therefore, the Wireless Telecom MCA impact on air quality would be less than significant and no further environmental analysis is required.

**c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections III.a. and b. above for discussion.

**d. Would the project expose sensitive receptors to substantial pollutant concentrations?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including, schools, hospitals, and senior care centers, are located throughout the City. The Wireless Telecom MCA proposes specific

permit and operating requirements to protect the public from any potential adverse effects of massage establishments. Please see Sections III.a. and b. above for further discussion.

**e. Would the project create objectionable odors affecting a substantial number of people?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction include use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The Wireless Telecom MCA would not allow operations that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

**IV. BIOLOGICAL RESOURCES**

**a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The Wireless Telecom MCA would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

**b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Land uses subject to this proposed project would occur in established urbanized areas and would not remove or impact any riparian habitat or other sensitive natural communities. No further environmental analysis is required.

- c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future Wireless Telecom MCA implementation would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

- d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future Wireless Telecom MCA implementation would occur in established urbanized areas and would not alter or adversely impact any native resident or migratory fish or wildlife species, corridors or nursery sites. No further environmental analysis is required.

- e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Wireless Telecom MCA implementation would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

**f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV.a. through e. above for further discussion.

**V. CULTURAL RESOURCES**

**a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (with the exception of areas such as protected park lands) have been previously disturbed and/or developed. The Wireless Telecom MCA would not promote, encourage or enable projects or activities that could remove, degrade or in any way adversely impact local historic resources. No further environmental analysis is required.

**b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would establish special facilities and operating requirements for massage establishments. Wireless Telecom MCA implementation would not result in any specific construction activities involving

extensive excavation, and therefore would not be anticipated to affect or destroy any archaeological resources due its geographic location. Please see Section V.a. above for further discussion.

**c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA does not propose any projects that would be anticipated to result in extensive excavation that could adversely impact any paleontological resources or geologic features. Please see Sections V.a. and b. above for further discussion.

**d. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA does not propose any projects that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment. Please see Sections V.a. through c. above for further discussion.

**VI. GEOLOGY AND SOILS**

**a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, the most significant fault system in the City is the Newport-Inglewood fault zone. This fault zone runs in a northwest to southeast angle across the southern half of the City.

All land uses subject to the provisions of this project would be required to comply with applicable building codes that account for the possibility of seismic events. No further environmental analysis is necessary.

**ii) Strong seismic ground shaking?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VI.a.i. above for further discussion.

**iii) Seismic-related ground failure, including liquefaction?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is located in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VI.a.i. above for further discussion.

**iv) Landslides?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than

1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VI.a.i. above for further discussion.

**b. Would the project result in substantial soil erosion or the loss of topsoil?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

All land uses subject to the regulations of this proposed project would be required to adhere to all applicable construction standards regarding erosion control, including best management practices to minimize runoff and erosion impacts from earth-moving activities such as excavation, recontouring and compaction. No further environmental analysis is necessary.

**c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VI.b. above for discussion. All land uses subject to the regulations of this project would be constructed in compliance with all applicable building code requirements regarding soil stability.

**d. Would the project be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections VI.b. and c. above for explanation.

**e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The entire City is served by an existing sewer system and therefore has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

## VII. GREENHOUSE GAS EMISSIONS

### a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The Wireless Telecom MCA would not result in direct or indirect significant GHG impacts, but rather would establish special facilities and operating requirements for massage establishments. No further environmental analysis is needed.

### b. Would the project conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VII.a. above for discussion. The proposed project would not permit any land use operations that would conflict with any plans, policies or regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

**a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The types of land uses which would be subject to the provisions of this proposed project would not be anticipated to involve any substantial transport, use or disposal of any hazardous materials. In addition, any future handling and disposal of hazardous or potentially hazardous materials would be in full compliance with Long Beach Municipal Code Sections 8.86 through 8.88 as well as all existing State safety regulations. No further environmental analysis is required.

**b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VIII.a. above for discussion.

**c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VIII.a. above for discussion.

**d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Any future land uses that would be regulated by the provisions of this proposed project would not create any significant hazards to the public or the environment by operating at a location included in the Cortese List. Please see Section VIII.a. above for further discussion.

**e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The Wireless Telecom MCA would not alter air traffic patterns or encourage future projects that could conflict with established Federal Aviation Administration (FAA) flight protection zones. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. Please see Section VIII.a. above for further discussion.

**f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

**g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required.

**h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The City is a highly urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires. No further environmental analysis is required.

**IX. HYDROLOGY AND WATER QUALITY**

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

**a. Would the project violate any water quality standards or waste discharge requirements?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would be consistent with all chapters of the General Plan, including the Conservation Element. All massaging establishments would be required to be in full compliance with all applicable federal, State and local water quality standards and regulations. No further environmental analysis is required.

**b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would**

**be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.a. above for discussion. The City is a highly urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

**c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The proposed Wireless Telecom MCA does not encourage or enable any alterations to existing drainage patterns or to the course of streams or rivers. Please see Section IX.a. above for further discussion.

**d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion.

**e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion. The City's existing storm water drainage system is adequate to accommodate runoff from any future land uses subject to the Wireless Telecom MCA provisions. The Wireless Telecom MCA would not adversely affect provisions for retention and infiltration of stormwater consistent with the City's Low Impact Development (LID) policies.

**f. Would the project otherwise degrade water quality?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion. All future massaging establishments would be subject to all applicable water quality standards, regulations and best management practices.

**g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

According to the Federal Emergency Management Agency (FEMA), most of Long Beach is located in Zone X, which is outside of the 100 year flood hazard area. The proposed project applies to certain permitted by-right land uses only and would not directly or indirectly result in placing any residential land uses in flood hazard areas. No further environmental analysis is necessary.

**h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.g. above for discussion.

**i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.g. above for discussion. The City of Long Beach is not located in the proximity of a levee or dam.

**j. Would the project result in inundation by seiche, tsunami or mudflow?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

According to Plate 11 of the Seismic Safety Element, the majority of Long Beach is not within a zone influenced by the inundation of seiche, tsunami, or mudflow. Potential tsunami hazards would be limited to properties and public improvements near the coastline. The proposed project would not result in any increased risk of inundation to any properties. Please see Section IX.g. for further discussion.

**X. LAND USE AND PLANNING**

**a. Would the project physically divide an established community?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA establishes facilities and operating requirements for massage establishments. The proposed regulations would not directly or indirectly divide any established community, but rather would provide controls on massage establishments that would protect the public from potential adverse effects (e.g., operating in unsanitary conditions). No further environmental analysis is required.

**b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

See Section X.a. above for discussion. The Wireless Telecom MCA would not conflict with the City's General Plan. The proposed project would amend sections of the Municipal Code related to wireless telecom facilities. Upon adoption, the Wireless Telecom MCA would not conflict with other sections of the Municipal Code or any other applicable land use plans and policies. Impacts to existing local regulations would therefore be less than significant.

**c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

See Sections X.a. and b. above for discussion. The City is a highly urbanized environment characterized by in-fill development projects that recycle previously developed properties. No habitat conservation plan or natural communities conservation plan would be impacted by project implementation.

**XI. MINERAL RESOURCES**

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

**a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by implementation. No further discussion is required.

**b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XI.a. above for discussion.

**XII. NOISE**

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than are commercial and industrial land uses.

**a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future construction activities related to land uses subject to the provisions of this project could involve various types of short-term noise impacts from trucks, earth-moving equipment, and paving equipment. However, all construction activities and land use operations must be performed in compliance with the City's Noise Ordinance (Long Beach Municipal Code Section 8.80). Wireless Telecom MCA implementation would not alter the Noise Ordinance provisions or exempt any future land uses or improvement projects from local noise controls. The local Noise Ordinance would continue to regulate all future land use construction and operational noise levels. No further environmental analysis of this issue is necessary.

**b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion. All future Wireless Telecom MCA implementation would occur in compliance with local noise and vibration controls.

**c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion.

**d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion.

**e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Long Beach Airport is located within the City just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. The Wireless Telecom MCA would not alter air traffic patterns or encourage developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. No further environmental analysis is necessary.

**f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

**XIII. POPULATION AND HOUSING**

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

**a. Would the project induce substantial population growth in an area, either directly or indirectly?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA sets forth special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth. No further environmental analysis is required.

**b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace existing residential units in the City. No further environmental analysis is required.

**c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XIII.b. above for discussion. The Wireless Telecom MCA does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace people residing in the City.

#### XIV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol. The City is divided into four Patrol Divisions: East, West, North and South.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

**Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

**a. Fire protection?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA sets forth special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. No further environmental analysis is required.

**b. Police protection?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Wireless Telecom MCA would not significantly increase demands for police protection service, nor require provision of new police facilities.

**c. Schools?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Wireless Telecom MCA would not result in any significant increased demand for public school services or facilities.

**d. Parks?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Wireless Telecom MCA would not generate any significant additional demand for provision of park services or facilities by the City.

**e. Other public facilities?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

No other impacts have been identified that would require the provision of new or physically altered governmental facilities.

**XV. RECREATION**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA establishes special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

**b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XV.a. above. No further environmental analysis is required.

## **XVI. TRANSPORTATION/TRAFFIC**

**a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA establishes special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population or employment growth that could result in increased number of vehicle trips, volume to capacity ratios, or traffic congestion. No further environmental analysis is required.

**b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XVI.a. for discussion. Since the Wireless Telecom MCA would not encourage or plan for significant traffic growth, there would be no significant impacts on levels of service.

**c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA regulatory requirements would have no impact on air traffic patterns. No further environmental analysis is required.

**d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would not create or encourage any hazardous transportation related design features or incompatible uses. No further environmental analysis is required.

**e. Would the project result in inadequate emergency access?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would not propose or encourage any specific land uses or development projects or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. No further environmental analysis is required.

**f. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA would not propose or encourage any specific land uses or development projects or transportation network modifications that would conflict with adopted policies supporting alternative transportation. No further environmental analysis is required.

## **XVI. TRIBAL CULTURAL RESOURCES**

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:**

- a. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k)?**

Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section V. above. Wireless Telecom MCA implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. No further environmental analysis is required.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section Via. above. No further environmental analysis is required.

**XVIII. UTILITIES AND SERVICE SYSTEMS**

**a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**d. Would the project have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

For Sections XVIII.a. through g. The Wireless Telecom MCA regulatory requirements would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies and programs for future growth. No further environmental analysis is necessary.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

**a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the Wireless Telecom MCA would have no significant adverse impacts on biological or cultural resources. The proposed project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

**b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that**

**the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Wireless Telecom MCA regulatory requirements would not contribute to any cumulative growth effects beyond what is anticipated for the City's future in the General Plan.

**c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The land use requirements of this proposed project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that the proposed Wireless Telecom MCA can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Lona Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING AND RESTATING  
CHAPTER 21.56; AND BY ADDING CHAPTER 15.34, ALL  
RELATING TO WIRELESS TELECOMMUNICATIONS  
FACILITIES

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 21.56 of the Long Beach Municipal Code is amended  
and restated to read as follows:

Chapter 21.56

WIRELESS TELECOMMUNICATIONS FACILITIES

21.56.010 Purpose and objectives.

The purpose of this Chapter is to regulate the establishment and  
operation of Wireless Telecommunications Facilities within the City of Long  
Beach, consistent with the General Plan, and with the intent to:

A. Allow for the provision of wireless communications services  
adequate to serve the public's interest within the City;

B. Require, where feasible and consistent with the City's  
aesthetic and planning objectives, the co-location of Wireless  
Telecommunications Facilities;

C. Minimize the negative aesthetic impact of Wireless  
Telecommunications Facilities, establish a fair and efficient process for  
review and approval of applications, assure an integrated, comprehensive

1 review of environmental impacts of such facilities, and protect the health,  
2 safety and welfare of the City of Long Beach;

3 D. Strongly encourage the location of Wireless  
4 Telecommunications Facilities in those areas of the City where the adverse  
5 aesthetic impact on the community is minimal;

6 E. Strongly encourage wireless telecommunications providers to  
7 configure all facilities in such a way that minimizes displeasing aesthetics  
8 through careful design, siting, landscaping, screening, and innovative  
9 camouflaging techniques;

10 F. Enhance the ability of the providers of telecommunications  
11 services to provide such services to the City quickly, effectively, and  
12 efficiently; and

13 G. Conform to all applicable federal and State laws.

14 21.56.020 Definitions.

15 In addition to all those terms defined in Chapter 21.15 of the Zoning  
16 Regulations, the following terms shall have the meanings set forth below, for  
17 the purposes of this Chapter:

18 A. "Abandoned." Notwithstanding the definition of "abandoned" in  
19 Section 21.15.030, a Wireless Telecommunications Facility use shall be  
20 considered abandoned if it is not in use for six (6) consecutive months.

21 B. "Applicable Law" means all applicable federal, state, and City  
22 laws, ordinances, codes, rules, regulations and orders, as the same may be  
23 amended or adopted from time to time.

24 C. "Co-location" means the placement or installation of Wireless  
25 Telecommunications Facilities, including antennas and related equipment  
26 onto an existing Wireless Telecommunications Facility in the case of  
27 monopoles, or onto the same building in the case of roof/building-mounted  
28 sites.

1           D.     “Co-location facility” means a Wireless Telecommunications  
2 Facility that has been co-located consistent with the meaning of "co-  
3 location" as defined above. It does not include the initial installation of a  
4 new Wireless Telecommunications Facility where previously there was  
5 none, nor the construction of an additional monopole on a site with an  
6 existing monopole.

7           E.     “Monopole” means any single freestanding pole structure  
8 used to support wireless telecommunications antennas or equipment at a  
9 height above the ground. This includes those poles camouflaged to  
10 resemble natural objects.

11          F.     “Public right-of-way” means any public highway, street, alley,  
12 sidewalk, parkway, and all extensions or additions thereto which is either  
13 owned, operated, or controlled by the City, or is subject to an easement or  
14 dedication to the City, or is a privately owned area within City's jurisdiction  
15 which is not yet dedicated, but is designated as a proposed public right-of-  
16 way on a tentative subdivision map approved by the City.

17          G.     “Residential/Institutional Planned Development (PD) District”  
18 means the following Planned Development Districts within the City of Long  
19 Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho  
20 Estates), PD-17 (Alamitos Land), PD-20 (All Souls), and PD-25 (Atlantic  
21 Avenue), as well as any future PDs designated as such in the PD  
22 Ordinance.

23          H.     “Roof/building-mounted site” means any Wireless  
24 Telecommunications Facility, and any appurtenant equipment, located on a  
25 rooftop or building, having no support structure such as a monopole or  
26 other type of tower.

27          I.     “Wireless Telecommunications Facility” means equipment  
28 installed for the purpose of providing wireless transmission of voice, data,

1 images, or other information including but not limited to, cellular telephone  
2 service, personal communications services, and paging services, consisting  
3 of equipment, antennas, and network components such as towers, utility  
4 poles, transmitters, base stations, conduits, pull boxes, electrical meters,  
5 and emergency power systems. "Wireless Telecommunications Facility"  
6 does not include radio or television broadcast facilities, nor radio  
7 communications systems for government or emergency services agencies.

8 21.56.030 Permit requirements for new Wireless Telecommunications  
9 Facilities.

10 All new Wireless Telecommunications Facilities shall meet the  
11 following standards and requirements:

12 A. Locations outside the public right-of-way. A Conditional Use  
13 Permit shall be required for the initial construction and installation of all new  
14 Wireless Telecommunications Facilities that are not co-location facilities  
15 and are outside the public right-of-way, in accordance with all Specific  
16 Procedures set forth in Chapter 21.21 and Chapter 21.25, Division II, of the  
17 Zoning Regulations, except as modified by this Chapter.

18 B. Roof/building-mounted facilities. All new Wireless  
19 Telecommunications Facilities that are not co-location facilities that are  
20 roof/building-mounted facilities shall also be subject to Site Plan Review in  
21 addition to the Conditional Use Permit requirement in Subsection  
22 21.56.030.A.

23 C. Locations in the public right-of-way. A Wireless Right-of-Way  
24 Facility Permit shall be required for the initial construction and installation of  
25 all new Wireless Telecommunications Facilities in accordance with all  
26 procedures set forth in Chapter 15.34.

27 21.56.040 Development and design standards for new Wireless  
28 Telecommunications Facilities that are not co-location

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facilities.

All new Wireless Telecommunications Facilities shall meet the following minimum standards:

A. Location. New Wireless Telecommunications Facilities shall not be located in Residential (R) or Institutional (I) zoning districts, or Residential/Institutional Planned Development (PD) Districts, unless the applicant demonstrates, by a preponderance of evidence, that a review has been conducted of other options with less environmental impact, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within a one (1) mile radius of the proposed facility. See Section 21.56.050 for additional application requirements;

B. Co-location required where possible. New Wireless Telecommunications Facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact;

C. Accommodation of co-location. Except where aesthetically inappropriate in the determination of the Staff Site Plan Review Committee, new Wireless Telecommunications Facilities shall be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible;

D. Additional development and design standards. Wireless Telecommunications Facilities also shall be subject to the additional design standards specified in Section 21.56.100.

1 21.56.050 Application requirements for new Wireless  
2 Telecommunications Facilities that are not co-location  
3 facilities.

4 In addition to the requirements set forth in Section 21.21.201 of the  
5 Zoning Regulations and Chapter 21.25 (Specific Procedures) of the Zoning  
6 Regulations, applicants for new Wireless Telecommunications Facilities  
7 shall submit the following materials regarding the proposed Wireless  
8 Telecommunications Facility:

9 A. Photo simulations. Photo simulations of the facility from  
10 reasonable line-of-sight locations from public roads or viewpoints;

11 B. Maintenance plan. A maintenance plan detailing the type and  
12 frequency of required maintenance activities, including maintenance of  
13 landscaping and camouflaging, if applicable;

14 C. Five year build-out plan. A description of the planned  
15 maximum five (5) year build-out of the site for the applicant's Wireless  
16 Telecommunications Facilities, including, to the extent possible, the full  
17 extent of Wireless Telecommunications Facility expansion associated with  
18 future co-location facilities by other wireless service providers. The  
19 applicant shall use best efforts to contact all other wireless service  
20 providers known to be operating in the City upon the date of application, to  
21 determine the demand for future co-locations at the proposed site, and, to  
22 the extent feasible, shall provide written evidence that these consultations  
23 have taken place, and a summary of the results, at the time of application.  
24 The City shall, within thirty (30) days of its receipt of an application, identify  
25 any known wireless service providers that the applicant has failed to contact  
26 and with whom the applicant must undertake their best efforts to fulfill the  
27 above consultation and documentation requirements. The location,  
28 footprint, maximum tower height, and general arrangement of future co-

1 locations shall be identified by the five (5) year build-out plan. If future co-  
2 locations are not technically feasible, a written explanation shall be  
3 provided;

4 D. Nearby facilities. Identification of existing Wireless  
5 Telecommunications Facilities within a one (1) mile radius of the proposed  
6 location of the new Wireless Telecommunications Facility, and an  
7 explanation of why co-location on these existing facilities, if any, is not  
8 feasible. This explanation shall include such technical information and other  
9 justifications as are necessary to document the reasons why co-location is  
10 not a viable option. The applicant shall provide a list of all existing  
11 structures considered as alternatives to the proposed location. The  
12 applicant shall also provide a written explanation for why the alternatives  
13 considered were either unacceptable or infeasible. If an existing Wireless  
14 Telecommunications Facility was listed among the alternatives, the  
15 applicant must specifically address why the modification of such Wireless  
16 Telecommunications Facility is not a viable option. The written explanation  
17 shall also state the radio frequency coverage and capacity needs and  
18 objectives of the applicant, and shall include maps of existing coverage and  
19 predicted new coverage with the proposed facility;

20 E. Availability for co-location. A statement that the proposed  
21 Wireless Telecommunications Facility is available for co-location, or an  
22 explanation of why future co-location is not technically feasible;

23 F. RF report. A radio frequency (RF) report describing the  
24 emissions of the proposed Wireless Telecommunications Facility. The  
25 report shall demonstrate that the emissions from the proposed equipment  
26 as well as the cumulative emissions from the facility will not exceed the  
27 limits established by the Federal Communications Commission (FCC);

28 G. Alternative analysis. Applications for the establishment of new

1 Wireless Telecommunications Facilities inside Residential (R) or  
2 Institutional (I) zoning districts, Residential/Institutional Planned  
3 Development (PD) Districts, and residential or institutional General Plan  
4 Land Use Districts (LUDs) shall be accompanied by a detailed alternatives  
5 analysis that demonstrates that there are no feasible alternative  
6 nonresidential, non-institutional sites or combination of nonresidential, non-  
7 institutional sites available to eliminate or substantially reduce significant  
8 gaps in the applicant service provider's coverage or network capacity;

9 H. Height justification. An engineering certification providing  
10 technical data sufficient to justify the proposed height of any new monopole  
11 or roof/building-mounted site;

12 I. Deposit. A cash or other sufficient deposit for a third party  
13 peer review as required by this Chapter.

14 21.56.060 Entitlement, term, renewal and expiration.

15 A. Conditional Use Permits and other entitlements for Wireless  
16 Telecommunications Facilities, including approval of the five (5) year build-  
17 out plan as specified in Subsection 21.56.050.C, shall be valid for ten (10)  
18 years following the date of final action. A ten (10)-year term is prescribed for  
19 Conditional Use Permits for this class of land uses due to the unique nature  
20 of development, exceptional potential for visual and aesthetic impacts, and  
21 the rapidly changing technologic aspects that differentiate wireless  
22 telecommunications from other Conditional land uses allowed by the City.  
23 The applicant or operator shall file for a renewal for the entitlement and pay  
24 the applicable renewal application fees six (6) months prior to expiration of  
25 the permit with the Department of Development Services, if continuation of  
26 the use is desired. In addition to providing the standard information and  
27 application fees required for renewal, Wireless Telecommunications Facility  
28 renewal applications shall provide an updated build-out description

1 prepared in accordance with the procedures established by Subsection  
2 21.56.050.C.

3 B. Where required, renewals for entitlements for existing  
4 Wireless Telecommunications Facilities and co-location facilities  
5 constructed prior to the effective date of this Chapter are subject to the  
6 provisions of Sections 21.56.030 through 21.56.050. Renewals of  
7 entitlements approved after the effective date of this Chapter shall only be  
8 approved if all conditions of the original entitlement have been satisfied, and  
9 the five (5) year build-out plan has been provided.

10 C. If the entitlement for an existing Wireless Telecommunications  
11 Facility has expired, applications for modification, expansion, or co-location  
12 at that site, as well as after-the-fact renewals of entitlements for the existing  
13 Wireless Telecommunications Facilities, shall be subject to the standards  
14 and procedures for new Wireless Telecommunications Facilities set forth in  
15 Sections 21.56.030 through 21.56.050.

16 21.56.070 Permit requirements for co-location facilities.

17 A. Co-location facilities requiring a Conditional Use Permit.  
18 Applications for co-location will be subject to the standards and procedures  
19 set forth for new Wireless Telecommunications Facilities, above (Sections  
20 21.56.030 through 21.56.060), if any of the following apply:

- 21 1. No Conditional Use Permit was issued for the original  
22 Wireless Telecommunications Facility;
- 23 2. The Conditional Use Permit for the original Wireless  
24 Telecommunications Facility did not allow for future co-location facilities or  
25 the extent of site improvements involved with the co-location project (in this  
26 case, an application for a modification to the approved Conditional Use  
27 Permit, subject to Planning Commission review, may be substituted for a  
28 new Conditional Use Permit); or

1                                   3.     No environmental review was completed for the  
2 location of the original Wireless Telecommunications Facility that addressed  
3 the environmental impacts of future co-location facilities (in this case, an  
4 application for a modification to the approved Conditional Use Permit,  
5 subject to Planning Commission review, may be substituted for a new  
6 Conditional Use Permit).

7                                   B.     Permit requirements for other co-location facilities.

8                                   1.     Roof/building-mounted facilities with visible exterior  
9 changes. Roof/building-mounted co-location facilities proposing visible  
10 exterior changes to the site shall be subject to Site Plan Review.

11                                  2.     All others. Applications for all other co-location facilities  
12 shall be subject to a building permit approval. Prior to filing an application  
13 for a building permit for co-location, the applicant shall demonstrate  
14 compliance with the conditions of approval, if any, of the original Conditional  
15 Use Permit, and with all applicable provisions of this Chapter, by submitting  
16 an application to the Department of Development Services for an  
17 administrative review as set forth in Section 21.56.090. The applicant shall  
18 not file an application for a building permit until the applicant receives  
19 written notification that this administrative review is complete and approved.  
20 The applicant shall pay a fee for this administrative review in the amount  
21 adopted by the City Council in a resolution.

22 21.56.080     Development and design standards for co-location facilities.

23                                  A.     Compliance with discretionary approvals. The co-location  
24 facility shall comply with all approvals and conditions of the underlying  
25 (existing) discretionary permit for the Wireless Telecommunications Facility.

26                                  B.     Harmonious design. To the extent feasible, the design of co-  
27 location facilities shall also be in visual harmony with the other Wireless  
28 Telecommunications Facility(ies) on the site.

1 C. Additional design standards. Co-location facilities also shall be  
2 subject to the additional design standards specified in Section 21.56.100.  
3 21.56.090 Application requirements for co-location facilities.

4 Applications that qualify for administrative review of co-location  
5 facilities in accordance with Section 21.56.070 shall be required to submit  
6 the following:

7 A. Photo simulations of the facility from reasonable line-of-sight  
8 locations from public roads or viewpoints;

9 B. A maintenance and access plan that identifies any changes to  
10 the original maintenance and access plan associated with the existing  
11 Wireless Telecommunications Facility and Conditional Use Permit;

12 C. A Radio Frequency (RF) report demonstrating that the  
13 emissions from the co-location equipment as well as the cumulative  
14 emissions from the co-location equipment and the existing facility will not  
15 exceed the limits established by the Federal Communications Commission  
16 (FCC);

17 D. Prior to the issuance of a building permit, the applicant shall  
18 submit color samples, and materials samples if requested, for the co-  
19 location equipment and any screening devices. Paint colors and materials  
20 shall be subject to the review and approval of the Department of  
21 Development Services. Color verification shall occur in the field after the  
22 applicant has painted the equipment the approved color, but before the  
23 applicant schedules a final inspection.

24 21.56.100 Development and design standards for all Wireless  
25 Telecommunications Facilities and co-location facilities.

26 The following standards shall apply to all Wireless  
27 Telecommunications Facilities and co-location facilities:

28 A. The adverse visual impact of Wireless Telecommunications

1 Facilities shall be avoided, minimized, and mitigated by:

2 1. Siting new Wireless Telecommunications Facilities  
3 outside of public viewshed whenever feasible;

4 2. Maximizing the use of existing vegetation and natural  
5 features to cloak Wireless Telecommunications Facilities;

6 3. Constructing towers or monopoles no taller than  
7 necessary to provide adequate coverage, network capacity, and service  
8 quality;

9 4. Grouping buildings, shelters, cabinets, ground lease  
10 areas, and other equipment together, to avoid spread of these structures  
11 across a parcel or lot;

12 5. Screening Wireless Telecommunications Facilities and  
13 co-location facilities with landscaping consisting of drought-tolerant plant  
14 material. All ground lease areas shall be landscaped with climbing vines on  
15 the exterior of the enclosure wall, planted not more than four feet (4') on  
16 center. Adequate irrigation systems shall be provided for landscaping. The  
17 landscape screening requirement may be modified or waived by the  
18 Director of Development Services in instances where landscaping would  
19 not be appropriate; and

20 6. Painting all equipment to blend with the surrounding  
21 environment as specified in Subsection 21.56.100.C (Paint Colors).

22 B. Pole design. Use of monopoles that attempt to replicate trees  
23 or other natural objects are strongly discouraged and shall be used only as  
24 a last resort when all other options have been exhausted, since:

25 1. Artificial trees cannot presently be made to resemble  
26 natural trees in a sufficiently believable and realistic fashion; and

27 2. Such attempts to replicate nature are disingenuous by  
28 their obvious falsity and therefore increase, rather than reduce, visual blight.

1 C. Paint colors. Paint colors for a Wireless Telecommunications  
2 Facility and co-location facility shall minimize the facility's visual impact by  
3 blending with the surrounding environment, terrain, landscape, or buildings  
4 (not sky colors, as the sky is a luminous source of light at all times and no  
5 non-luminous object can physically be made to blend with the sky). Paint  
6 colors shall be subject to the review and approval of the Department of  
7 Development Services. Color verification shall occur in the field after the  
8 applicant has painted the equipment in the approved color(s), but before the  
9 applicant schedules a final inspection.

10 D. Roof/building-mounted facilities. For roof/building-mounted  
11 Wireless Telecommunications Facilities and co-location facilities, the  
12 following standards also shall apply:

13 1. Antenna location.

14 a. Antennas mounted on the facade of a building  
15 are strongly discouraged, but if approved, must be fully integrated into the  
16 architecture of the existing structure or otherwise screened from public  
17 view. "Stealth boxes" enclosing facade antennas shall not be considered  
18 adequate screening;

19 b. Antennas shall be mounted on building rooftops,  
20 roof decks, or penthouses whenever feasible as a preferred alternative to  
21 facade-mounting. Antennas located on the building rooftop shall be located  
22 above the ceiling plate of the highest occupied floor;

23 c. Antennas shall be located as far away as  
24 possible from the edge of the building or roof, with the goal of reducing or  
25 eliminating visibility of the installation from any and all vantage points.

26 2. Equipment location.

27 a. All equipment appurtenant to a roof/building-  
28 mounted wireless telecommunications site shall be located inside an

1 existing building whenever possible, to the satisfaction of the Director of  
2 Development Services;

3 b. If it is physically impossible for equipment to be  
4 located inside an existing building and the equipment is to be located on a  
5 building rooftop, the equipment shall be subject to the same screening and  
6 location requirements as the antennas. If no space for the equipment is  
7 available for lease in a building because all possible spaces are leased and  
8 occupied, this shall constitute a physical impossibility.

9 3. Screening required.

10 a. Where physically possible, antennas and  
11 equipment shall be located entirely within an existing architectural feature or  
12 screening device. This shall include areas used or occupied by other  
13 wireless service providers where feasible.

14 b. All antennas and equipment mounted on a  
15 building rooftop shall be screened in a manner that is architecturally  
16 compatible with the existing building and is otherwise made as unobtrusive  
17 as possible. Screening shall use matching colors, materials, and  
18 architectural styles to create a harmonious addition to the building's  
19 architecture without disrupting its form, volume, massing, or balance.

20 c. All antennas, including panel antennas,  
21 microwave antennas, GPS antennas, any other antennas, and all other  
22 equipment mounted on the building, shall be concealed behind the  
23 screening device on all sides such that the antennas and appurtenant  
24 equipment is not visible from the exterior of the subject property, from other  
25 property, or the public right-of-way.

26 d. All cable trays and cable runs shall be located  
27 within existing building walls whenever physically possible. Cable trays and  
28 runs on the facade of a building are strongly discouraged. Any facade-

1 mounted cable trays and runs shall be painted and textured to match the  
2 building and shall be mounted as close to the facade surface as possible,  
3 with no discernible gap between. Cable trays and runs mounted on a roof  
4 deck and below the height of the parapet wall or screening device shall be  
5 exempt from this requirement, provided they are fully screened by the  
6 parapet wall or screening device. Exposed cable trays and runs on a sloped  
7 roof are prohibited.

8 e. At the discretion of the Staff Site Plan Review  
9 Committee, part or all of a proposed roof/building-mounted Wireless  
10 Telecommunications Facility or co-location facility may be exempted from  
11 screening requirements if the best feasible screening design would result in  
12 greater negative visual impacts than if part or all of the proposed installation  
13 were unscreened.

14 4. Restriction on Historic Landmark structures. Installation  
15 of a roof/building-mounted Wireless Telecommunications Facility or co-  
16 location facility at a City-designated Historic Landmark shall make no  
17 changes to the external appearance of the building unless approved by the  
18 Cultural Heritage Commission.

19 E. Non-reflective materials. The exteriors of Wireless  
20 Telecommunications Facilities and co-location facilities shall be constructed  
21 of non-reflective materials.

22 F. Underlying setbacks. Wireless Telecommunications Facilities  
23 and co-location facilities shall comply with all the setback requirements of  
24 the underlying zoning district(s), except as modified by this Chapter.

25 G. Height. Facilities subject to the provisions of this Chapter may  
26 be built and used to a greater height than the limit established for the  
27 zoning district in which the structure is located, except as otherwise  
28 provided below:

1                   1.     No monopole or other freestanding structure shall ever  
2 exceed a maximum height of one hundred twenty feet (120') in any zoning  
3 district. In any Residential (R) or Institutional (I) zoning district, or  
4 Residential/Institutional Planned Development (PD) district, no monopole or  
5 other freestanding structure shall exceed a maximum height of fifty-five feet  
6 (55'). However, if an applicant demonstrates that the monopole or structure  
7 will accommodate a minimum of two (2) carriers, the site may be permitted  
8 at a maximum height of sixty feet (60'); or the applicant demonstrates that  
9 the monopole or structure will accommodate three (3) carriers, the site may  
10 be permitted at a maximum height of sixty-five feet (65');

11                   2.     A roof/building-mounted Wireless Telecommunications  
12 Facility shall not exceed the maximum height allowed in the applicable  
13 zoning district, or ten feet (10') above the building roof deck, whichever is  
14 higher, except that in any R-1, R-2, or R-3 district, no roof/building-mounted  
15 site shall exceed the maximum height for structures allowed in that district;

16                   3.     Notwithstanding the height limits set forth in the  
17 preceding Sections, for facilities to be mounted on towers used for high-  
18 voltage electrical power transmission between generating plants and  
19 electrical substations (not utility poles), the antennas may be mounted as  
20 high as necessary on the tower, provided that the top of the highest  
21 antenna is not higher than the top of the existing tower.

22                   H.     Accessory buildings. In any zoning district, accessory  
23 buildings in support of the operation of the Wireless Telecommunications  
24 Facility or co-location facility may be constructed, provided that they comply  
25 with the development standards set forth for accessory structures for the  
26 zoning district in which the site is located.

27                   I.     Footprint. The overall footprint of each Wireless  
28 Telecommunications Facility shall be as small as possible, to the

1 satisfaction of the Staff Site Plan Review Committee.

2 J. Generators and emergency power. Diesel generators are  
3 allowed as an emergency power source, although they are discouraged.  
4 When a feasible alternative technology for permanent on-site backup power  
5 becomes available (for example, fuel cells) the Department of Development  
6 Services may require the use of such technology in lieu of a diesel  
7 generator, unless the applicant provides written documentation explaining  
8 why such an alternative is not feasible. All generator installations shall  
9 comply with all containment requirements of the applicable Fire and  
10 Building Codes, without exception. Unless otherwise approved by the  
11 Director of Public Works, generators and emergency power source for  
12 wireless facilities located in the public right-of-way are prohibited.

13 K. Ground lease area enclosures and landscaping. If equipment  
14 appurtenant to a facility is to be located in a ground lease area, the lease  
15 area shall be enclosed by a CMU block wall, or other appropriate fence, to  
16 the satisfaction of the Staff Site Plan Review Committee. The fence shall be  
17 of a minimum height of six feet six inches (6'6") in residential districts, and  
18 eight feet (8') in other districts, unless waived at the discretion of the  
19 Director of Development Services in cases of infeasibility. The exterior of all  
20 ground lease areas shall be landscaped with drought-tolerant plant  
21 material, and adequate irrigation systems shall be provided for landscaping.  
22 Climbing vines shall be provided on the exterior of the enclosure wall,  
23 planted not more than four feet (4') on center. This landscaping requirement  
24 may be modified or waived by the Director of Development Services in  
25 instances where landscaping would not be appropriate.

26 21.56.110 Performance standards for all Wireless Telecommunications  
27 Facilities and co-location facilities.

28 No use may be conducted in a manner that, in the determination of

1 the Director of Development Services, does not meet the performance  
2 standards below:

3 A. Lighting. Wireless Telecommunications Facilities and co-  
4 location facilities shall not be lighted or marked unless required by the  
5 Federal Communications Commission (FCC), the Federal Aviation  
6 Administration (FAA), or the California Public Utilities Commission (CPUC).

7 B. Licensing. The applicant or operator shall file, receive, and  
8 maintain all necessary licenses and registrations from the Federal  
9 Communications Commission (FCC), the California Public Utilities  
10 Commission (CPUC) and any other applicable regulatory bodies prior to  
11 initiating the operation of the Wireless Telecommunications Facility. The  
12 applicant shall supply the Department of Development Services with  
13 evidence of these licenses and registrations prior to approval of a final  
14 inspection. If any required license is ever revoked, the operator shall inform  
15 the Department of Development Services of the revocation within ten (10)  
16 days of receiving notice of such revocation.

17 C. Building permit required. Once a Conditional Use Permit or  
18 other applicable entitlement is obtained, the applicant shall obtain a building  
19 permit and shall build in accordance with the approved plans.

20 D. Power connection. The project's final electrical inspection and  
21 approval of connection to electrical power shall be dependent upon the  
22 applicant obtaining a permanent and operable power connection.

23 E. Removal after end of use. The Wireless Telecommunications  
24 Facility, and/or co-location facility, if present, and all equipment associated  
25 therewith shall be removed in its entirety by the operator, at the operator's  
26 sole expense, within ninety (90) days of a FCC or CPUC license or  
27 registration revocation or if the facility is abandoned (per Subsection  
28 21.56.020.A) or no longer needed. The site shall be restored to its pre-

1 installation condition and, where necessary, re-vegetate to blend in with the  
2 surrounding area. In the case of roof/building-mounted facilities, all  
3 antennas, equipment, screening devices, support structures, cable runs,  
4 and other appurtenant equipment shall be removed and the building shall  
5 be restored to its to its pre-installation condition. Restoration and re-  
6 vegetation shall be completed within two (2) months of removal of the  
7 facility; hence a maximum of five (5) months from abandonment of the  
8 facility to completion of restoration. Facilities not removed within these time  
9 limits shall be removed immediately. The City shall not be responsible to  
10 provide notice that removal is required under the provisions of this Chapter.

11 F. Maintenance. Wireless Telecommunications Facilities and co-  
12 location facilities shall be maintained by the permittee(s) and subsequent  
13 owners in a manner that implements all of the applicable requirements of  
14 this Chapter and all other applicable zoning and development standards set  
15 forth in Title 21, and all permit conditions of approval. Site and landscaping  
16 maintenance shall be the responsibility of the property owner, who may  
17 designate an agent, including the operator, to carry out this maintenance.

18 G. Noise. All construction and operation activities shall comply  
19 with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code  
20 and any applicable conditions of approval.

21 H. Use of backup power sources. The use of diesel generators or  
22 any other emergency backup power sources shall comply with Chapter 8.80  
23 of the Long Beach Municipal Code (Noise Ordinance). The use of backup  
24 power sources shall be limited to actual power-outage emergencies and  
25 any operation necessary for testing and maintenance. Permanent or  
26 continuous use of backup power sources is prohibited.

27 I. RF report. Within forty-five (45) days of commencement of  
28 operations, the applicant for the wireless communications facility shall

1 provide (at the applicant's expense) the Development Services Department  
2 with a report, prepared by a qualified expert, indicating that the actual radio  
3 frequency emissions of the operating facility, measured at the property line  
4 or nearest point of public access and in the direction of maximum radiation  
5 from each antenna, is in compliance with the standards established by the  
6 Federal Communications Commission. This report shall include emissions  
7 from all co-location facilities, if any, at the site as well. The applicant shall  
8 subsequently provide such report to the City within forty-five (45) days  
9 following any change in design, number of antennas, operation, or other  
10 significant change in circumstances, or when such a report is otherwise  
11 required by the FCC, to the satisfaction of the Director of Development  
12 Services.

13 21.56.120 Additional requirements and standards for Wireless  
14 Telecommunications Facilities and co-location facilities in the  
15 coastal zone.

16 A. Location. New Wireless Telecommunications Facilities shall  
17 not be located between the first public highway and the sea or bay, unless  
18 no feasible alternative exists, and the facility is not visible from a public  
19 location, or will be attached to an existing structure in a manner that does  
20 not significantly alter (in the determination of the Staff Site Plan Review  
21 Committee) the exterior appearance of the existing structure.

22 B. Local coastal program requirements. New Wireless  
23 Telecommunications Facilities shall comply with all applicable policies,  
24 standards, and regulations of the Local Coastal Program (LCP).

25 C. Coastal permit required. The necessary Coastal Development  
26 Permit or Local Coastal Development Permit shall be obtained.

27 21.56.130 Additional requirements and standards for Wireless  
28 Telecommunications Facilities located in Park Zoning Districts.

- 1           A.     For the purpose of this Chapter the term Park Zoning District  
2 shall include those areas of the City regulated and established pursuant to  
3 Chapter 21.35 of this Code.
- 4           B.     Installation of Wireless Telecommunications Facilities in Park  
5 Districts must be pursuant to a lease or permit approved by the City  
6 Council. For those parks under the jurisdiction of the City's Parks and  
7 Recreation Commission, the matter shall first be submitted to the  
8 Commission for its recommendation. A Conditional Use Permit shall not be  
9 required.
- 10          C.     Prior to the City Council considering any lease or permit of  
11 Park District land for a Wireless Telecommunications Facility, the matter  
12 shall first be submitted to the Site Plan Review Committee in accordance  
13 with Chapter 21.25 of this Code. The Site Plan Review Committee shall  
14 impose reasonable conditions of approval, which shall include the minimum  
15 development, design and performance standards set forth in this Chapter.
- 16          D.     Application for Site Plan review in a Park Zoning District shall  
17 be in accordance with Section 21.56.050, or Section 21.56.090, if it is to be  
18 a co-location facility.
- 19          E.     All Site Plan Review proceedings conducted in accordance  
20 with this Section shall be subject to the Administrative Procedures set forth  
21 in Chapter 21.21, and the specific procedures set forth in Section 21.25.501  
22 et seq. relative to site plan reviews.
- 23          F.     In order to effectuate parity between those Wireless  
24 Telecommunications Facilities located in Park Zoning Districts and those  
25 located elsewhere in the City, a fee equivalent to that established by the  
26 City Council for the processing and issuance of a Conditional Use Permit  
27 shall be charged.
- 28     21.56.140   Other provisions.

- 1           A.     Temporary wireless telecommunication facilities. Installation,
- 2 maintenance, or operation of any temporary wireless telecommunications
- 3 site is prohibited except as allowed under a special events permit
- 4 necessary during a special event authorized by Chapter 5.60 of the LBMC,
- 5 or during a government-declared emergency.
  
- 6           B.     Illegal facilities. Illegal Wireless Telecommunications Facilities
- 7 or co-location facilities have no vested rights and shall either be brought
- 8 into legal conforming status in accordance with this Chapter and Title 21 of
- 9 the Long Beach Municipal Code, or shall be removed.
  
- 10          C.     Modifications to Wireless Telecommunications Facilities. Any
- 11 modification to a Wireless Telecommunications Facility or co-location
- 12 facility, including but not limited to, replacement of antennas, installation of
- 13 additional antennas, installation of additional equipment cabinets,
- 14 installation of a backup generator, paint or camouflage changes, and other
- 15 physical changes to the facility, shall require, at a minimum, an
- 16 administrative approval, and, if necessary, a building permit from the
- 17 Department of Development Services. Prior to issuance of any approval for
- 18 modification, the applicant shall submit an application for an administrative
- 19 review to determine the compliance of the proposed modification with this
- 20 Chapter and the existing Conditional Use Permit or other entitlement. For
- 21 sites not subject to Chapter 15.34 (located in the public right-of-way),
- 22 applications for modification will be subject to the standards and procedures
- 23 set forth for new Wireless Telecommunications Facilities, as specified in
- 24 Sections 21.56.030 through 21.56.060, if any of the following apply:
  
- 25                   1.     No Conditional Use Permit was issued for the original
- 26 Wireless Telecommunications Facility;
  
- 27                   2.     The Conditional Use Permit for the original Wireless
- 28 Telecommunications Facility did not allow for future modification or the

1 extent of site improvements involved with the modification project (in this  
2 case, an application for a modification to the approved Conditional Use  
3 Permit, subject to Planning Commission review, may be substituted for a  
4 new Conditional Use Permit); or

5 3. No environmental review was completed for the  
6 location of the original Wireless Telecommunications Facility that addressed  
7 the environmental impacts of future modifications (in this case, an  
8 application for a modification to the approved Conditional Use Permit,  
9 subject to Planning Commission review, may be substituted for a new  
10 Conditional Use Permit).

11 D. Peer review.

12 1. The Director of Development Services is authorized to  
13 retain on behalf of the City an independent technical expert to peer review  
14 any application for a Wireless Telecommunications Facility Permit if  
15 reasonably necessary, as determined by the Director. The review is  
16 intended to be a review of technical aspects of the proposed Wireless  
17 Telecommunications Facility and shall address all of the following:

18 a. Compliance with applicable radio frequency  
19 emission standards;

20 b. Whether any requested exception is necessary  
21 to close a significant gap in coverage, increase network capacity, or  
22 maintain service quality and is the least intrusive means of doing so;

23 c. The accuracy and completeness of submissions;

24 d. Technical demonstration of the unavailability of  
25 alternative sites or configurations and/or coverage analysis;

26 e. The applicability of analysis techniques and  
27 methodologies;

28 f. The validity of conclusions reached;

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g. The compatibility of any required architectural screening;

h. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building mounted sites; and

i. Any specific technical issues designated by the City.

E. Appeals.

1. Appeals from the decision(s) of the Director of Development Services or designee, and/or the Staff Site Plan Review Committee, shall be to the Planning Commission.

2. Appeals from the decision(s) of the Planning Commission shall be to the City Council.

3. All appeals shall be in accordance with the provisions of Title 21 related to Appeals.

F. Revocation. The Planning Commission may, after a duly noticed public hearing, revoke, modify or suspend any wireless telecommunications permit on any one (1) or more of the following grounds:

1. That the wireless telecommunications permit was obtained by fraud or misrepresentation;

2. That the wireless telecommunications permit granted is being, or within the recent past has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation; or

3. That the use permitted by the wireless telecommunications permit is being, or within the recent past has been, exercised so as to be detrimental to the public health or safety or as to constitute a nuisance.

1           G. Findings. A Conditional Use Permit, Site Plan Review, or  
2 modification for a Wireless Telecommunications Facility or co-location  
3 facility may be granted only if the following findings are made by the  
4 designated reviewing body or person, in addition to any findings applicable  
5 under Chapter 21.25:

6           1. The proposed Wireless Telecommunications Facility  
7 has been designed to achieve compatibility with the community to the  
8 maximum extent reasonably feasible;

9           2. An alternative configuration will not increase  
10 community compatibility or is not reasonably feasible;

11           3. The location of the Wireless Telecommunications  
12 Facility on alternative sites will not increase community compatibility or is  
13 not reasonably feasible;

14           4. The proposed facility is necessary to close a significant  
15 gap in coverage, increase network capacity, or maintain service quality, and  
16 is the least intrusive means of doing so;

17           5. The applicant has submitted a statement of its  
18 willingness to allow other wireless service providers to co-locate on the  
19 proposed Wireless Telecommunications Facility wherever technically and  
20 economically feasible and where co-location would not harm community  
21 compatibility; and

22           6. Noise generated by equipment will not be excessive,  
23 annoying nor be detrimental to the public health, safety, and welfare.

24           H. Transfer or Change of Ownership/Operator. Upon assignment  
25 or transfer of an already approved Wireless Telecommunications Facility or  
26 any rights under that permit, the owner and/or current operator of the  
27 Facility shall within thirty (30) days of such assignment or transfer provide  
28 written notification to the Director of Development Services of the date of

1 the transfer and the identity of the transferee. The Director may require  
2 submission of any supporting materials or documentation necessary to  
3 determine that the proposed use is in compliance with the existing permit  
4 and all of its conditions including, but not limited to, statements,  
5 photographs, plans, drawings, models, and analysis by a State-licensed  
6 radio frequency engineer demonstrating compliance with all applicable  
7 regulations and standards of the Federal Telecommunications Commission  
8 and the California Public Utilities Commission. If the Director determines  
9 that the proposed operation is not consistent with the existing permit, the  
10 Director shall notify the applicant who may revise the application or apply  
11 for modification of the permit pursuant to the requirements of this Chapter.

12 21.56.150 Severability clause.

13 If any provision or clause of this Chapter or the application thereof to  
14 any person or circumstance is held to be unconstitutional or to be otherwise  
15 invalid by any court of competent jurisdiction, such invalidity shall not affect  
16 other article provisions or clauses or applications, and to this end the  
17 provisions and clauses of this Chapter are declared to be severable.

18  
19 Section 2. Chapter 15.34 is added to the Long Beach Municipal Code to  
20 read as follows:

21 Chapter 15.34

22 WIRELESS TELECOMMUNICATIONS FACILITIES  
23 IN THE PUBLIC RIGHTS-OF-WAY

24  
25 15.34.010 Purpose and objectives.

26 The purpose of this Chapter is to regulate the establishment and operation  
27 of wireless telecommunications facilities within the public right-of-way in the City of  
28 Long Beach, consistent with the General Plan, and with the intent to:

- 1           A.     Allow for the provision of wireless communications services  
2 adequate to serve the public's interest within the City;
- 3           B.     Minimize the negative impacts of wireless telecommunications  
4 facilities, establish a fair and efficient process for review and approval of  
5 applications, assure an integrated, comprehensive review of environmental  
6 impacts of such facilities in the context of other uses and users in the public  
7 right-of-way, and protect the health, safety and welfare of the City of Long  
8 Beach;
- 9           C.     Strongly encourage the location of wireless  
10 telecommunications facilities in those areas of the City where the adverse  
11 aesthetic impact on the community is minimal;
- 12          D.     Promote the public health, safety, convenience, and general  
13 welfare of the City's residents, and to protect historical resources, property  
14 values and the aesthetic appearance of the City of Long Beach;
- 15          E.     Strongly encourage wireless telecommunications providers to  
16 configure all facilities in such a way that minimizes displeasing aesthetics  
17 through careful design, siting, landscaping, screening, and innovative  
18 camouflaging techniques;
- 19          F.     Provide a uniform and comprehensive set of standards for the  
20 development, siting, installation, and operation of wireless  
21 telecommunications facilities in the limited physical resources and capacity  
22 of the available public right-of-way of the City of Long Beach in such a  
23 manner to not unreasonably discriminate, and to be competitively neutral,  
24 and non-exclusive as to the extent required under applicable law;
- 25          G.     Encourage open competition and the provision of advanced  
26 and high quality telecommunications services on the widest possible basis  
27 to the businesses, institutions, and residents of the City;
- 28          H.     Encourage economic development while preserving aesthetic

1 and other community values and preventing proliferation of above ground  
2 wireless telecommunication equipment; and

3 I. Conform to all applicable federal and state laws.

4 15.34.020 Definitions.

5 In addition to all those terms defined in Chapter 21.15 of the zoning  
6 regulations, the following terms shall have the meanings set forth below, for the  
7 purposes of this Chapter:

8 A. "Abandoned." Notwithstanding the definition of "abandoned" in  
9 Section 21.15.030, a wireless telecommunications facility use shall be  
10 considered abandoned if it is not in use for two (2) consecutive months.

11 B. "Adjacent" means on the same side of the street and in front  
12 of the building or the next building on either side, when used in connection  
13 with a national historic landmark, California landmark, City landmark as  
14 defined in Chapter 2.63, or cultural resource as defined in Chapter 2.63;  
15 and in front of and on the same side of the street, when used in connection  
16 with a City park or open space.

17 C. "Applicable Law" means all applicable federal, state, and City  
18 laws, ordinances, codes, rules, regulations and orders, as the same may be  
19 amended or adopted from time to time.

20 D. "Base Station" shall have the meaning as determined by the  
21 Director of Public Works in an order or regulation, provided that the Director  
22 of Public Works' definition shall be consistent with the definition of that term:  
23 (a) as it is used in Section 6409(a) of the Middle Class Tax Relief and Job  
24 Creation Act of 2012, codified at 47 U.S.C. § 1455(a) as may be amended  
25 from time to time; and (b) as it is defined by the FCC in any decision  
26 addressing that section or any regulation implementing that section,  
27 including without limitation the FCC Report and Order entitled "In the Matter  
28 of Acceleration of Broadband Deployment by Improving Wireless Facilities

1 Siting Policies; Acceleration of Broadband Deployment: Expanding the  
2 Reach and Reducing the Cost of Broadband Deployment by Improving  
3 Policies Regarding Public Rights of Way and Wireless Facilities Siting;  
4 2012 Biennial Review of Telecommunications Regulations,” (FCC Report  
5 and Order No. 14-153).

6 E. “Business Day” means a day that Long Beach City Hall is  
7 open to conduct public business.

8 F. “Coastal Zone Protected Location” means a proposed location  
9 for a wireless telecommunications facility in the public right-of-way that is  
10 within or adjacent to a designated coastal zone (as that term is defined in  
11 Section 21.15.530).

12 G. “Coastal Zone Protected Location Compatibility Standard”  
13 means whether a wireless telecommunications facility that is proposed to  
14 be located in a Coastal Zone Protected Location would comply with all  
15 applicable requirements and standards applicable to the installation of  
16 public infrastructure within the coastal zone.

17 H. “Co-location” means the placement or installation of wireless  
18 telecommunications facilities, including antennas and related equipment  
19 onto an existing wireless telecommunications facility in the case of  
20 monopoles, or onto the same building in the case of roof/building-mounted  
21 sites or placement onto an existing pole or structure with existing wireless  
22 telecommunication facility in the public right-of-way.

23 I. “Co-location Facility” means a wireless telecommunications  
24 facility that has been co-located consistent with the meaning of “co-location”  
25 as defined above. It does not include the initial installation of a new wireless  
26 telecommunications facility where previously there was none, nor the  
27 construction of an additional monopole on a site with an existing monopole.

28 J. “Eligible Facilities Request” shall have the meaning as

1 determined by the Director of Public Works in an order or regulation,  
2 provided that the Director of Public Works' definition shall be consistent with  
3 the definition of that term: (a) as it is used in Section 6409(a) of the Middle  
4 Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §  
5 1455(a) as may be amended from time to time; and (b) as it is defined by  
6 the FCC in any decision addressing that section or any regulation  
7 implementing that section.

8 K. "FCC" means the Federal Communications Commission.

9 L. "Modification Permit" means a Wireless Right-of-Way Facility  
10 Permit issued by the Department of Public Works pursuant to Subsection  
11 15.34.030(S) below, authorizing a permittee to modify equipment installed  
12 on a utility pole or street light pole by the permittee pursuant to a Wireless  
13 Right-of-Way Facility Permit.

14 M. "Permittee" means a person issued a permit pursuant to this  
15 Chapter 15.34.

16 N. "Person" means any individual, group, company, partnership,  
17 association, joint stock company, trust, corporation, society, syndicate, club,  
18 business, or governmental entity. "Person" shall not include the City of Long  
19 Beach.

20 O. "Phasing Plan" means a schedule in a form and with timing  
21 that is reasonable and acceptable to the Director of Public Works, setting  
22 forth milestones for completion of the construction and inspection of a  
23 wireless telecommunications facility, compliance with which shall be a  
24 condition of approval on each Wireless Right-of-Way Facility Permit.

25 P. "Planning Protected Location" means any of the following  
26 proposed locations for a wireless telecommunications facility:

27 1. On an historic, historically or architecturally significant,  
28 decorative, or specially designed street light pole located in the public right-

1 of-way;

2 2. On a utility pole or street light pole that is on a public  
3 right-of-way that is within a national historic landmark district, listed or  
4 eligible national register historic district, listed or eligible California register  
5 historic district, listed or eligible City landmark, or listed or eligible City  
6 landmark district, as more specifically described and cataloged in materials  
7 prepared and maintained pursuant to Chapter 2.63;

8 3. On a utility pole or street light pole that is on a public  
9 right-of-way that is adjacent to a national historic landmark, California  
10 landmark, or City landmark, as more specifically described and cataloged in  
11 materials prepared and maintained pursuant to Chapter 2.63;

12 4. On a utility pole or street light pole that is on a public  
13 right-of-way that the General Plan has designated as being most significant  
14 to City pattern, defining City form, or having an important street view for  
15 orientation; or

16 5. On a utility pole or street light pole that is on a public  
17 right-of-way that the General Plan has designated as having views that are  
18 rated "excellent" or "good."

19 Q. "Planning Protected Location Compatibility Standard" means  
20 whether an applicant for a Wireless Right-of-Way Facility Permit  
21 demonstrates that a proposed wireless telecommunications facility would  
22 be compatible with any of the Planning Protected Locations as follows:

23 1. For a historic, historically or architecturally significant,  
24 decorative, or specially designed street light pole, the applicable standard is  
25 whether a proposed wireless telecommunications facility would significantly  
26 degrade the aesthetic attributes that distinguish the street light pole as  
27 historic, historically significant, architecturally significant, decorative, or  
28 specially designed.

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2. For public right-of-way that is within a national historic landmark district, listed or eligible national register historic district, listed or eligible California register historic district, listed or eligible City landmark, or listed or eligible City landmark district, the applicable standard is whether a proposed wireless telecommunications facility would significantly degrade the aesthetic attributes that were the basis for the special designation of the district.

3. For a utility pole or street light pole that is adjacent to a national historic landmark, California landmark, or City landmark, the applicable standard is whether a proposed wireless telecommunications facility would significantly degrade the aesthetic attributes that were the basis for the special designation of the building.

4. For public right-of-way that the General Plan has designated as being most significant to City pattern, defining City form, or having an important street view for orientation, the applicable standard is whether a proposed wireless telecommunications facility would significantly degrade the aesthetic attributes that were the basis for the designation of the street for special protection under the General Plan.

5. For public right-of-way that the General Plan has designated as having views that are rated "excellent" or "good," the applicable standard is whether a proposed wireless telecommunications facility would significantly impair the views of any of the important buildings, landmarks, open spaces, or parks that were the basis for the designation of the street as a view street.

R. "Public Health Compliance Standard" means whether: (a) any potential human exposure to radio frequency emissions from a proposed wireless telecommunications facility described in an application is within the FCC guidelines; and (b) noise at any time of the day or night from the

1 proposed wireless telecommunications facility described in an application is  
2 not greater than forty-five (45) dBA as measured at a distance three (3) feet  
3 from any residential building facade.

4 S. "Public right-of-way" means any public highway, street, alley,  
5 sidewalk, parkway, parking lot, and all extensions or additions thereto which  
6 is either owned, operated, or controlled by the City, or is subject to an  
7 easement or dedication to the City, or is a privately-owned area within City's  
8 jurisdiction which is not yet dedicated, but is designated as a proposed  
9 public right-of-way on a tentative subdivision map approved by the City.

10 T. "Replace" means to remove previously permitted equipment  
11 and install new equipment at a permitted wireless telecommunications  
12 facility that is identical or smaller in size and weight, equal or fewer in  
13 quantity, and identical in color when compared to the previously permitted  
14 equipment; provided, however, that an increase in size or weight to the  
15 extent required by applicable state or federal regulation may be permitted.

16 U. "Residential/Institutional Planned Development (PD) District"  
17 means the following Planned Development Districts within the City of Long  
18 Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho  
19 Estates), PD-17 (Alamitos Land), PD-20 (All Souls), PD-25 (Atlantic  
20 Avenue), all RP residential planned unit development districts, as well as  
21 any future PDs and/or RPs designated as such by the City.

22 V. "Street Light Pole" means a pole used principally or solely for  
23 street lighting and which is located in the public rights-of-way.

24 W. "Substantially Change the Physical Dimensions" shall have  
25 the meaning as determined by the Director of Public Works in an order or  
26 regulation, provided that the Director of Public Works' definition shall be  
27 consistent with the definition of that term: (a) as it is used in Section 6409(a)  
28 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47

1 U.S.C. § 1455(a) as may be amended from time to time; and (b) as it is  
2 defined by the FCC in any decision addressing that section or any  
3 regulation implementing that section.

4 X. "Tier A Compatibility Standard" means that an applicant for a  
5 wireless telecommunications facility on a public right-of-way that is within an  
6 Unprotected Location has demonstrated that the proposed wireless  
7 telecommunications facility would not significantly detract from any of the  
8 defining characteristics of the neighborhood.

9 Y. "Tier A Wireless Telecommunications Facility" means a  
10 wireless telecommunications facility where the proposed location for the  
11 facility is in an Unprotected Location.

12 Z. "Tier B Compatibility Standard" means (i) in the case of  
13 applications for wireless telecommunications facility within or adjacent to  
14 the public right-of-way in a Planning Protected Location, a wireless  
15 telecommunications facility that complies with the Planning Protected  
16 Location Compatibility Standard, (ii) in the case of applications for wireless  
17 telecommunications facility within or adjacent to the public right-of-way in a  
18 Coastal Zone Protected Location, a wireless telecommunications facility  
19 that complies with the Coastal Zone Protected Location Compatibility  
20 Standard, and (iii) in the case of applications for wireless  
21 telecommunications facility within or adjacent to the public right-of-way in a  
22 Zoning Protected Location, a wireless telecommunications facility that  
23 complies with the Zoning Protected Location Compatibility Standard. In  
24 addition to the foregoing, for all applications for wireless  
25 telecommunications facilities within or adjacent to Planning Protected  
26 Locations, Coastal Zone Protected Locations, and/or Zoning Protected  
27 Locations, satisfaction of the Tier B Compatibility Standard requires an  
28 affirmative demonstration that the proposed wireless telecommunications

1 facility would not significantly detract from any of the defining characteristics  
2 of the Planning Protected Location, Coastal Zone Protected Location, or  
3 Zoning Protected Location.

4 AA. "Tier B Wireless Telecommunications Facility" means a  
5 wireless telecommunications facility where the proposed location for the  
6 facility is in a Planning Protected Location, Coastal Zone Protected  
7 Location, or Zoning Protected Location.

8 BB. "Transmission Equipment" shall have the meaning as  
9 determined by the Director of Public Works in an order or regulation,  
10 provided that the Director of Public Works' definition shall be consistent with  
11 the definition of that term: (a) as it is used in Section 6409(a) of the Middle  
12 Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §  
13 1455(a) as may be amended from time to time; and (b) as it is defined by  
14 the FCC in any decision addressing that section or any regulation  
15 implementing that section.

16 CC. "Unprotected Location" means a proposed location for a  
17 wireless telecommunications facility that is not located within or adjacent to  
18 a Planning Protected Location, a Coastal Zone Protected Location, and/or a  
19 Zoning Protected Location.

20 DD. "Utility Pole" means any pole or tower owned by any utility  
21 company that is located in the public right-of-way necessary for the  
22 distribution of electrical or other utility services regulated by the California  
23 Public Utilities Commission, as well as guyed poles. This does not include  
24 towers for high-voltage electrical power transmission between generating  
25 plants and electrical substations.

26 EE. "Wireless Telecommunications Facility" means equipment  
27 installed for the purpose of providing wireless transmission of voice, data,  
28 images, or other information including but not limited to, cellular telephone

1 service, personal communications services, and paging services, consisting  
2 of equipment, antennas, and network components such as towers, utility  
3 poles, transmitters, base stations, conduits, pull boxes, electrical meters,  
4 and emergency power systems. "Wireless telecommunications facility" does  
5 not include radio or television broadcast facilities, nor radio communications  
6 systems for government or emergency services agencies.

7 FF. "Zoning Protected Location" means on a utility pole or street  
8 light pole that is on a public right-of-way that is within a residential or a  
9 residential/institutional planned development (PD) district.

10 GG. "Zoning Protected Location Compatibility Standard" means  
11 that an applicant for a wireless telecommunications facility on a public right-  
12 of-way that is within a Zoning Protected Location has demonstrated that the  
13 proposed wireless telecommunications facility would not significantly detract  
14 from any of the defining characteristics of the residential or a  
15 residential/institutional planned development (PD) district.

16 15.34.030 Requirements and standards for wireless telecommunications  
17 facilities in the public right-of-way.

18 A. Permit Required. Any person seeking to construct, install, or  
19 maintain a wireless telecommunications facility in, on, under, or above the  
20 public right-of-way shall obtain a Wireless Right-of-Way Facility Permit  
21 pursuant to the requirements of this Chapter prior to installing such wireless  
22 telecommunications facility.

23 B. Permit requirements for wireless telecommunications facilities  
24 in the public right-of-way.

25 1. Minimum Permit Requirements.

26 a. The Department of Public Works shall not issue  
27 a Wireless Right-of-Way Facility Permit if the permit application does not  
28 comply with all of the applicable requirements of this Section 15.34.030.

1                   b.       The Department of Public Works shall require an  
2 applicant for a Wireless Right-of-Way Facility Permit to demonstrate to the  
3 satisfaction of the Department of Public Works that:

4                   (i)       Other Permits. The applicant has  
5 obtained all appropriate permits (e.g., encroachment and traffic control  
6 permits) from the Department of Public Works, together with all other  
7 applicable permits and approvals from the City and other governmental  
8 agencies (e.g., approvals and permits required under the City's local  
9 coastal program (Chapter 21.25), and approvals and permits required under  
10 the City's cultural heritage procedures (Chapter 2.63)).

11                  (ii)       Authorization to Install. If the facility is to  
12 be installed on an existing utility pole or street light pole, the applicant shall  
13 provide proof that either (a) the pole is either owned and controlled by the  
14 Joint Pole Commission and that the applicant is a member of the Joint Pole  
15 Commission with attachment rights, or (b) the owner of the pole has  
16 authorized the installation.

17                  (iii)       California Environmental Quality Act  
18 Compliance. The applicant has obtained any approvals that may be  
19 required under the California Environmental Quality Act (California Public  
20 Resources Code Section 21000 et seq.) to construct, install, and maintain  
21 the proposed wireless telecommunications facility.

22                  (iv)       California Public Utilities Commission  
23 Authorizations. The applicant has obtained any necessary certificate of  
24 public convenience and necessity issued by the California Public Utilities  
25 Commission.

26                  (v)       Operational Interference with Public  
27 Rights of Way. No part of a wireless telecommunication facility shall alter  
28 vehicular circulation or parking within the public right-of-way, nor shall it

1 impede vehicular and/or pedestrian access or visibility along any public  
2 right-of-way. No permittee shall locate or maintain wireless  
3 telecommunication facilities to unreasonably interfere with the use of City  
4 property or the public right-of-way by the City, by the general public or by  
5 other persons authorized to use or be present in or upon the public right-of-  
6 way. Unreasonable interference includes disruption to vehicular or  
7 pedestrian traffic on City property or the public right-of-way, interference  
8 with public utilities, and any such other activities that will present a hazard  
9 to public health, safety or welfare when alternative methods of construction  
10 would result in less disruption. All such wireless telecommunications  
11 facilities shall be moved by the permittee, at the permittee's cost,  
12 temporarily or permanently, as determined by the Director of Public Works.

13 (vi) Aesthetic Impacts. All wireless  
14 telecommunication facilities shall be designed and located to eliminate or  
15 substantially reduce their visual and aesthetic impacts upon the surrounding  
16 public rights-of-way and public vantage points. To accomplish this goal, all  
17 wireless telecommunication equipment shall be developed with the intent of  
18 locating and designing such facilities in the following manner and order of  
19 preference (from top to bottom). In instances where a facility is proposed  
20 for installation at a location or in a manner that is not the highest preference  
21 for each of the following categories, the applicant shall make a factual  
22 showing that all higher preferences are infeasible:

- 23 1) Antenna preferences:
- 24 (i) On an existing street light pole;
  - 25 (ii) On a replacement street light pole;
  - 26 (iii) On an existing structure other than  
27 a street light pole or utility pole in the public-right-of-way;
  - 28 (iv) On a new structure other than a

- 1 street light pole or utility pole in the public right-of-way (e.g., wireless telecommunication  
2 kiosk);
- 3 (v) On an existing non-wood utility  
4 pole;
- 5 (vi) On a new non-wood utility pole;  
6 (vii) On an existing wood utility pole.
- 7 2) Equipment preferences (for all  
8 appurtenant equipment, including, but not limited to, radio units, power  
9 supplies, voltage converters, and electrical service connections and  
10 meters):
- 11 (i) When bundled in an all-in-one  
12 equipment cabinet with the antenna(s), provided, however, that the size of the cabinet  
13 shall be minimized to the satisfaction of the Director of Public Works;
- 14 (ii) Within a below-grade equipment  
15 vault;
- 16 (iii) Attach to existing power source in  
17 an existing utility box;
- 18 (iv) Enclosed at the base of the pole  
19 on which the antenna(s) is/are proposed for installation;
- 20 (v) Within equipment boxes mounted  
21 on a utility pole, provided, however, that the size of the boxes shall be minimized to the  
22 satisfaction of the Director of Public Works;
- 23 (vi) In an existing ground-mounted  
24 (grade-level) equipment cabinet, with no expansion or additional cabinets to be added;
- 25 (vii) Within a new equipment enclosure  
26 mounted at grade.
- 27 3) Site location preferences:  
28 (i) Within the public right-of-way, not

1 in a center median, and not requiring the removal of existing parkway trees, reduction of  
2 the size of any parkway landscape planters, and not requiring any modifications to the  
3 existing location of any infrastructure within the public right-of-way;

4 (ii) Within the parkway landscaping  
5 within the public right-of-way, and requiring only minor alterations to the existing parkway  
6 landscaping (including planter size) and/or infrastructure;

7 (iii) Within the public right-of-way in a  
8 manner that requires significant alteration to the existing public improvements and/or  
9 infrastructure.

10 4) Site location restrictions. In  
11 addition to the orders of preference specified in the preceding subsections,  
12 the following location prohibitions shall be applicable to all applications for  
13 installations of wireless telecommunications facilities in the public rights-of-  
14 way.

15 (i) All wireless telecommunication  
16 facility antennas, equipment and related infrastructure shall be prohibited in all center  
17 street medians;

18 (ii) In Residential Zoning Districts or  
19 Residential Planned Development Districts, only one (1) wireless telecommunications  
20 facility and associated equipment shall be permitted within the public right-of-way within a  
21 five hundred foot (500') radius; provided, however, that this restriction may be waived by  
22 the Director of Public Works upon a demonstration that the refusal to allow an additional  
23 facility within a five hundred foot (500') radius will result in the creation of a significant  
24 coverage gap for the applicant and/or that such refusal will otherwise violate an  
25 applicable state or federal law;

26 (iii) Wireless on strand or overhead  
27 lines shall be prohibited;

28 (iv) New wood poles shall be

1 prohibited.

2 5) Height:

3 (i) Antenna installations on existing  
4 City infrastructure shall not exceed the height of the existing infrastructure piece by more  
5 than five and one-half feet (5.5') unless approved by the City Engineer and Director of  
6 Public Works after a finding is made that a greater height would promote the aesthetic or  
7 safety concerns of the City;

8 (ii) For antenna(s) proposed for  
9 placement on a new pole in the public right-of-way, the height to the top of the highest  
10 element shall not exceed the average height of utility poles on the same block as the  
11 subject site by more than five and one-half feet (5.5'). In cases of uncertainty, the Director  
12 of Public Works shall have the authority to determine the applicable height limit;

13 (iii) Pole-mounted equipment shall be  
14 a minimum of ten feet (10') above level of sidewalk for public safety reasons.

15 6) Design:

16 (i) Any pole to be installed in the  
17 public right-of-way shall be disguised to resemble a utility pole to the maximum extent  
18 possible. All antennas shall be limited to a diameter no more than the widest part of the  
19 main pole, excluding its base. All antennas and screening devices shall be painted or  
20 finished to match the pole. All pole or equipment shall be painted or otherwise coated,  
21 per City standard, to be visually compatible with existing poles and equipment. The  
22 installation of new wood poles shall be prohibited;

23 (ii) Omnidirectional antenna units and  
24 groups of panel antennas shall be placed on the same vertical axis as the center of the  
25 pole where feasible. If not feasible, the installation shall utilize brackets and/or cross-  
26 arms that allow no more than a six-inch (6") extension (stand-off) from the pole except  
27 when additional stand-off is required to comply with health and safety regulations such as  
28 GO-95 and OSHA;

1 (iii) Antenna installations on existing  
2 City infrastructure shall be placed in a manner so that the size, appearance and function  
3 of the final installation is essentially identical to the installation prior to the antenna  
4 installation taking place;

5 (iv) No faux or otherwise  
6 nonfunctioning street lights, decorative elements, signs, clock towers, or artificial trees or  
7 shrubs or other such nonfunctioning screening elements made to resemble other objects  
8 shall be permitted;

9 (v) Wireless telecommunications  
10 facility equipment located above the surface grade in the public right-of-way including, but  
11 not limited to those on certain street lights, shall consist of small equipment components  
12 that are compatible in structure, scale, function and proportion to the poles they are  
13 mounted on. Equipment shall be painted or otherwise coated, per City standard (which  
14 may include public art), to be visually compatible with the subject pole. Underground  
15 vaults shall employ flush-to-grade access portals and vents that are heel shoe safe and  
16 slip safe; provided, however, that this restriction shall not apply in flood prone areas.  
17 Installations on City-owned or controlled public facilities shall be subject to applicable  
18 fees as approved by the City Council;

19 (vi) Facilities shall be designed to be  
20 as visually unobtrusive as possible. Applicant shall size antennas, cabinet equipment and  
21 other facilities to minimize visual clutter. Facilities shall be sited to avoid or minimize  
22 obstruction of views from public vantage points and otherwise minimize the negative  
23 aesthetic impacts of the public right-of-way;

24 (vii) All cables and conduits shall be  
25 routed through the interior of the subject pole; provided, however, that for wood poles all  
26 cables and conduits shall be mounted and routed in a manner calculated to minimize  
27 their visibility;

28 (viii) All cables shall be screened from

1 public view.

2 (vii) Compliance With Applicable Laws:

3 Permittee shall install and maintain permitted wireless telecommunications  
4 facilities in compliance with the requirements of the Uniform Building,  
5 National Electrical Code, City noise standards, and all other applicable  
6 codes, laws, and regulations (including without limitation, those specified in  
7 Title 21), as well as the restrictions specified in this Chapter.

8 (viii) Americans With Disabilities Act. The

9 proposed wireless telecommunications facility and its location shall comply  
10 with the Americans with Disabilities Act.

11 (ix) Signs.

12 1) There shall be no advertising or  
13 signage on any portion of a wireless telecommunication facility, except that  
14 required by law and/or as may be required by the City of Long Beach.

15 2) Each wireless telecommunication  
16 facility shall be identified by a permanently installed plaque or marker, no  
17 larger than four inches (4") by six inches (6"), clearly identifying the  
18 addresses, email contact information, and twenty-four (24) hour local or toll-  
19 free contact telephone numbers for a live contact person for both the  
20 permittee and the agent responsible for the maintenance of the wireless  
21 telecommunications facility. Emergency contact information shall be  
22 included for immediate response. Such information shall be updated in the  
23 event of a change in the permittee, the agency responsible for maintenance  
24 of the wireless telecommunication facility, or both.

25 3) Signs shall be hidden from public  
26 view when feasible. Background shall match color of equipment.

27 (x) Performance standards. All wireless  
28 telecommunications facilities in the public right-of-way shall be subject to

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the following:

1) Interference. No wireless telecommunication facility shall interfere with any emergency communication system at any time.

2) Graffiti. All graffiti on any components of the wireless telecommunications facility shall be removed promptly in accordance with City regulations. Graffiti on any facility in the public right-of-way must be removed within twenty-four (24) hours notification to the applicant of its appearance.

3) Landscaping. All landscaping required in connection with the permitting of the wireless telecommunications facility, including landscaping of the public right-of-way, shall be maintained in good, healthy condition at all times. Any dead or dying landscaping shall be promptly replaced or rehabilitated.

4) Repair of public right-of-way. The permittee or its operator shall repair, at its sole cost and expense, any damage (including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support) to City streets, sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and systems, underground utility line and systems, or sewer systems or sewer lines that results from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility by permittee. In the event permittee fails to complete said repair within the number of days stated on a written notice by the Director of Public Works, the Director shall cause said repair to be completed and shall invoice the permittee for all costs incurred by City as a result of such repair.

(i) Structural foundation must be removed when removing structures from the right-of-way;

1 (ii) All sidewalk panels affected by any  
2 work associated with the installation of a wireless telecommunications facility must be  
3 restored to their original condition.

4 5) Replacement of Equipment. During  
5 the term of a Wireless Right-of-Way Facility Permit, a permittee may  
6 replace equipment that is part of a permitted wireless telecommunications  
7 facility provided that the replacement equipment would be of the same (or  
8 smaller) size, quantity, weight, and appearance as the previously permitted  
9 equipment. The permittee shall notify the Department of Public Works prior  
10 to replacing any equipment, and shall not install the proposed equipment  
11 unless and until the Department of Public Works notifies permittee in writing  
12 that the Department has determined that the proposed replacement  
13 equipment complies with the requirements of this subsection, and until all  
14 required permits have been obtained.

15 6) Abandonment. The owner or  
16 operator of the wireless telecommunications facility shall notify the  
17 Department of Public Works in writing upon abandonment of the facility.  
18 The wireless telecommunications facility and all equipment associated  
19 therewith shall be removed in its entirety by the owner or operator within  
20 thirty (30) business days of a FCC or California Public Utilities Commission  
21 license or registration revocation or of facility abandonment (as defined in  
22 Subsection 15.34.020.A) or other discontinuation of use. The site shall be  
23 restored to its pre-installation condition to the satisfaction of the Director of  
24 Public Works at the expense of the facility owner or operator. Restoration  
25 shall be completed within ten (10) business days of removal of the facility. If  
26 removal and restoration is not completed within these time limits, the  
27 Director of Public Works shall be authorized to cause such removal and  
28 restoration to be completed and shall invoice the permittee for all costs

1 incurred by City as a result of such removal.

2 7) Liability, Indemnification, and

3 Defense.

4 (i) As a condition of a Wireless Right-

5 of-Way Facility Permit, each permittee agrees on its behalf and on behalf of any agents,

6 successors, or assigns to be wholly responsible for the construction, installation, and

7 maintenance of any permitted wireless telecommunications facility. Each permittee and

8 its agents are jointly and severally liable for all consequences of such construction,

9 installation, and maintenance of a wireless telecommunications facility. The issuance of

10 any Wireless Right-of-Way Facility Permit, inspection, repair suggestion, approval, or

11 acquiescence of any person affiliated with the City shall not excuse any permittee or its

12 agents from such responsibility or liability.

13 (ii) As a condition of a Wireless Right-

14 of-Way Facility Permit, each permittee agrees on its behalf and on behalf of its agents,

15 successors, or assigns, to indemnify, defend, protect, and hold harmless the City from

16 and against any and all claims of any kind arising against the City as a result of the

17 issuance of a Wireless Right-of-Way Facility Permit including, but not limited to, a claim

18 allegedly arising directly or indirectly from the following:

19 (a) Any act, omission, or negligence of

20 a permittee or its any agents, successors, or assigns while engaged in the permitting,

21 construction, installation, or maintenance of any wireless telecommunications facility

22 authorized by a Wireless Right-of-Way Facility Permit, or while in or about the public

23 rights-of-way that are subject to the permit for any reason connected in any way

24 whatsoever with the performance of the work authorized by the permit, or allegedly

25 resulting directly or indirectly from the permitting, construction, installation, or

26 maintenance of any wireless telecommunications facility authorized under the permit;

27 (b) Any accident, damage, death, or

28 injury to any of a permittee's contractors or subcontractors, or any officers, agents, or

1 employees of either of them, while engaged in the performance of the construction,  
2 installation, or maintenance of any wireless telecommunications facility authorized by a  
3 Wireless Right-of-Way Facility Permit, or while in or about the public right-of-way that are  
4 subject to the permit, for any reason connected with the performance of the work  
5 authorized by the permit, including from exposure to radio frequency emissions;

6 (c) Any accident, damage, death, or  
7 injury to any person or accident, damage, or injury to any real or personal property in,  
8 upon, or in any way allegedly connected with the construction, installation, or  
9 maintenance of any wireless telecommunications facility authorized by a Wireless Right-  
10 of-Way Facility Permit, or while in or about the public right-of-way that are subject to the  
11 permit, from any causes or claims arising at any time, including any causes or claims  
12 arising from exposure to radio frequency emissions; and

13 (d) Any release or discharge, or  
14 threatened release or discharge, of any hazardous material caused or allowed by a  
15 permittee or its agents about, in, on, or under the public right-of-way.

16 (iii) Permittee, at no cost or expense to  
17 the City, shall indemnify, defend, and hold harmless the City against any claims as set  
18 forth in Subsection 15.34.030(B)(1)(b)(x)(7)(ii) above, regardless of the alleged  
19 negligence of City or any other party, except only for claims resulting directly from the  
20 sole negligence or willful misconduct of the City. Each permittee specifically  
21 acknowledges and agrees that it has an immediate and independent obligation to defend  
22 the City from any claims that actually or potentially fall within the indemnity provision,  
23 even if the allegations are or may be groundless, false, or fraudulent, which obligation  
24 arises at the time such claim is tendered to the permittee or its agent by the City and  
25 continues at all times thereafter. Each permittee further agrees that the City shall have a  
26 cause of action for indemnity against the permittee for any costs the City may be required  
27 to pay as a result of defending or satisfying any claims that arise from or in connection  
28 with a Wireless Right-of-Way Facility Permit, except only for claims resulting directly from

1 the sole negligence or willful misconduct of the City. Each permittee further agrees that  
2 the indemnification obligations assumed under a Wireless Right-of-Way Facility Permit  
3 shall survive expiration of the permit or completion of installation of any wireless  
4 telecommunications facility authorized by the permit.

5 (iv) The Department may specify in a  
6 Wireless Right-of-Way Facility Permit such additional indemnification requirements as are  
7 necessary to protect the City from risks of liability associated with the permittee's  
8 construction, installation, and maintenance of a wireless telecommunications facility.

9 8) Insurance.

10 (i) Minimum Coverages. The  
11 Department of Public Works shall require that each permittee maintain in full force and  
12 effect, throughout the term of a Wireless Right-of-Way Facility Permit, an insurance policy  
13 or policies issued by an insurance company or companies satisfactory to the City's Risk  
14 Manager. Such policy or policies shall, at a minimum, afford insurance covering all of the  
15 permittee's operations, vehicles, and employees, as follows:

16 (a) Workers' compensation, in  
17 statutory amounts, with employers' liability limits not less than one million dollars  
18 (\$1,000,000) each accident, injury, or illness.

19 (b) Commercial general liability  
20 insurance with limits not less than five million dollars (\$5,000,000) each occurrence  
21 combined single limit for bodily injury and property damage, including contractual liability,  
22 personal injury, products and completed operations. This insurance shall include  
23 coverage for electric and magnetic fields (EMF) liability, products and completed  
24 operations liability.

25 (c) Commercial automobile liability  
26 insurance with limits not less than one million dollars (\$1,000,000) each occurrence  
27 combined single limit for bodily injury and property damage, including owned, non-owned  
28 and hired auto coverage, as applicable.

1 (d) Contractors' pollution liability  
2 insurance, on an occurrence form, with limits not less than one million dollars  
3 (\$1,000,000) each occurrence combined single limit for bodily injury and property  
4 damage and any deductible not to exceed twenty-five thousand dollars (\$25,000) each  
5 occurrence.

6 (e) "All Risk" property insurance,  
7 including debris removal, covering the full replacement value of permittee's  
8 improvements constructed on or upon any City-owned property.

9 (ii) Other Insurance Requirements.

10 (a) Said policy or policies shall include  
11 the City and its officers and employees jointly and severally as additional insureds, shall  
12 apply as primary insurance, shall stipulate that no other insurance effected by the City will  
13 be called on to contribute to a loss covered thereunder, and shall provide for severability  
14 of interests.

15 (b) Said policy or policies shall provide  
16 that an act or omission of one insured, which would void or otherwise reduce coverage,  
17 shall not reduce or void the coverage as to any other insured. Said policy or policies shall  
18 afford full coverage for any claims based on acts, omissions, injury, or damage which  
19 occurred or arose, or the onset of which occurred or arose, in whole or in part, during the  
20 policy period.

21 (c) Said policy or policies shall be  
22 endorsed to provide thirty (30) business days advance written notice of cancellation or  
23 any material change to the Department of Public Works.

24 (d) Should any of the required  
25 insurance be provided under a claims-made form, a permittee shall maintain such  
26 coverage continuously throughout the term of a Wireless Right-of-Way Facility Permit,  
27 and, without lapse, for a period of three (3) years beyond the expiration or termination of  
28 the permit, to the effect that, should occurrences during the term of the permit give rise to

1 claims made after expiration or termination of the permit, such claims shall be covered by  
2 such claims-made policies.

3 (e) Should any of the required  
4 insurance be provided under a form of coverage that includes a general annual  
5 aggregate limit or provides that claims investigation or legal defense costs be included in  
6 such general annual aggregate limit, such general aggregate limit shall be double the  
7 occurrence or claims limits specified in Subsection 15.34.030(B)(1)(b)(x)(8)(i) above.

8 (iii) Indemnity Obligation. Such  
9 insurance shall in no way relieve or decrease a permittee's or its agent's obligation to  
10 indemnify the City under Subsection 15.34.030(B)(1)(b)(x)(7) above.

11 (iv) Proof of Insurance. Before the  
12 Department of Public Works will issue a Wireless Right-of-Way Facility Permit, a  
13 permittee shall furnish to the Department of Public Works certificates of insurance and  
14 additional insured policy endorsements with insurers that are authorized to do business in  
15 the State of California and that are satisfactory to the City evidencing all coverages set  
16 forth in Subsection 15.34.030(B)(1)(b)(x)(8)(i) above.

17 (v) Self-Insurance. Where a permittee  
18 is self-insured, and such insurance is no less broad and affords no less protection to the  
19 City than the requirements specified in Subsection 15.34.030(B)(1)(b)(x)(8)(i) above, the  
20 Department of Public Works, in consultation with the City's Risk Manager, may accept  
21 such insurance as satisfying the requirements of Subsection 15.34.030(B)(1)(b)(x)(8)(i)  
22 above. Evidence of such self-insurance shall be provided in the manner required by the  
23 City's Risk Manager.

24 9) Bond. Each permittee, as a  
25 condition of the Wireless Right-of-Way Facility Permit, shall obtain, keep,  
26 and maintain a performance bond in an amount as determined by the City  
27 Engineer adequate to guarantee to the City the prompt, faithful and  
28 competent performance of the proposed work necessary to install the

1 proposed telecommunication facility and restoration of the public right-of-  
2 way.

3 10) City Changes to Public Right-of-  
4 Way. The permittee shall modify, remove, or relocate its wireless  
5 telecommunications facility, or portion thereof, without cost or expense to  
6 the City, if and when made necessary by any street or alley reconstruction,  
7 widening, relocation or vacation, the undergrounding of utilities, or any other  
8 construction in the public right-of-way negatively impacted by the wireless  
9 telecommunications facilities as installed, to the maximum degree  
10 consistent with the regulations at the California Public Utilities Commission.  
11 Said modification, removal, or relocation of a wireless telecommunications  
12 facility shall be completed within ninety (90) business days of notification by  
13 City unless exigencies dictate a shorter period for removal or relocation. In  
14 the event a wireless telecommunications facility is not modified, removed,  
15 or relocated within said period of time, City may cause the same to be done  
16 at the sole expense of permittee. Further, in the event of an emergency, the  
17 City may modify, remove, or relocate wireless telecommunications facilities  
18 without prior notice to permittee provided permittee is notified within a  
19 reasonable period thereafter.

20 2. Exclusions. The Department of Public Works shall not  
21 issue a Wireless Right-of-Way Facility Permit if the applicant seeks to:

- 22 a. Install a new overhead utility line on a public  
23 right-of-way where there are presently no overhead utility facilities; or
- 24 b. Add a wireless telecommunications facility on a  
25 utility pole or street light pole for which a Wireless Right-of-Way Facility  
26 Permit has already been approved.

27 3. Permit Conditions. The Department of Public Works  
28 may include in a Wireless Right-of-Way Facility Permit such conditions, in

1 addition to those already set forth in this Chapter 15.34 and other applicable  
2 law, as may be required to govern the construction, installation, or  
3 maintenance of wireless telecommunications facilities in the public rights-of-  
4 way, and to protect and benefit the public health, safety, welfare, and  
5 convenience, provided that no such conditions may concern the particular  
6 technology used for a wireless telecommunications facility.

7 C. Department of Public Works Orders and Regulations. The  
8 Department of Public Works may adopt such orders and regulations as it  
9 deems necessary to implement the requirements of this Chapter 15.34, or  
10 to otherwise preserve and maintain the public health, safety, welfare, and  
11 convenience, as are consistent with the requirements of this Chapter 15.34  
12 and applicable law.

13 D. Application Requirements. All applicants for a Wireless Right-  
14 of-Way Facility Permit must provide at least the following information in the  
15 application (in addition to such further information as is required by an order  
16 or regulation of the Director of Public Works adopted in accordance with  
17 Subsection 15.34.030(C)).

- 18 1. Pole number and address;
- 19 2. A site plan illustrating the exact location and size of all  
20 proposed wireless telecommunication facility antennas, equipment and  
21 related infrastructure necessary for its operation within the public right-of-  
22 way;
- 23 3. A fully dimensioned and scaled site plan that illustrates  
24 the following information within one hundred fifty feet (150') of the proposed  
25 wireless telecommunication facility:
  - 26 a. The distances between all new and existing  
27 wireless telecommunication equipment and all other infrastructure within the  
28 public right-of-way such as, but not limited to, other existing

1 telecommunication equipment, utility poles, street light poles, street trees,  
2 fire hydrants, bus stops, traffic signals and above and below ground utility  
3 equipment vault(s);

4 b. The distance and location of adjoining property  
5 lines, including County's assessor parcel numbers (APN), and easement  
6 boundaries abutting the public right-of-way, curbs, center line tie at all  
7 streets, driveway approaches, easements, walls, existing utility  
8 substructures, and parkway trees from the wireless telecommunication  
9 facility;

10 c. The immediate adjacent land uses and building  
11 locations;

12 d. The dedicated width of the public right-of-way;

13 e. The location of all existing sidewalks and  
14 parkway landscape planters.

15 4. Provide a GIS map (electronic and hardcopy) of all  
16 conduit locations between the wireless telecommunication antennas and  
17 the infrastructure necessary to operate the antennas;

18 5. A detailed photograph of the exact location of all  
19 proposed wireless telecommunication facility antennas, equipment and  
20 related infrastructure within the public right-of-way. Additional photographs  
21 shall also be provided to document the existing setting of the wireless  
22 telecommunication facility within one hundred fifty feet (150') to the north,  
23 south, east and west of the proposed facility with a corresponding location  
24 map key documenting where each photograph was taken;

25 6. Propagation/coverage maps, including "search rings"  
26 for new installations, shall be required only if and to the extent the applicant  
27 claims that denial of its application would or could (i) cause a "significant  
28 coverage gap" within the meaning of the Federal Telecommunication Act,

1 (ii) inform the feasibility of alternative locations and/or configurations for the  
2 proposed wireless telecommunications facility, and/or (iii) would be relevant  
3 to applicant's demonstration that denial of an application would result in a  
4 violation of applicants rights under applicable law;

5 7. A study prepared by a qualified, independent, radio  
6 frequency engineer, deemed acceptable to the City, documenting that the  
7 new or modified telecommunication facility will not exceed Public Health  
8 Compliance Standard. The study shall include all proposed and existing  
9 telecommunication antennas at maximum operational capacity;

10 8. A narrative discussion, accompanied by evidence,  
11 explaining (if necessary) why a superior location or configuration (as  
12 established by the order of preferences in Subsection  
13 15.34.030(B)(1)(b)(vi)) cannot be feasibly implemented;

14 9. Any additional information deemed necessary by the  
15 Director of Public Works to evaluate the proposed wireless  
16 telecommunication facility and its construction impact to the existing  
17 infrastructure and design of the public right-of-way;

18 10. Wet-stamped plans and calculations approving  
19 additional load of new wireless facility equipment on the pole;

20 11. Plans showing how existing conduits inside or upon the  
21 pole will be separated and protected from new wireless conduits;

22 12. Photo simulation of proposed project;

23 13. Feasibility study supporting order of preference;

24 14. A noise study/analysis and/or manufacturer  
25 specifications demonstrating to the satisfaction of the Director of Public  
26 Works that noise from a proposed wireless telecommunications facility at  
27 any time of the day or night will not exceed forty-five (45) dBA as measured  
28 at a distance three (3) feet from any residential building facade; and

1                   15.    A phasing plan in a form and containing timing  
2 milestones for construction and inspection of the proposed wireless  
3 telecommunications facility that are acceptable to the Director of Public  
4 Works.

5                   16.    Applicants may request approvals for up to ten (10)  
6 wireless telecommunication facilities per application, so long as each of the  
7 proposed wireless telecommunications facilities is, in the judgment of the  
8 Director of Public Works, sufficiently similar in form to allow for the  
9 combined evaluation of the multiple proposed wireless telecommunications  
10 facilities.

11                   E.    Initial Review of Completeness of Wireless Right-of-Way  
12 Facility Permit Applications.

13                   Following receipt of an application for a Wireless Right-of-Way  
14 Facility Permit, the Department of Public Works may conduct site visits and shall  
15 make an initial determination whether the application is complete, and shall  
16 promptly notify the applicant of that determination.

17                   F.    Conditions of Approval.

18                   1.    Conditions of Approval. During its review of an  
19 application for a Wireless Right-of-Way Facility Permit under this Chapter  
20 15.34, the City may add conditions to its approval, tentative approval, or  
21 determination. The Department of Public Works shall promptly notify the  
22 applicant in writing of any such conditions and shall give the applicant ten  
23 (10) business days to accept or reject the conditions. If applicant's response  
24 is not received by the City by the eleventh (11<sup>th</sup>) business day, the  
25 application may be denied.

26                   2.    Acceptance of Conditions Required. The Department of  
27 Public Works shall not approve an application for a Wireless Right-of-Way  
28 Facility Permit unless the applicant accepts all of the conditions added to an

1 approval, tentative approval, or determination.

2 G. Street Trees. When reviewing an application for a Wireless  
3 Right-of-Way Facility Permit, the City may require as a condition of approval  
4 that the permittee plant an appropriate street tree adjacent to the utility pole  
5 or street light pole so as to provide a screen for a permitted wireless  
6 telecommunications facility. If such a condition is imposed, the permittee  
7 shall be required to install a street tree that is a minimum of twenty-four  
8 (24)-inch, and up to a forty-eight (48)-inch, box size. The Department of  
9 Public Works shall work with the permittee to select the appropriate species  
10 and location for the required tree. In any instance in which the Department  
11 of Public Works cannot require the permittee to install a street tree, on the  
12 basis of inadequate sidewalk width, interference with utilities, or other  
13 reasons regarding the public health, safety, or welfare, the Department of  
14 Public Works shall instead require the permittee to make an "in-lieu"  
15 payment into the "Adopt-A-Tree" fund of the Department of Public Works.  
16 This payment shall be in the amount specified in the City's master fee  
17 schedule, and shall be payable prior to the Department of Public Works'  
18 issuance of the Wireless Right-of-Way Facility Permit.

19 H. Review of Tier A Wireless Right-of-Way Facility Permit  
20 Applications. Within twenty (20) business days following receipt of a  
21 completed application for a Wireless Right-of-Way Facility Permit for a Tier  
22 A Wireless Telecommunications Facility, the Department of Public Works  
23 shall review and determine whether the proposed Tier A Wireless  
24 Telecommunications Facility satisfies the Tier A Compatibility Standard,  
25 satisfies the Public Health Compliance Standard, and otherwise meets the  
26 conditions, standards, and requirements of this Chapter 15.34. The  
27 Department of Public Works may extend the time period for this review  
28 period beyond twenty (20) business days when additional information is

1 required to make a determination. The Department of Public Works shall  
2 not approve an application for a Wireless Right-of-Way Facility Permit  
3 unless the Department of Public Works makes a determination that the  
4 application satisfies the Tier A Compatibility Standard, satisfies the Public  
5 Health Compliance Standard, and otherwise meets the conditions,  
6 standards, and requirements of this Chapter 15.34.

7 I. Review of Tier B Wireless Right-of-Way Facility Permit  
8 Applications. Within forty (40) business days following receipt of a  
9 completed application for a Wireless Right-of-Way Facility Permit for a Tier  
10 B Wireless Telecommunications Facility, the Department of Public Works,  
11 in consultation with other City departments as necessary, shall review and  
12 determine whether the proposed Tier B Wireless Telecommunications  
13 Facility satisfies the Tier B Compatibility Standard, satisfies the Public  
14 Health Compliance Standard, and otherwise meets the conditions,  
15 standards, and requirements of this Chapter 15.34. With the concurrence  
16 of the applicant, the Department of Public Works may extend the time  
17 period for this review period beyond forty (40) business days when  
18 additional information is required to make a determination. The Department  
19 of Public Works shall not approve an application for a Wireless Right-of-  
20 Way Facility Permit unless the Department of Public Works makes a  
21 determination that the application satisfies the Tier B Compatibility  
22 Standard, satisfies the Public Health Compliance Standard, and otherwise  
23 meets the conditions, standards, and requirements of this Chapter 15.34.

24 J. Department of Public Works Determination.

25 1. Approval. A Department of Public Works' approval of  
26 an application for a Wireless Right-of-Way Facility Permit shall be in writing  
27 and shall set forth the reasons therefor. If a Department of Public Works'  
28 approval contains any conditions, the conditions shall also be in writing.

1                   2. Denial. The Department of Public Works shall issue a  
2 final determination denying an application for a Wireless Right-of-Way  
3 Facility Permit within three (3) business days of any of the following events:

4                   a. The Department of Public Works' determination  
5 that the application does not comply with the Public Health Compliance  
6 Standard;

7                   b. The Department of Public Works' determination  
8 that the application does not meet the applicable compatibility standard; or

9                   c. If the Department of Public Works receives  
10 notice from the applicant that it rejects any condition imposed upon the  
11 application for a Wireless Right-of-Way Facility Permit.

12                   K. Notice Following Approval of Tier B Wireless Right-of-Way  
13 Facility Permit Applications

14                   1. Notice Required. The Department of Public Works shall  
15 require an applicant for a Tier B Wireless Right-of-Way Facility Permit to  
16 notify the public of the approval of the application under Subsection  
17 15.34.030(J) above, and to provide the Department of Public Works with  
18 evidence, as the Department of Public Works may require, of compliance  
19 with this requirement.

20                   2. Types of Notice Required.

21                   a. Notice by Mail. The applicant shall mail a copy  
22 of the notice to any person owning property or residing adjacent or across  
23 the street from the proposed location of the wireless telecommunications  
24 facility; and

25                   b. Notice by Posting. The applicant shall post a  
26 copy of the notice on the proposed wireless telecommunications facility is to  
27 be located.

28                   3. Contents and Form of Notice. The notice shall contain

1 such information, and be in such form, as the Department of Public Works  
2 reasonably requires in order to inform the general public as to the nature of  
3 the application for a Wireless Right-of-Way Facility Permit. At a minimum,  
4 the notice shall:

5 a. Provide a description and a photo-simulation of  
6 the proposed wireless telecommunications facility;

7 b. Summarize the determinations of any City  
8 departments that were necessary for the tentative approval of the  
9 application;

10 c. Identify any conditions added by any City  
11 departments that have been accepted by the applicant and are now part of  
12 the application;

13 d. State that any person seeking to appeal the  
14 grant of the application must submit an appeal notice to the Department of  
15 Public Works within ten (10) business days of the date the notice was  
16 mailed and posted;

17 e. Describe the procedure for submitting a timely  
18 appeal;

19 f. Specify the applicable grounds for appealing the  
20 application under this Chapter 15.34; and

21 g. Explain how any interested person may obtain  
22 additional information and documents related to the application.

23 L. Appeal of Tier B Wireless Right-of-Way Facility Permit

24 1. Appeal Allowed. The applicant for a Tier B Wireless  
25 Right of Way Facility Permit, and/or any person owning or residing at  
26 property that is adjacent to or across the street to the location of a proposed  
27 Tier B Wireless Telecommunications Facility, may appeal an approval of an  
28 application for a Tier B Wireless Right-of-Way Facility Permit. An appeal

1 must be in writing and must be submitted to the City Clerk within ten (10)  
2 business days of the date the notice was mailed and posted as required  
3 under Subsection 15.34.030(K)(2) above.

4 2. Public Hearing Required. If an appeal is timely  
5 submitted, an independent hearing officer selected by the City shall hold a  
6 public hearing. The City Clerk shall set a date for the hearing that is at least  
7 fifteen (15) business days, but no more than sixty (60) business days, after  
8 the City Clerk's receipt of the appeal, unless the applicant and any person  
9 submitting an appeal agree to a later hearing date.

10 3. Notice of Public Hearing Date. At least ten (10)  
11 business days before the public hearing, the City Clerk shall notify in writing  
12 any person submitting an appeal, the applicant, and any City department  
13 that reviewed the application of the date set for the public hearing. The City  
14 Clerk shall follow its regular procedures for notifying the general public of  
15 the hearing.

16 4. Public Hearing Record. The public hearing record shall  
17 include:

18 a. The application and the Department of Public  
19 Works' approval of the application;

20 b. Any written determination from the Department  
21 of Public Works;

22 c. Any further written evidence from any City  
23 departments submitted either prior to or during the hearing;

24 d. Any written submissions from the applicant, any  
25 person submitting an appeal, or any other interested person submitted  
26 either prior to or during the hearing; and

27 e. Any oral testimony from any City departments,  
28 the applicant, any person submitting a protest, or any interested person

1 taken during the hearing.

2 5. Hearing Officer Determination. The Hearing Officer  
3 shall issue a written resolution containing its determination within fourteen  
4 (14) business days following the close of evidence at the conclusion of the  
5 public hearing on the appeal. The resolution shall include a summary of the  
6 evidence and the ultimate determination whether to grant, grant with  
7 modifications, or deny the appeal.

8 6. Notice of Determination on Appeal.

9 a. The City Clerk shall promptly mail a notice of a  
10 determination on an appeal to both the applicant, to any neighborhood  
11 association identified by the Department of Development Services for any  
12 neighborhood within three hundred (300) feet of the approved wireless  
13 telecommunications facility, and to any person who either filed a protest,  
14 submitted evidence, or appeared at the hearing, and whose name and  
15 address are known to the Department of Public Works.

16 M. Notice of Completion and Inspection.

17 1. Notice of Completion. A permittee shall notify the  
18 Department of Public Works immediately upon completion of the installation  
19 of a wireless telecommunications facility. The notice of completion must  
20 include a written statement from a certified engineer confirming that the  
21 permitted wireless telecommunications facility complies with the Public  
22 Health Compliance Standard.

23 2. Inspection.

24 a. Inspection After Installation. The Department of  
25 Public Works may inspect a wireless telecommunications facility installed in  
26 the public right-of-way within a reasonable time after a permittee provides  
27 the Department of Public Works with a notice of completion required under  
28 Subsection 15.34.030(M)(1) above. The Department of Public Works shall

1 determine during the inspection whether:

2 (i) The installation is in accordance with the  
3 requirements of the Wireless Right-of-Way Facility Permit; and

4 (ii) The permitted wireless  
5 telecommunications facility complies with the Public Health Compliance  
6 Standard.

7 b. Subsequent Inspection. If at any time the  
8 Department of Public Works has a valid reason to believe that a permitted  
9 wireless telecommunications facility does not comply with any local or state  
10 regulation, ordinance or law, condition of approval, and/or the Public Health  
11 Compliance Standard, the Department of Public Works shall require the  
12 permittee to provide additional proof of compliance with such local or state  
13 regulation, ordinance or law, condition of approval, and/or the Public Health  
14 Compliance Standard, which proof shall be provided within forty-eight (48)  
15 hours of such request (or such additional time as the Department of Public  
16 Works may grant in its reasonable discretion). If such proof of compliance is  
17 not timely provided, or is determined by the Director of Public Works or  
18 designee to be insufficient, the City may initiate such additional code  
19 enforcement remedies and/or permit revocation procedures as are  
20 otherwise permissible. The procedures set forth herein are intended to  
21 augment, not limit, the City's permit and code enforcement remedies. The  
22 Department of Public Works may also inspect the facility.

23 N. Compliance.

24 1. Compliance Required. Any wireless  
25 telecommunications facility installed in the public rights-of-way pursuant to a  
26 Wireless Right-of-Way Facility Permit must comply with the terms and  
27 conditions of the permit and this Chapter 15.34.

28 2. Notice of Deficiency.

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a. Non-Compliance with Permit. If the Department of Public Works determines, either after an inspection conducted under Subsection 15.34.030(M) above or at any other time, that a wireless telecommunications facility is not in compliance with the Wireless Right-of-Way Facility Permit or this Chapter 15.34, the Department of Public Works shall issue a notice of deficiency and require the permittee to take corrective action to bring the wireless telecommunications facility into compliance.

b. Radio Frequency Emissions. If the Department of Public Works determines, either after an inspection required under Subsection 15.34.030(M) above or at any other time, that potential human exposure to radio frequency emissions from a permitted wireless telecommunications facility exceeds FCC guidelines, the Department of Public Works shall issue a notice of deficiency and require the permittee to take corrective action to bring the wireless telecommunications facility into compliance with FCC guidelines.

c. Noise. If the Department of Public Works determines, either after an inspection required under Subsection 15.34.030(M) above or at any other time, that noise from a permitted wireless telecommunications facility at any time of the day or night exceeds forty-five (45) dBA as measured at a distance three (3) feet from any residential building facade, the Department of Public Works shall issue a notice of deficiency and require the permittee to take corrective action to bring the wireless telecommunications facility into compliance with the noise limit.

3. Department Remedies.

a. Required Action. If a permittee fails to take corrective action with respect to a wireless telecommunications facility

1 within twenty (20) business days after receiving a notice of deficiency, the  
2 Department of Public Works shall:

- 3 (i) Take all reasonable, necessary, and  
4 appropriate action to remedy a permittee's noncompliance; or
- 5 (ii) Require a permittee to remove the non-  
6 compliant wireless telecommunications facility from the public rights-of-way;  
7 and
- 8 (iii) Charge to a permittee the reasonable  
9 costs that the City has actually incurred including, but not limited to,  
10 administrative costs.

11 b. Discretionary Action. In addition to the foregoing,  
12 if a permittee fails to take corrective action with respect to a wireless  
13 telecommunications facility within twenty (20) business days after receiving  
14 a notice of deficiency the Department of Public Works may deny any  
15 pending application filed by permittee for a Wireless Right-of-Way Facility  
16 Permit.

17 O. Abandonment.

18 1. Permittee Must Maintain Facilities; Compliance with  
19 Phasing Plan. Any wireless telecommunications facility installed in the  
20 public rights-of-way pursuant to a Wireless Right-of-Way Facility Permit  
21 issued under this Chapter 15.34 must be properly maintained and used to  
22 provide wireless telecommunications services. Failure to comply with a  
23 phasing plan shall constitute an abandonment, and shall be subject to the  
24 remedy for noncompliance set forth in Subsection 15.34.030(O)(3) below.

25 2. Notice of Abandonment. A permittee shall notify the  
26 Department of Public Works, or the Department of Public Works may  
27 determine and notify a permittee, that a wireless telecommunications facility  
28 installed in the public right-of-way has been abandoned either because it

1 has not been properly maintained or because it is no longer being used to  
2 provide wireless telecommunications services. In such event, a permittee  
3 shall promptly remove the abandoned wireless telecommunications facility  
4 as required by the Department of Public Works and at permittee's expense.

5 3. Termination of Permits for Abandoned Wireless  
6 Telecommunications Facilities; Remedy for Non-Compliance. Wireless  
7 Right-of-Way Facility Permits shall automatically expire upon the  
8 abandonment of a wireless telecommunications facility. If a permittee fails  
9 to remove an abandoned wireless telecommunications facility within a  
10 reasonable period of time after receiving a notice of abandonment, the  
11 Department of Public Works shall take all reasonable, necessary, and  
12 appropriate action to remedy the permittee's failure to comply with the  
13 notice (including removing the wireless telecommunications facility) and  
14 may charge to the permittee the reasonable costs the City has actually  
15 incurred including, but not limited to, administrative costs.

16 P. Term of Permit. A Wireless Right-of-Way Facility Permit shall  
17 have a term of ten (10) years. The term shall commence upon the date of  
18 issuance of the permit.

19 Q. Renewal and New Applications

20 1. When Permitted.

21 a. Renewal Permitted. At the end of the term set  
22 forth in Subsection 15.34.030(P) above, the Department of Public Works  
23 may renew a Wireless Right-of-Way Facility Permit for an additional ten  
24 (10) year term, provided that the Department of Public Works did not issue  
25 a Modification Permit for the permitted wireless telecommunications facility  
26 during the term of the permit.

27 b. Renewal Not Permitted.

28 (i) A wireless telecommunications facility

1 that has been issued a Modification Permit may not be renewed beyond the  
2 expiration of the Modification Permit term. Instead, the permittee may file a  
3 new application for a Wireless Right-of-Way Facility Permit for the permitted  
4 and modified wireless telecommunications facility at the same location.

5 (ii) A Wireless Right-of-Way Facility Permit  
6 that has been renewed once under Subsection 15.34.030(Q)(1)(a) above  
7 may not be renewed for a second time. Instead, the permittee may file a  
8 new application for a Wireless Right-of-Way Facility Permit for the permitted  
9 wireless telecommunications facility at the same location.

10 2. Renewal Application Required. A permittee seeking to  
11 renew a Wireless Right-of-Way Facility Permit that may be renewed under  
12 Subsection 15.34.030(Q)(1) above must file a renewal application with the  
13 Department of Public Works no later than six (6) months prior to the  
14 expiration date of the existing permit. The renewal application shall include  
15 a written report from a certified engineer confirming that the permitted  
16 wireless telecommunications facility complies with the Public Health  
17 Compliance Standard, and such other material/information as may be  
18 directed by the Director of Public Works, so long as such additional material  
19 is consistent with the application requirements set forth in Subsection  
20 15.34.030(D) above.

21 3. Approval of Renewal Application.

22 a. Satisfaction of Public Health Compliance  
23 Standard Required. The Department of Public Works shall review every  
24 application under the Public Health Compliance Standard. The Department  
25 of Public Works shall approve a timely-filed renewal application unless the  
26 Department of Public Works determines that the permitted wireless  
27 telecommunications facility does not comply with the Public Health  
28 Compliance Standard and/or that any other applicable standard for new

1 wireless telecommunications facilities is not satisfied.

2 b. Applicability of Other Provisions of this Chapter.

3 The other provisions of this Chapter 15.34 related to approval of an  
4 application for a Wireless Right-of-Way Facility Permit shall not apply to the  
5 Department of Public Works' review of a renewal application.

6 4. New Application.

7 a. Required When Renewal Not Permitted. If, in  
8 accordance with Subsection 15.34.030(Q)(1) above, a wireless  
9 telecommunications facility cannot be renewed, the permittee must submit a  
10 new application for a Wireless Right-of-Way Facility Permit in order to  
11 continue to maintain the permitted wireless telecommunications facility in  
12 the public rights-of-way.

13 b. Removal Not Required. Notwithstanding any  
14 other applicable law, if the permittee submits an application for a Wireless  
15 Right-of-Way Facility Permit no later than six (6) months prior to the  
16 expiration date of a previously issued Wireless Right-of-Way Facility Permit,  
17 the Department of Public Works shall not require the applicant to remove  
18 the permitted wireless telecommunications facility unless and until there is a  
19 final determination denying the application.

20 R. Replacement or Removal of Equipment.

21 1. Replacement. During the term of a Wireless Right-of-  
22 Way Facility Permit, a permittee may replace equipment that is part of a  
23 permitted wireless telecommunications facility without obtaining a  
24 Modification Permit.

25 2. Removal. During the term of a Wireless Right-of-Way  
26 Facility Permit, a permittee may remove equipment that is part of a  
27 permitted wireless telecommunications facility without obtaining a  
28 Modification Permit.

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3. Department Procedures.

a. Permittee's Notification. A permittee shall notify the Department of Public Works in writing that it intends to replace or remove equipment at a permitted wireless telecommunications facility as permitted by this Subsection 15.34.030(R). In the notice, the permittee shall at a minimum:

(i) Identify the use and size of each piece of equipment that the permittee is seeking to remove from the utility pole or street light pole;

(ii) Identify the use and size of the equipment that the permittee is seeking to install on the utility pole or street light pole to replace existing equipment; and

(iii) If any new equipment will replace existing equipment, provide drawings and photo simulations of the existing and new equipment the permittee is seeking to install on the utility pole or street light pole.

b. Department of Public Works Notification. Within five (5) business days of receipt of the permittee's request to replace or remove equipment as described above, the Department of Public Works shall notify the permittee in writing whether the Department of Public Works has determined that the request complies with the requirements of this Subsection 15.34.030(R).

c. Permittee Replacement or Removal. Upon receipt of a Department of Public Works notice that the request complies with this Subsection 15.34.030(R), the permittee may replace or remove the equipment identified in the request.

d. Compliance with Other Requirements. Nothing in this Subsection 15.34.030(R) shall be construed to relieve the permittee

1 of its duty to comply with any City regulations or permitting requirements  
2 when removing equipment from or replacing equipment on a utility pole or  
3 street light pole.

4 S. Modification Permit.

5 1. Modification Permit Required. A permittee seeking to  
6 add equipment to a permitted wireless telecommunications facility that does  
7 not comply with the requirements of Subsection 15.34.030(R) above,  
8 because the replacement equipment is not identical in size or smaller than  
9 the previously permitted equipment, must obtain a Modification Permit.

10 2. Department Procedures.

11 a. Application. In an application for a Modification  
12 Permit, the applicant shall at a minimum:

13 (i) State whether the permitted wireless  
14 telecommunications facility is a base station;

15 (ii) Identify the use and size of any piece of  
16 equipment that the applicant is seeking to remove from the utility pole or  
17 street light pole;

18 (iii) Identify the use and size of any  
19 equipment that the applicant is seeking to add to the utility pole or street  
20 light pole;

21 (iv) State whether any piece of equipment the  
22 applicant is seeking to add to the utility pole or street light pole is  
23 transmission equipment and, if so, explain why it meets the definition of  
24 transmission equipment;

25 (v) Provide drawings and photo-simulations  
26 of the existing and new equipment the permittee is seeking to install on the  
27 utility pole or street light pole; and

28 (vi) State whether the proposed modification

1 will result in a substantial change to the physical dimensions of the utility  
2 pole or street light pole.

3 b. Time for Department Determination. The  
4 Department of Public Works shall by order or regulation establish the  
5 appropriate timeframe for the Department of Public Works to review an  
6 application for a Modification Permit that is consistent with the requirements  
7 of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of  
8 2012, codified at 47 U.S.C. § 1455(a), as may be amended from time to  
9 time, and with any FCC decision addressing that section or any FCC  
10 regulation implementing that section.

11 3. Approval of Modification Permits at Base Stations.

12 a. No Substantial Change to the Physical  
13 Dimension. The Department of Public Works shall approve an eligible  
14 facilities request for a Modification Permit if the installation of the modified  
15 transmission equipment would not substantially change the physical  
16 dimensions of the utility pole or street light pole where the permitted base  
17 station equipment has been installed.

18 b. Substantial Change to the Physical Dimensions.  
19 The Department of Public Works may approve an eligible facilities request  
20 for a Modification Permit if the installation of the modified transmission  
21 equipment would substantially change the physical dimensions of the utility  
22 pole or street light pole where the permitted base station equipment has  
23 been installed, provided the application complies with the requirements of  
24 Subsection 15.34.030(S)(5) below.

25 c. Equipment Other than Transmission Equipment.  
26 The Department of Public Works may approve an application for a  
27 Modification Permit at a wireless telecommunications facility that is a base  
28 station if the application seeks to modify equipment other than transmission

1 equipment, provided the application complies with the requirements of  
2 Subsection 15.34.030(S)(5)(b) below.

3 4. Approval of Modification Permits at Other Types of  
4 Facilities. The Department of Public Works may approve an application for  
5 a Modification Permit at a wireless telecommunications facility that is not a  
6 base station, provided the application complies with the requirements of  
7 Subsection 15.34.030(S)(5)(b) below.

8 5. Applicability of Other Provisions of this Chapter.

9 a. No Substantial Change to the Physical  
10 Dimension. The other provisions of this Chapter 15.34 related to approval of  
11 an application for a Wireless Right-of-Way Facility Permit shall not apply to  
12 the Department of Public Works' review of an application for a Modification  
13 Permit that complies with the requirements of Subsection  
14 15.34.030(S)(3)(a) above.

15 b. Other Types of Modifications. Before approving  
16 an application for a Modification Permit under Subsections  
17 15.34.030(S)(3)(b), (S)(3)(c), and (S)(4) above, the Department of Public  
18 Works shall (A) determine whether the proposed wireless  
19 telecommunications facility complies with the Public Health Compliance  
20 Standard; and (B) determine compliance with any applicable compatibility  
21 standards. The Department of Public Works may not approve the  
22 Modification Permit if any City department determines the application does  
23 not comply with the appropriate standard(s). In addition, the Department  
24 may determine that compliance with other provisions of this Chapter 15.34  
25 shall be required.

26 6. Generally Applicable Laws. Nothing in this Subsection  
27 15.34.030(S) shall prohibit the Department of Public Works from denying an  
28 application for a Modification Permit (even where the application consists of

1 an eligible facilities request) where the Department of Public Works  
2 determines that the proposed modified wireless telecommunications facility  
3 would violate any generally applicable building, structural, electrical, or  
4 safety code provision, or any applicable law codifying objective standards  
5 reasonably related to health and safety.

6 T. Fees and Costs.

7 1. Application Fees. The City shall impose fees for review  
8 of an application for a Wireless Right-of-Way Facility Permit. The purpose  
9 of these fees is to enable the City to recover its costs related to reviewing  
10 an application for a Wireless Right-of-Way Facility Permit. The fee amounts  
11 shall be established and/or adjusted pursuant to an adopted fee resolution  
12 of the City Council, or as otherwise established and/or adjusted pursuant to  
13 applicable law.

14 2. Hearing Fees. If one or more appeal hearings is  
15 required, each appellant shall pay the Department of Public Works a non-  
16 refundable hearing fee for each appeal.

17 3. Renewal Fees. A permittee seeking to renew a  
18 Wireless Right-of-Way Facility Permit shall pay the Department of Public  
19 Works a non-refundable permit renewal fee.

20 4. Modification Permit Fees. Each applicant for a  
21 Modification Permit shall pay the Department of Public Works a non-  
22 refundable permit modification fee, and shall further pay any other permit  
23 review fees as required by Subsection 15.34.030(T)(1) above.

24 5. Inspection Fees. The Department of Public Works shall  
25 impose fees for the inspection of a permitted wireless telecommunications  
26 facility. The purpose of these fees is to enable the City to recover their costs  
27 related to inspecting a permitted wireless telecommunications facility.

28 6. Discretion to Require Additional Fees. In instances

1 where the review of an application for a Wireless Right-of-Way Facility  
2 Permit is or will be unusually costly to the Department of Public Works or to  
3 other City departments, the Director of Public Works, in his or her  
4 discretion, may, after consulting with other applicable City departments,  
5 agencies, boards, or commissions, require an applicant for a Wireless  
6 Right-of-Way Facility Permit to pay a sum in excess of the amounts  
7 charged pursuant to this Subsection 15.34.030(T). This additional sum shall  
8 be sufficient to recover actual costs incurred by the Department of Public  
9 Works and/or other City departments, agencies, boards, or commissions, in  
10 connection with an application for a Wireless Right-of-Way Facility Permit  
11 and shall be charged on a time and materials basis. Whenever additional  
12 fees are charged, the Director of Public Works, upon request, shall provide  
13 in writing the basis for the additional fees and an estimate of the additional  
14 fees.

15 7. Deposit of Fees. All fees paid to the Department of  
16 Public Works for Wireless Right-of-Way Facility Permit shall be deposited in  
17 the General Fund. All other fees shall go directly to the appropriate City  
18 department.

19 8. Reimbursement of City Costs. The Department of  
20 Public Works may determine that it requires the services of an expert in  
21 order to evaluate an application for a Wireless Right-of-Way Facility Permit.  
22 In such case, the Department of Public Works shall not approve the  
23 application unless the applicant agrees to reimburse the applicable City  
24 department for the reasonable costs incurred by that department for the  
25 services of a technical expert.

26 U. Base Station Determination.

27 1. Request for Determination.

28 a. New Facilities. An applicant for a Wireless Right-

1 of-Way Facility Permit may seek a determination from the Department of  
2 Public Works that a proposed wireless telecommunications facility is a base  
3 station.

4 b. Permitted Facilities. A permittee may seek a  
5 determination from the Department of Public Works that a permitted  
6 wireless telecommunications facility is a base station.

7 2. Single Determination Permitted. Once the Department  
8 of Public Works has determined that an applicant's new wireless  
9 telecommunications facility or a permittee's permitted wireless  
10 telecommunications facility is a base station, the Department of Public  
11 Works may apply that determination to the applicant's or permittee's other  
12 wireless telecommunications facilities that use the identical equipment.

13 3. Department Order. In lieu of a case-by-case  
14 determination, the Department may determine by order or regulation those  
15 types of wireless telecommunications facilities that meet the definition of the  
16 term base station.

17 15.34.040 Other provisions.

18 A. Temporary Wireless Telecommunication Facilities.  
19 Installation, maintenance, or operation of any temporary wireless  
20 telecommunications site is prohibited except as allowed under a special  
21 events permit necessary during a special event authorized by Chapter 5.60,  
22 or during a government-declared emergency.

23 B. Illegal facilities. Illegal wireless telecommunications facilities  
24 or co-location facilities have no vested rights and shall either be brought  
25 into legal conforming status in accordance with this Chapter and Title 21 of  
26 the Long Beach Municipal Code, or shall be removed.

27 C. Transfer or Change of Ownership/Operator. Upon assignment  
28 or transfer of an already approved wireless telecommunications facility or

1 any rights under that permit, the owner and/or current operator of the facility  
2 shall within thirty (30) business days of such assignment or transfer provide  
3 written notification to the Director of Public Works of the date of the transfer  
4 and the identity of the transferee. The Director may require submission of  
5 any supporting materials or documentation necessary to determine that the  
6 proposed use is in compliance with the existing permit and all of its  
7 conditions including, but not limited to, statements, photographs, plans,  
8 drawings, models, and analysis by a state-licensed radio frequency  
9 engineer demonstrating compliance with all applicable regulations and  
10 standards of the FCC and the California Public Utilities Commission. If the  
11 Director determines that the proposed operation is not consistent with the  
12 existing permit, the Director shall notify the applicant who may revise the  
13 application or apply for modification of the permit pursuant to the  
14 requirements of this Chapter.

15 15.34.050 Severability clause.

16 If any provision or clause of this Chapter or the application thereof to any  
17 person or circumstance is held to be unconstitutional or to be otherwise invalid by  
18 any court of competent jurisdiction, such invalidity shall not affect other article  
19 provisions or clauses or applications, and to this end the provisions and clauses of  
20 this Chapter are declared to be severable.

21  
22 Section 3. The City Clerk shall certify to the passage of this ordinance by  
23 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
24 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
25 Mayor.

26 ///  
27 ///  
28 ///

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

## REDLINE CHAPTER 21.56

### 21.56.010— Purpose and objectives.

The purpose of this Chapter is to regulate the establishment and operation of Wireless Telecommunications Facilities within the City of Long Beach, consistent with the General Plan, and with the intent to:

(a) A.— Allow for the provision of wireless communications services adequate to serve the public's interest within the City;

(b) B.— Require, where feasible and consistent with the City's aesthetic and planning objectives, the co-location of Wireless Telecommunications Facilities;

(c) C.— Minimize the negative aesthetic impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Long Beach;

(d) D.— Strongly encourage the location of Wireless Telecommunications Facilities in those areas of the City where the adverse aesthetic impact on the community is minimal;

(e) E.— Strongly encourage wireless telecommunications providers to configure all facilities in such a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative camouflaging techniques;

(f) F.— Enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and

(g) G.— Conform to all applicable federal and State laws.

### 21.56.020— Definitions.

In addition to all those terms defined in Chapter 21.15 of the Zoning Regulations, the following terms shall have the meanings set forth below, for the purposes of this Chapter:

(a) A.— ~~“Abandoned”~~ notwithstanding. Notwithstanding the definition of “abandoned” in Section 21.15.030, a Wireless Telecommunications Facility use shall be considered abandoned if it is not in use for six (6) consecutive months.

(b) B.— ~~“Applicable Law”~~ means all applicable federal, state, and City laws, ordinances, codes, rules, regulations and orders, as the same may be amended or adopted from time to time.

(c) C.— ~~“Co-location”~~ means the placement or installation of Wireless Telecommunications Facilities, including antennas and related equipment onto an existing Wireless Telecommunications Facility in the case of monopoles, or onto the same building in the case of roof/building-mounted sites ~~or placement in the public right-of-way.~~

(d) D.— ~~“Co-location facility”~~ means a Wireless Telecommunications Facility that has been co-located consistent with the meaning of “co-location” as defined above. It does not include the initial installation of a new Wireless Telecommunications Facility where previously there was none, nor the construction of an additional monopole on a site with an existing monopole.

(e) E.— ~~“Monopole”~~ means any single freestanding pole structure

## REDLINE CHAPTER 21.56

used to support wireless telecommunications antennas or equipment at a height above the ground. This includes those poles camouflaged to resemble natural objects.

~~(f) F.~~ "Public right-of-way" means any public highway, street, alley, sidewalk, parkway, and all extensions or additions thereto which is either owned, operated, or controlled by the City, or is subject to an easement or dedication to the City, or is a privately owned area within City's jurisdiction which is not yet dedicated, but is designated as a proposed public right-of-way on a tentative subdivision map approved by the City.

~~(g) G.~~ "Residential/Institutional Planned Development (PD) District" means the following Planned Development Districts within the City of Long Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho Estates), PD-17 (Alamitos Land), PD-20 (All Souls), and PD-25 (Atlantic Avenue), as well as any future PDs designated as such in the PD ~~ordinance~~ Ordinance.

~~(h) H.~~ "Roof/building-mounted site" means any Wireless Telecommunications Facility, and any appurtenant equipment, located on a rooftop or building, having no support structure such as a monopole or other type of tower.

~~I. "Street Light Pole" means a pole used solely for street lighting and which is located in the Public Rights-of-Way.~~

~~J. "Utility Pole" means any pole or tower owned by any utility company that is located in the public right-of-way necessary for the distribution of electrical or other utility services regulated by the California Public Utilities Commission. This does not include towers for high-voltage electrical power transmission between generating plants and electrical substations.~~

~~(i) K.~~ "Wireless Telecommunications Facility" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment, antennas, and network components such as towers, utility poles, transmitters, base stations, conduits, pull boxes, electrical meters, and emergency power systems. "Wireless Telecommunications Facility" does not include radio or television broadcast facilities, nor radio communications systems for government or emergency services agencies.

21.56.030 — Permit requirements for new Wireless Telecommunications Facilities.

All new Wireless Telecommunications Facilities shall meet the following standards and requirements:

~~(a) A.~~ Locations outside the public right-of-way. A Conditional Use Permit shall be required for the initial construction and installation of all new Wireless Telecommunications Facilities that are not co-location facilities and are outside the public right-of-way, in accordance with all Specific Procedures set forth in Chapter 21.21 and Chapter 21.25, Division II, of the Zoning Regulations, except as modified by this Chapter.

~~(b) B.~~ Roof/building-mounted facilities. All new Wireless Telecommunications Facilities that are not co-location facilities that are

## REDLINE CHAPTER 21.56

roof/building-mounted facilities shall also be subject to Site Plan Review in addition to the Conditional Use Permit requirement in Subsection 21.56.030.A.

~~(c) C.~~ Locations in the public right-of-way. A Wireless Right-of-Way Facility Permit shall be required for the initial construction and installation of all new Wireless Telecommunications Facilities in accordance with all Specific Procedures set forth in Section 21.56.130 Chapter 15.34.

21.56.040— Development and design standards for new Wireless Telecommunications Facilities that are not co-location facilities.

All new Wireless Telecommunications Facilities shall meet the following minimum standards:

(a) A.—Location. New Wireless Telecommunications Facilities shall not be located in Residential (R) or Institutional (I) zoning districts, or Residential/Institutional Planned Development (PD) Districts, unless the applicant demonstrates, by a preponderance of evidence, that a review has been conducted of other options with less environmental impact, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within a one (1) mile radius of the proposed facility. See Section 21.56.050 for additional application requirements;

(b) B.—Co-location required where possible. New Wireless Telecommunications Facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact;

(c) C.—Accommodation of co-location. Except where aesthetically inappropriate in the determination of the Staff Site Plan Review Committee, new Wireless Telecommunications Facilities shall be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible;

(d) D.—Additional development and design standards. Wireless Telecommunications Facilities also shall be subject to the additional design standards specified in Section 21.56.100.

21.56.050— Application requirements for new Wireless Telecommunications Facilities that are not co-location facilities.

In addition to the requirements set forth in Section 21.21.201 of the Zoning Regulations and Chapter 21.25 (Specific Procedures) of the Zoning Regulations, applicants for new Wireless Telecommunications Facilities shall submit the following materials regarding the proposed Wireless Telecommunications Facility:

(a) A.—Photo simulations. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;

(b) B.—Maintenance plan. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of

## REDLINE CHAPTER 21.56

landscaping and camouflaging, if applicable;

(c) ~~C.~~—Five year build-out plan. A description of the planned maximum five (5) year build-out of the site for the applicant's Wireless Telecommunications Facilities, including, to the extent possible, the full extent of Wireless Telecommunications Facility expansion associated with future co-location facilities by other wireless service providers. The applicant shall use best efforts to contact all other wireless service providers known to be operating in the City upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The City shall, within thirty (30) days of its receipt of an application, identify any known wireless service providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the five (5) year build-out plan. If future co-locations are not technically feasible, a written explanation shall be provided;

(d) ~~D.~~—Nearby facilities. Identification of existing Wireless Telecommunications Facilities within a one (1) mile radius of the proposed location of the new Wireless Telecommunications Facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing Wireless Telecommunications Facility was listed among the alternatives, the applicant must specifically address why the modification of such Wireless Telecommunications Facility is not a viable option. The written explanation shall also state the radio frequency coverage and capacity needs and objectives of the applicant, and shall include maps of existing coverage and predicted new coverage with the proposed facility;

(e) ~~E.~~—Availability for co-location. A statement that the proposed Wireless Telecommunications Facility is available for co-location, or an explanation of why future co-location is not technically feasible;

(f) ~~F.~~—RF report. A radio frequency (RF) report describing the emissions of the proposed Wireless Telecommunications Facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC);

(g) ~~G.~~—Alternative analysis. Applications for the establishment of new Wireless Telecommunications Facilities inside Residential (R) or Institutional (I) zoning districts, Residential/Institutional Planned Development (PD) Districts, and residential or institutional General Plan Land Use Districts (LUDs) shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative nonresidential, non-institutional sites or combination of nonresidential, non-institutional sites available to eliminate or substantially reduce significant gaps in the applicant service provider's coverage or network capacity;

(h) ~~H.~~—Height justification. An engineering certification providing technical data sufficient to justify the proposed height of any new monopole or roof/building-mounted site;

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(i) 1.—Deposit. A cash or other sufficient deposit for a third party peer review as required by this Chapter.

21.56.060—    Entitlement, term, renewal and expiration.

(a) A.— Conditional Use Permits and other entitlements for Wireless Telecommunications Facilities, including approval of the five (5) year build-out plan as specified in Subsection 21.56.050.BC, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for Conditional Use Permits for this class of land uses due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other Conditional land uses allowed by the City. The applicant or operator shall file for a renewal for the entitlement and pay the applicable renewal application fees six (6) months prior to expiration of the permit with the Department of Development Services, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, Wireless Telecommunications Facility renewal applications shall provide an updated build-out description prepared in accordance with the procedures established by Subsection 21.56.050.BC.

(b) B.—Where required, renewals for entitlements for existing Wireless Telecommunications Facilities and co-location facilities constructed prior to the effective date of this Chapter are subject to the provisions of Sections 21.56.030 through 21.56.050. Renewals of entitlements approved after the effective date of this Chapter shall only be approved if all conditions of the original entitlement have been satisfied, and the five (5) year build-out plan has been provided.

(c) C.—If the entitlement for an existing Wireless Telecommunications Facility has expired, applications for modification, expansion, or co-location at that site, as well as after-the-fact renewals of entitlements for the existing Wireless Telecommunications Facilities, shall be subject to the standards and procedures for new Wireless Telecommunications Facilities set forth in Sections 21.56.030 through 21.56.050.

21.56.070—    Permit requirements for co-location facilities.

(a) A.— Co-location facilities requiring a Conditional Use Permit. Applications for co-location will be subject to the standards and procedures set forth for new Wireless Telecommunications Facilities, above (Sections 21.56.030 through 21.56.060), if any of the following apply:

(i) 1.—No Conditional Use Permit was issued for the original Wireless Telecommunications Facility;

(ii) 2.—The Conditional Use Permit for the original Wireless Telecommunications Facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or

(iii) 3.—No environmental review was completed for the

## REDLINE CHAPTER 21.56

location of the original Wireless Telecommunications Facility that addressed the environmental impacts of future co-location facilities (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit).

(b) B.—Permit requirements for other co-location facilities.

(i) 1.—Roof/building-mounted facilities with visible exterior changes. Roof/building-mounted co-location facilities proposing visible exterior changes to the site shall be subject to Site Plan Review.

(ii) 2.—All others. Applications for all other co-location facilities shall be subject to a building permit approval. Prior to filing an application for a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original Conditional Use Permit, and with all applicable provisions of this Chapter, by submitting an application to the Department of Development Services for an administrative review as set forth in Section 21.56.090. The applicant shall not file an application for a building permit until the applicant receives written notification that this administrative review is complete and approved. The applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.

21.56.080—      Development and design standards for co-location facilities.

(a) A.—Compliance with discretionary approvals. The co-location facility shall comply with all approvals and conditions of the underlying (existing) discretionary permit for the Wireless Telecommunications Facility.

(b) B.—Harmonious design. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other Wireless Telecommunications Facility(ies) on the site.

(c) C.—Additional design standards. Co-location facilities also shall be subject to the additional design standards specified in Section 21.56.100.

21.56.090—      Application requirements for co-location facilities.

Applications that qualify for administrative review of co-location facilities in accordance with Section 21.56.070 shall be required to submit the following:

(a) A.—Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;

(b) B.—A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing Wireless Telecommunications Facility and Conditional Use Permit;

(c) C.—A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC);

(d) D.—Prior to the issuance of a building permit, the applicant shall submit color samples, and materials samples if requested, for the co-location equipment and any screening devices. Paint colors and materials shall be subject to the review and approval of the Department of Development Services. Color verification shall occur in the field after the applicant has painted the equipment

## REDLINE CHAPTER 21.56

the approved color, but before the applicant schedules a final inspection.

### 21.56.100— Development and design standards for all Wireless Telecommunications Facilities and co-location facilities.

The following standards shall apply to all Wireless Telecommunications Facilities and co-location facilities:

(a) A.— The adverse visual impact of Wireless Telecommunications Facilities shall be avoided, minimized, and mitigated by:

(i) 1.— Siting new Wireless Telecommunications Facilities outside of public viewshed whenever feasible;

(ii) 2.— Maximizing the use of existing vegetation and natural features to cloak Wireless Telecommunications Facilities;

(iii) 3.— Constructing towers or monopoles no taller than necessary to provide adequate coverage, network capacity, and service quality;

(iv) 4.— Grouping buildings, shelters, cabinets, ground lease areas, and other equipment together, to avoid spread of these structures across a parcel or lot;

(v) 5.— Screening Wireless Telecommunications Facilities and co-location facilities with landscaping consisting of drought-tolerant plant material. All ground lease areas shall be landscaped with climbing vines on the exterior of the enclosure wall, planted not more than four feet (4') on center. Adequate irrigation systems shall be provided for landscaping. The landscape screening requirement may be modified or waived by the Director of Development Services in instances where landscaping would not be appropriate; and

(vi) 6.— Painting all equipment to blend with the surrounding environment as specified in Subsection 21.56.100.C (Paint Colors).

(b) B.— Pole design. Use of monopoles that attempt to replicate trees or other natural objects are strongly discouraged and shall be used only as a last resort when all other options have been exhausted, since:

(i) 1.— Artificial trees cannot presently be made to resemble natural trees in a sufficiently believable and realistic fashion; and

(ii) 2.— Such attempts to replicate nature are disingenuous by their obvious falsity and therefore increase, rather than reduce, visual blight.

(c) C.— Paint colors. Paint colors for a Wireless Telecommunications Facility and co-location facility shall minimize the facility's visual impact by blending with the surrounding environment, terrain, landscape, or buildings (not sky colors, as the sky is a luminous source of light at all times and no non-luminous object can physically be made to blend with the sky). Paint colors shall be subject to the review and approval of the Department of Development Services. Color verification shall occur in the field after the applicant has painted the equipment in the approved color(s), but before the applicant schedules a final inspection.

(d) D.— Roof/building-mounted facilities. For roof/building-mounted Wireless Telecommunications Facilities and co-location facilities, the following standards also shall apply:

(i) 1.— Antenna location.

(A) a.— Antennas mounted on the facade of a building are strongly discouraged, but if approved, must be fully integrated into the architecture of the existing structure or otherwise screened from public view.

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"Stealth boxes" enclosing facade antennas shall not be considered adequate screening;

(B) b.—Antennas shall be mounted on building rooftops, roof decks, or penthouses whenever feasible as a preferred alternative to facade-mounting. Antennas located on the building rooftop shall be located above the ceiling plate of the highest occupied floor;

(C) e.—Antennas shall be located as far away as possible from the edge of the building or roof, with the goal of reducing or eliminating visibility of the installation from any and all vantage points.

(ii) 2.—Equipment location.

(A) a.—All equipment appurtenant to a roof/building-mounted wireless telecommunications site shall be located inside an existing building whenever possible, to the satisfaction of the Director of Development Services;

(B) b.—If it is physically impossible for equipment to be located inside an existing building and the equipment is to be located on a building rooftop, the equipment shall be subject to the same screening and location requirements as the antennas. If no space for the equipment is available for lease in a building because all possible spaces are leased and occupied, this shall constitute a physical impossibility.

(iii) 3.—Screening required.

(A) a.—Where physically possible, antennas and equipment shall be located entirely within an existing architectural feature or screening device. This shall include areas used or occupied by other wireless service providers where feasible.

(B) b.—All antennas and equipment mounted on a building rooftop shall be screened in a manner that is architecturally compatible with the existing building and is otherwise made as unobtrusive as possible. Screening shall use matching colors, materials, and architectural styles to create a harmonious addition to the building's architecture without disrupting its form, volume, massing, or balance.

(C) e.—All antennas, including panel antennas, microwave antennas, GPS antennas, any other antennas, and all other equipment mounted on the building, shall be concealed behind the screening device on all sides such that the antennas and appurtenant equipment is not visible from the exterior of the subject property, from other property, or the public right-of-way.

(D) d.—All cable trays and cable runs shall be located within existing building walls whenever physically possible. Cable trays and runs on the facade of a building are strongly discouraged. Any facade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the facade surface as possible, with no discernible gap between. Cable trays and runs mounted on a roof deck and below the height of the parapet wall or screening device shall be exempt from this requirement, provided they are fully screened by the parapet wall or screening device. Exposed cable trays and runs on a sloped roof are prohibited.

(E) e.—At the discretion of the Staff Site Plan Review Committee, part or all of a proposed roof/building-mounted Wireless Telecommunications Facility or co-location facility may be exempted from screening requirements if the best feasible screening design would result in greater negative visual impacts than if part or all of the proposed installation were unscreened.

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(iv) 4.—Restriction on Historic Landmark structures. Installation of a roof/building-mounted Wireless Telecommunications Facility or co-location facility at a City-designated Historic Landmark shall make no changes to the external appearance of the building unless approved by the Cultural Heritage Commission.

(e) E.—Non-reflective materials. The exteriors of Wireless Telecommunications Facilities and co-location facilities shall be constructed of non-reflective materials.

(f) F.—Underlying setbacks. Wireless Telecommunications Facilities and co-location facilities shall comply with all the setback requirements of the underlying zoning district(s), except as modified by this Chapter.

(g) G.—Height. Facilities subject to the provisions of this Chapter may be built and used to a greater height than the limit established for the zoning district in which the structure is located, except as otherwise provided below:

(i) 1.—No monopole or other freestanding structure shall ever exceed a maximum height of one hundred twenty feet (120') in any zoning district. In any Residential (R) or Institutional (I) zoning district, or Residential/Institutional Planned Development (PD) district, no monopole or other freestanding structure shall exceed a maximum height of fifty-five feet (55'). However, if an applicant demonstrates that the monopole or structure will accommodate a minimum of two (2) carriers, the site may be permitted at a maximum height of sixty feet (60'); or the applicant demonstrates that the monopole or structure will accommodate three (3) carriers, the site may be permitted at a maximum height of sixty-five feet (65');

(ii) 2.—A roof/building-mounted Wireless Telecommunications Facility shall not exceed the maximum height allowed in the applicable zoning district, or ten feet (10') above the building roof deck, whichever is higher, except that in any R-1, R-2, or R-3 district, no roof/building-mounted site shall exceed the maximum height for structures allowed in that district;

(iii) 3.—Notwithstanding the height limits set forth in the preceding Sections, for facilities to be mounted on towers used for high-voltage electrical power transmission between generating plants and electrical substations (not utility poles), the antennas may be mounted as high as necessary on the tower, provided that the top of the highest antenna is not higher than the top of the existing tower.

(h) H.—Accessory buildings. In any zoning district, accessory buildings in support of the operation of the Wireless Telecommunications Facility or co-location facility may be constructed, provided that they comply with the development standards set forth for accessory structures for the zoning district in which the site is located.

(i) I.—Footprint. The overall footprint of each Wireless Telecommunications Facility shall be as small as possible, to the satisfaction of the Staff Site Plan Review Committee.

(j) J.—Generators and emergency power. Diesel generators are allowed as an emergency power source, although they are discouraged. When a feasible alternative technology for permanent on-site backup power becomes available (for example, fuel cells) the Department of Development Services may require the use of such technology in lieu of a diesel generator, unless the applicant provides written documentation explaining why such an alternative is not feasible. All generator installations shall comply with all containment requirements of the applicable Fire and Building Codes, without exception. Unless otherwise approved by the Director of Public Works, generators and emergency power source for

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wireless facilities located in the public right-of-way are prohibited.

~~(k)~~ K.—Ground lease area enclosures and landscaping. If equipment appurtenant to a facility is to be located in a ground lease area, the lease area shall be enclosed by a CMU block wall, or other appropriate fence, to the satisfaction of the Staff Site Plan Review Committee. The fence shall be of a minimum height of six feet six inches (6'6") in residential districts, and eight feet (8') in other districts, unless waived at the discretion of the Director of Development Services in cases of infeasibility. The exterior of all ground lease areas shall be landscaped with drought-tolerant plant material, and adequate irrigation systems shall be provided for landscaping. Climbing vines shall be provided on the exterior of the enclosure wall, planted not more than four feet (4') on center. This landscaping requirement may be modified or waived by the Director of Development Services in instances where landscaping would not be appropriate.

### 21.56.110—Performance standards for all Wireless Telecommunications Facilities and co-location facilities.

No use may be conducted in a manner that, in the determination of the Director of Development Services, does not meet the performance standards below:

~~(a)~~ A.—Lighting. Wireless Telecommunications Facilities and co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the California Public Utilities Commission (CPUC).

~~(b)~~ B.—Licensing. The applicant or operator shall file, receive, and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the Wireless Telecommunications Facility. The applicant shall supply the Department of Development Services with evidence of these licenses and registrations prior to approval of a final inspection. If any required license is ever revoked, the operator shall inform the Department of Development Services of the revocation within ten (10) days of receiving notice of such revocation.

~~(c)~~ C.—Building permit required. Once a Conditional Use Permit or other applicable entitlement is obtained, the applicant shall obtain a building permit and shall build in accordance with the approved plans.

~~(d)~~ D.—Power connection. The project's final electrical inspection and approval of connection to electrical power shall be dependent upon the applicant obtaining a permanent and operable power connection.

~~(e)~~ E.—Removal after end of use. The Wireless Telecommunications Facility, and/or co-location facility, if present, and all equipment associated therewith shall be removed in its entirety by the operator, at the operator's sole expense, within ninety (90) days of a FCC or CPUC license or registration revocation or if the facility is abandoned (per Subsection 21.56.020.A) or no longer needed. The site shall be restored to its pre-installation condition and, where necessary, re-vegetate to blend in with the surrounding area. In the case of roof/building-mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed and the building shall be restored to its pre-installation condition. Restoration

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and re-vegetation shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. Facilities not removed within these time limits shall be removed immediately. The City shall not be responsible to provide notice that removal is required under the provisions of this Chapter.

(f) F.—Maintenance. Wireless Telecommunications Facilities and co-location facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements all of the applicable requirements of this Chapter and all other applicable zoning and development standards set forth in Title 21, and all permit conditions of approval. Site and landscaping maintenance shall be the responsibility of the property owner, who may designate an agent, including the operator, to carry out this maintenance.

(g) G.—Noise. All construction and operation activities shall comply with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code and any applicable conditions of approval.

(h) H.—Use of backup power sources. The use of diesel generators or any other emergency backup power sources shall comply with Chapter 8.80 of the Long Beach Municipal Code (Noise Ordinance). The use of backup power sources shall be limited to actual power-outage emergencies and any operation necessary for testing and maintenance. Permanent or continuous use of backup power sources is prohibited.

(i) I.—RF report. Within forty-five (45) days of commencement of operations, the applicant for the wireless communications facility shall provide (at the applicant's expense) the Development Services Department with a report, prepared by a qualified expert, indicating that the actual radio frequency emissions of the operating facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the Federal Communications Commission. This report shall include emissions from all co-location facilities, if any, at the site as well. The applicant shall subsequently provide such report to the City within forty-five (45) days following any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the Director of Development Services.

21.56.120— Additional requirements and standards for Wireless Telecommunications Facilities and co-location facilities in the coastal zone.

(a) A.—Location. New Wireless Telecommunications Facilities shall not be located between the first public highway and the sea or bay, unless no feasible alternative exists, and the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter (in the determination of the Staff Site Plan Review Committee) the exterior appearance of the existing structure.

(b) B.—Local coastal program requirements. New Wireless Telecommunications Facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP).

(c) C.—Coastal permit required. The necessary Coastal Development Permit or Local Coastal Development Permit shall be obtained.

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~~21.56.130 Requirements and standards for Wireless Telecommunications Facilities and co-location facilities in the public right-of-way.~~

~~A. Purpose. The purpose of this Section is to:~~

- ~~1. Provide a uniform and comprehensive set of standards for the development, siting, installation, and operation of Wireless Telecommunications Facilities in the limited physical resources and capacity of the available public right-of-way of the City of Long Beach in such a manner to not unreasonably discriminate, and to be competitively neutral, and non-exclusive as to the extent required under applicable law;~~
- ~~2. Encourage open competition and the provision of advanced and high-quality telecommunications services on the widest possible basis to the businesses, institutions, and residents of the City;~~
- ~~3. Encourage economic development while preserving aesthetic and other community values and preventing proliferation of above-ground wireless telecommunication equipment;~~
- ~~4. To promote the public health, safety, convenience, and general welfare of the City's residents, and to protect historical resources, property values and the aesthetic appearance of the City of Long Beach.~~

~~B. Department of Development Services review. The Director of Public Works shall refer all applications for Wireless Telecommunications Facilities and co-location facilities in the public right-of-way to the Department of Development Services for review.~~

~~C. Permit requirements for Wireless Telecommunications Facilities in the public right-of-way.~~

- ~~1. Prior to the issuance of construction permits for any new, co-located, modified or expanded wireless telecommunication facility within the public right-of-way, an administrative review and approval from the Planning Bureau shall be required to ensure compliance with this Chapter. All such applications shall be reviewed and approved by the Directors of Development Services and Public Works or their respective designees. The Director of Development Services shall issue a Notice of Final Action with the results of this administrative review. The Applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.~~
- ~~2. If the facility is to be installed on an existing utility pole or street light the Applicant shall provide proof that the pole is either: a) owned and controlled by the Joint Pole Commission ("JPC") and that the Applicant is a member of the JPC with attachment rights; or b) that the owner of the pole has authorized the installation.~~
- ~~3. The applicant shall submit a copy of the certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission (CPUC) to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the City's public right-of-way. Any applicant that, prior to 1996, provided telecommunications service under administratively equivalent documentation issued by the CPUC may submit copies of that documentation in lieu of a CPCN.~~
- ~~4. The applicant shall submit a copy of the certified environmental document from the CPUC covering the applicant's proposed telecommunication facilities with the City, including all mitigation measures as required by the CPUC pursuant to the required environmental analysis. The City's issuance of a standard permit will be conditioned~~

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~~upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon the applicant.~~

- ~~5. Prior to the installation of any new or expanded wireless telecommunication facility within the public right of way, the applicant shall obtain the appropriate permits (e.g., encroachment and traffic control permits) from the Department of Public Works. The applicant shall provide a written justification as to the need and authority by which it has a right to place its facilities within the public right of way.~~

### ~~D. Development and design standards for Wireless Telecommunications Facilities in the public right of way:~~

- ~~1. No interference with public right of way. In no case shall any part of a wireless telecommunication facility alter vehicular circulation or parking within the public right of way, nor shall it impede vehicular and/or pedestrian access or visibility along any public right of way. No permittee shall locate or maintain wireless telecommunication facilities to unreasonably interfere with the use of City property or the public right of way by the City, by the general public or by other persons authorized to use or be present in or upon the public right of way. Unreasonable interference includes disruption to vehicular or pedestrian traffic on City property or the public right of way, interference with public utilities, and any such other activities that will present a hazard to public health, safety or welfare when alternative methods of construction would result in less disruption. All such facilities shall be moved by the permittee, at the permittee's cost, temporarily or permanently, as determined by the Director of Public Works or Director of Development Services.~~

- ~~2. Location. All wireless telecommunication facilities shall be designed and located to eliminate or substantially reduce their visual and aesthetic impacts upon the surrounding public rights of way and public vantage points. To accomplish this goal, all wireless telecommunication equipment shall be developed with the intent of locating and designing such facilities in the following manner and order of preference (from top to bottom). In instances where a facility is proposed for installation at a location or in a manner that is not the highest preference for each of the following categories, the applicant shall make a factual showing that all higher preferences are infeasible:~~

#### ~~a. Antenna preferences:~~

- ~~(i) On an existing street light pole;~~
- ~~(ii) On an existing utility pole;~~
- ~~(iii) On an existing structure other than a street light pole, utility pole, or traffic signal in the public right of way;~~
- ~~(iv) On a new utility pole;~~
- ~~(v) On a new structure other than a street light pole, utility pole, or traffic signal in the public right of way.~~

#### ~~b. Equipment preferences (for all appurtenant equipment, including, but not limited to, radio units, power supplies, voltage converters, and electrical service connections and meters):~~

- ~~(i) Within a below grade equipment vault;~~
- ~~(ii) Mounted on the pole on which the antenna(s) is/are proposed for installation;~~



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- pole, or shall be no more than three (3) separate panel antennas screened behind a cylindrical screening device of a diameter no more than fifty percent (50%) greater than that of the top of the pole. All antennas and screening devices shall be painted or finished to match the pole. The provisions of Subsection 21.56.100.C (Paint Colors) shall apply. The installation of new wood poles, and the attachment of new Wireless Telecommunications Facilities to existing wood poles, is prohibited;
- b. ~~Omnidirectional antenna units and groups of panel antennas shall be placed on the same vertical axis as the center of the pole where feasible. If not feasible, the installation shall utilize brackets and/or cross arms that allow no more than a six-inch (6") extension (stand-off) from the pole except when additional stand-off is required to comply with health and safety regulations such as GEO-95 and OSHA;~~
  - c. ~~Antenna installations on existing City infrastructure shall be placed in a manner so that the size, appearance and function of the final installation is essentially identical to the installation prior to the antenna installation taking place;~~
  - d. ~~No faux or otherwise nonfunctioning street lights, decorative elements, signs, clock towers, or artificial trees or shrubs or other such nonfunctioning screening elements made to resemble other objects shall be permitted;~~
  - e. ~~Wireless Telecommunications Facility equipment located above the surface grade in the public right-of-way including, but not limited to those on certain street lights, shall consist of small equipment components that are compatible in structure, scale, function and proportion to the poles they are mounted on. Equipment shall be painted or otherwise coated to be visually compatible with the subject pole. Underground vaults shall employ flush-to-grade access portals and vents. Installations on City owned or controlled public facilities shall be subject to applicable administrative and rental fees as adopted by resolution of the City Council;~~
  - f. ~~Facilities shall be designed to be as visually unobtrusive as possible. Applicant shall size antennas, mast arms, cabinet equipment and other facilities to minimize visual clutter. Facilities shall be sited to avoid or minimize obstruction of views from public vantage points and otherwise minimize the negative aesthetic impacts of the public right-of-way;~~
  - g. ~~Proposed facilities shall be located and designed for co-location to the maximum extent possible;~~
  - h. ~~All cables shall be routed through the interior of the subject pole. No exterior cable runs are permitted.~~
6. ~~Other requirements:~~
- a. ~~Street trees. The City may require that the applicant plant and maintain street trees adjacent to the Wireless Telecommunications Facility if the applicant's equipment occupies space at street level. All street trees shall be selected from the list of permitted species maintained by the Department of Public Works, and shall be installed under a Public Works permit, to the satisfaction of the Director of Public Works.~~
  - b. ~~Permittee shall install and maintain permitted Wireless Telecommunications Facilities in compliance with the requirements of the Uniform Building, National Electrical Code, City noise standards, and all other applicable codes, laws, and regulations, as well as the restrictions specified in this Chapter.~~

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~~c. The proposed Wireless Telecommunications Facility and its location shall comply with the Americans with Disabilities Act.~~

### ~~7. Signs:~~

~~a. There shall be no advertising or signage on any portion of a wireless telecommunication facility, except that required by law and/or as may be required by the City of Long Beach.~~

~~b. Identification. Each wireless telecommunication facility shall be identified by a permanently installed plaque or marker, no larger than four inches (4") by six inches (6"), clearly identifying the addresses, email contact information, and twenty four (24) hour local or toll-free contact telephone numbers for a live contact person for both the permittee and the agent responsible for the maintenance of the Wireless Telecommunications Facility. Emergency contact information shall be included for immediate response. Such information shall be updated in the event of a change in the permittee, the agency responsible for maintenance of the wireless telecommunication facility, or both.~~

~~E. Performance standards for Wireless Telecommunications Facilities in the public right of way. All Wireless Telecommunications Facilities in the public right of way shall be subject to the performance standards enumerated in Section 21.56.110, in addition to the following:~~

~~1. Interference. No wireless telecommunication facility shall interfere with any emergency communication system at any time.~~

~~2. Compliance with regulations. Wireless telecommunication facilities shall comply with all local, State and federal regulatory requirements.~~

~~3. Graffiti. All graffiti on any components of the Wireless Telecommunications Facility shall be removed promptly in accordance with City regulations. Graffiti on any facility in the public right of way must be removed within twenty-four (24) hours of its appearance.~~

~~4. Landscaping. All landscaping attendant to the Wireless Telecommunications Facility, including landscaping of the public right of way, shall be maintained in good, healthy condition at all times. Any dead or dying landscaping and shall be promptly replaced or rehabilitated.~~

~~5. Repair of public right of way. The permittee/operator shall repair, at its sole cost and expense, any damage (including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support) to City streets, sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and systems, underground utility line and systems, or sewer systems or sewer lines that results from any activities performed in connection with the installation and/or maintenance of a Wireless Telecommunications Facility by permittee. In the event permittee fails to complete said repair within the number of days stated on a written notice by the Director of Public Works, the Director of Public Works shall cause said repair to be completed and shall invoice the permittee for all costs incurred by City as a result of such repair.~~

~~6. Replacement of equipment. During the term of a public right of way wireless telecommunications site permit, a permittee may replace equipment that is part of a permitted wireless facility provided that the replacement equipment would be of the same size and appearance as the previously permitted equipment. The permittee shall notify the Department of Development Services and the Department of Public Works prior to replacing or adding any equipment, and shall not install the proposed equipment unless and until the Department of Development Services notifies permittee in writing that the~~

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Department has determined that the proposed replacement equipment complies with the requirements of this Section, and until all required permits have been obtained.

- ~~7. Abandonment. The owner or operator of the wireless telecommunications site shall notify the Department of Development Services in writing upon abandonment of the facility. The Wireless Telecommunications Facility and all equipment associated therewith shall be removed in its entirety by the operator within ninety (90) days of a FCC or CPUC license or registration revocation or of facility abandonment (per Subsection 21.56.020.A) or other discontinuation of use. The site shall be restored to its pre-installation condition to the satisfaction of the Directors of Public Works and Development Services at the expense of the facility owner or operator. Restoration shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. If such removal is not completed within these time limits, the Director of Public Works shall be authorized to cause such removal to be completed and shall invoice the permittee for all costs incurred by City as a result of such removal.~~
  - ~~8. Indemnification. Every permittee of a Wireless Telecommunications Facility in the public right of way shall defend, indemnify, and hold harmless the City of Long Beach, its City Council, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use or maintenance of the applicant's Facility subject to this Chapter.~~
  - ~~9. Insurance. The permittee shall obtain, pay for and maintain, in full force and effect through the term of the permit, an insurance policy or policies that fully protects the City from claims and suits for bodily injury and property damage. The insurance must be issued in the amount or amounts, which the City Attorney or Risk Manager determines. The insurance must afford coverage for the permittee or wireless provider's use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the City's Risk Manager. Before issuance of any permit, the applicant shall furnish the City with certificates of insurance and endorsements, in the form satisfactory to the City Attorney or the Risk Manager, evidencing the coverage required by the City.~~
  - ~~10. City changes to public right of way. The permittee shall modify, remove, or relocate its Wireless Telecommunications Facility, or portion thereof, without cost or expense to the City, if and when made necessary by any street or alley reconstruction, widening, relocation or vacation, the undergrounding of utilities, or any other construction in the public right of way negatively impacted by the Wireless Telecommunications Facilities as installed, to the maximum degree consistent with the regulations at the California Public Utilities Commission. Said modification, removal, or relocation of a Wireless Telecommunications Facility shall be completed within ninety (90) days of notification by City unless exigencies dictate a shorter period for removal or relocation. In the event a Wireless Telecommunications Facility is not modified, removed, or relocated within said period of time, City may cause the same to be done at the sole expense of applicant. Further, in the event of an emergency, the City may modify, remove, or relocate Wireless Telecommunications Facilities without prior notice to applicant provided applicant is notified within a reasonable period thereafter.~~
- ~~F. Application requirements. All applications for wireless telecommunication facilities located wholly or partly within the public right of way shall be submitted to the Director of~~

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Development Services and the Director of Public Works and shall be accompanied with the following:

1. ~~A site plan illustrating the exact location and size of all proposed wireless telecommunication facility antennas, equipment and related infrastructure necessary for its operation within the public right of way;~~
2. ~~A fully dimensioned and scaled site plan that illustrates the following information within one hundred fifty feet (150') of the proposed wireless telecommunication facility:~~
  - a. ~~The distances between all new and existing wireless telecommunication equipment and all other infrastructure within the public right of way such as, but not limited to, other existing telecommunication equipment, utility poles, light poles, fire hydrants, bus stops, traffic signals and above and below ground utility equipment vault(s);~~
  - b. ~~The distance and location of adjoining property lines and easement boundaries abutting the public right of way, curbs, driveway approaches, easements, walls, existing utility substructures, and parkway trees from the wireless telecommunication facility;~~
  - c. ~~The immediate adjacent land uses and building locations;~~
  - d. ~~The dedicated width of the public right of way;~~
  - e. ~~The location of all existing sidewalks and parkway landscape planters.~~
3. ~~All conduit locations between the wireless telecommunication antennas and the infrastructure necessary to operate the antennas;~~
4. ~~A detailed photograph of the exact location of all proposed wireless telecommunication facility antennas, equipment and related infrastructure within the public right of way. Additional photographs shall also be provided to document the existing setting of the wireless telecommunication facility within one hundred fifty feet (150') to the north, south, east and west of the proposed facility with a corresponding location map key documenting where each photograph was taken;~~
5. ~~Propagation/coverage maps as required by Subsection 21.56.050.C;~~
6. ~~A radio frequency (RF) study prepared by a qualified, independent, RF engineer, deemed acceptable to the City, documenting that the new or modified telecommunication facility will not exceed maximum RF emission limits, as set by the Federal Communication Commission, for maximum human exposure. The RF study shall include all proposed and existing telecommunication antennas at maximum operational capacity;~~
7. ~~A narrative discussion, accompanied by evidence, explaining (if necessary) why a superior location or configuration (as established by the order of preferences in Subsection 21.56.130.E.2) cannot be feasibly implemented;~~
8. ~~Any additional information deemed necessary by the Director of Public Works and/or Director of Development Services to evaluate the proposed telecommunication facility and its construction impact to the existing infrastructure and design of the public right of way;~~
9. ~~Each permittee, as a condition of the wireless telecommunication permit, shall obtain, keep, and maintain a performance bond in an amount as determined by the City Engineer adequate to guarantee to the City the prompt, faithful and competent~~

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~~performance of the proposed work necessary to install the proposed telecommunication facility and restoration of the public right-of-way.~~

### ~~G. Entitlement, term, renewal, and expiration.~~

- ~~1. Permits for Wireless Telecommunications Facilities in the public right of way, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for permits for this class of land use, due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other land uses allowed by the City. The applicant or operator shall file for a renewal of the entitlement and pay the applicable renewal application fees of the Department of Development Services and the Department of Public Works six (6) months prior to expiration, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, renewal applications for wireless telecommunications sites in the public right of way shall include all application requirements set forth in this Chapter.~~
- ~~2. Where required, renewals of entitlements for existing Wireless Telecommunications Facilities in the public right of way constructed prior to the effective date of this Chapter are subject to the provisions of Subsection 21.56.130.H.1. Renewals of permits approved after the effective date of this Chapter shall only be approved if the subject site is in full compliance with the provisions of this Chapter.~~
- ~~3. If the entitlement for an existing Wireless Telecommunications Facility has expired, applications for co-location at that site, as well as after the fact renewals of entitlements for the existing Wireless Telecommunications Facilities, shall be subject to the standards and procedures for new Wireless Telecommunications Facilities in the public right of way, as set forth in this Section.~~

~~H. Department of Public Works regulations. The Department of Public Works may adopt such orders or regulations as it deems necessary to implement the requirements of this Section 21.56.130, or to otherwise preserve and maintain the public health, safety, welfare, and convenience, as are consistent with the requirements of this Section 21.56.130 and Applicable Law.~~

### ~~21.56.140~~ 21.56.130 Additional requirements and standards for Wireless Telecommunications Facilities located in Park Zoning Districts.

~~(a) A.~~ (a) A.—For the purpose of this ~~ordinance~~Chapter the term Park Zoning District shall include those areas of the City regulated and established pursuant to Chapter 21.35 of this Code.

~~(b) B.~~ (b) B.—Installation of Wireless Telecommunications Facilities in Park Districts must be pursuant to a lease or permit approved by the City Council. For those parks under the jurisdiction of the City's Parks and Recreation Commission, the matter shall first be submitted to the Commission for its recommendation. A Conditional Use Permit shall not be required.

~~(c) C.~~ (c) C.—Prior to the City Council considering any lease or permit of Park District land for a Wireless Telecommunications Facility, the matter shall first be submitted to the Site Plan Review Committee in accordance with Chapter 21.25 of this Code. The Site Plan Review Committee shall impose reasonable conditions of approval, which shall include the minimum development, design and

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performance standards set forth in this Chapter.

(d) D.—Application for Site Plan review in a Park Zoning District shall be in accordance with Section 21.56.050, or Section 21.56.090, if it is to be a co-location facility.

(e) E.—All Site Plan Review proceedings conducted in accordance with this Section shall be subject to the Administrative Procedures set forth in Chapter 21.21, and the specific procedures set forth in Section 21.25.501 et seq. relative to site plan reviews.

(f) F.—In order to effectuate parity between those Wireless Telecommunications Facilities located in Park Zoning Districts and those located elsewhere in the City, a fee equivalent to that established by the City Council for the processing and issuance of a Conditional Use Permit shall be charged.

~~21.56.150–140~~ Other provisions.

(a) A.—Temporary wireless telecommunication facilities. Installation, maintenance, or operation of any temporary wireless telecommunications site is prohibited except as allowed under a special events permit necessary during a special event authorized by Chapter 5.60 of the LBMC, or during a government-declared emergency.

(b) B.—Illegal facilities. Illegal Wireless Telecommunications Facilities or co-location facilities have no vested rights and shall either be brought into legal conforming status in accordance with this Chapter and Title 21 of the Long Beach Municipal Code, or shall be removed.

(c) C.—Modifications to Wireless Telecommunications Facilities. Any modification to a Wireless Telecommunications Facility or co-location facility, including but not limited to, replacement of antennas, installation of additional antennas, installation of additional equipment cabinets, installation of a backup generator, paint or camouflage changes, and other physical changes to the facility, shall require, at a minimum, an administrative approval, and, if necessary, a building permit from the Department of Development Services. Prior to issuance of any approval for modification, the applicant shall submit an application for an administrative review to determine the compliance of the proposed modification with this Chapter and the existing Conditional Use Permit or other entitlement. For sites not subject to ~~Section 21.56.130~~ Chapter 15.34 (located in the public right-of-way), applications for modification will be subject to the standards and procedures set forth for new Wireless Telecommunications Facilities, as specified in Sections 21.56.030 through 21.56.060, if any of the following apply:

(i) 1.—No Conditional Use Permit was issued for the original Wireless Telecommunications Facility;

(ii) 2.—The Conditional Use Permit for the original Wireless Telecommunications Facility did not allow for future modification or the extent of site improvements involved with the modification project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or

(iii) 3.—No environmental review was completed for the location of the original Wireless Telecommunications Facility that addressed the environmental impacts of future modifications (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning

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Commission review, may be substituted for a new Conditional Use Permit).

(d) D.—Peer review.

(i) 1.—The Director of Development Services is authorized to retain on behalf of the City an independent technical expert to peer review any application for a Wireless Telecommunications Facility Permit if reasonably necessary, as determined by the Director. The review is intended to be a review of technical aspects of the proposed Wireless Telecommunications Facility and shall address all of the following:

(A) a.—Compliance with applicable radio frequency emission standards;

(B) b.—Whether any requested exception is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality and is the least intrusive means of doing so;

(C) c.—The accuracy and completeness of submissions;

(D) d.—Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;

(E) e.—The applicability of analysis techniques and methodologies;

(F) f.—The validity of conclusions reached;

(G) g.—The compatibility of any required architectural screening;

(H) h.—Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building mounted sites; and

(I) i.—Any specific technical issues designated by the City.

(e) E.—Appeals.

(i) 1.—Appeals from the decision(s) of the Director of Development Services or designee, ~~the Director of Public Works or designee,~~ and/or the Staff Site Plan Review Committee, shall be to the Planning Commission.

(ii) 2.—Appeals from the decision(s) of the Planning Commission shall be to the City Council.

(iii) 3.—All appeals shall be in accordance with the provisions of Title 21 related to Appeals.

(f) F.—Revocation. The Planning Commission may, after a duly noticed public hearing, revoke, modify or suspend any wireless telecommunications permit on any one (1) or more of the following grounds:

(i) 1.—That the wireless telecommunications permit was obtained by fraud or misrepresentation;

(ii) 2.—That the wireless telecommunications permit granted is being, or within the recent past has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation; or

(iii) 3.—That the use permitted by the wireless telecommunications permit is being, or within the recent past has been, exercised so as to be detrimental to the public health or safety or as to constitute a nuisance.

(g) G.—Findings. A Conditional Use Permit, Site Plan Review, or modification for a Wireless Telecommunications Facility or co-location facility may be granted only if the following findings are made by the designated reviewing body or person, in addition to any findings applicable under Chapter 21.25:

## REDLINE CHAPTER 21.56

(i) ~~1.~~ 1.—The proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible;

(ii) ~~2.~~ 2.—An alternative configuration will not increase community compatibility or is not reasonably feasible;

(iii) ~~3.~~ 3.—The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;

(iv) ~~4.~~ 4.—The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so;

(v) ~~5.~~ 5.—The applicant has submitted a statement of its willingness to allow other wireless service providers to co-locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where co-location would not harm community compatibility; and

(vi) ~~6.~~ 6.—Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.

(h) ~~H.~~ H.—Transfer or Change of Ownership/Operator. Upon assignment or transfer of an already approved Wireless Telecommunications Facility or any rights under that permit, the owner and/or current operator of the Facility shall within thirty (30) days of such assignment or transfer provide written notification to the Director of Public Works Development Services of the date of the transfer and the identity of the transferee. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Telecommunications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing permit, the Director shall notify the applicant who may revise the application or apply for modification of the permit pursuant to the requirements of this Chapter.

21.56.~~160~~ 150 Severability clause.

If any provision or clause of this ordinanceChapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this ordinanceChapter are declared to be severable.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO THE LONG BEACH ZONING REGULATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on \_\_\_\_\_, 2018, the City Council of the City of Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21 of the Long Beach Municipal Code, relating to wireless telecommunications facilities; and

WHEREAS, it is the desire of the City Council to submit the above referenced zoning regulation amendments to the California Coastal Commission for its review; and

WHEREAS, the Planning Commission and City Council gave full consideration to all facts and the proposals respecting the amendments to the zoning regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed amendments to the zoning regulations by adopting amendments to Title 21. The proposed zoning regulation amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and provisions of the General Plan.

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018 by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE LICENSE AGREEMENTS AND ANY NECESSARY AMENDMENTS THERETO, BETWEEN THE CITY OF LONG BEACH AND WIRELESS TELECOMMUNICATION PROVIDERS AND CARRIERS, FOR THE NON-EXCLUSIVE USE OF CITY-OWNED PROPERTIES FOR WIRELESS TELECOMMUNICATIONS FACILITIES FOR A PERIOD OF TEN (10) YEARS

WHEREAS, the City of Long Beach permits wireless telecommunication providers and carriers to establish and operate wireless telecommunications facilities within the public right-of-way pursuant to Chapter 15.34 of the Long Beach Municipal Code; and

WHEREAS, all wireless telecommunication providers and carriers that wish to use City-owned property, such as streetlight poles, for wireless telecommunications facilities are each required to enter into a License Agreement with the City for a term of ten (10) years; and

WHEREAS, as part of the License Agreement, the licensees will be responsible for installation, maintenance, bonding and insurance, restrictions on transfers, payment of annual license fees, and other obligations.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The City Manager, or designee, is authorized to execute License Agreements and any necessary amendments thereto, between the City of Long

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 Beach and wireless telecommunication providers and carriers, for the non-exclusive use  
2 of City-owned properties for wireless telecommunications facilities for a period of ten (10)  
3 years.

4 Section 2. This resolution shall take effect immediately upon its adoption  
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City  
7 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018  
8 by the following vote:

9  
10 Ayes: Councilmembers: \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 Noes: Councilmembers: \_\_\_\_\_  
14 \_\_\_\_\_

15 Absent: Councilmembers: \_\_\_\_\_  
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20 City Clerk

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