



City of Long Beach
Working Together to Serve

R-17
Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

Date: April 20, 2010

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, 5th District
Councilmember Gary DeLong, 3rd District
Councilwoman Rae Gabelich, 8th District

Subject: AGENDA ITEM: Moratorium on the Approval of Applications to Construct, Modify or Place Wireless Communication Facilities in the City of Long Beach

DISCUSSION

The City's current wireless telecommunication regulations have not been substantially revised since 1996 despite the rapid change in technologies and an ever increasing number of applications for the construction, modification and/or placement of wireless facilities throughout the City. The City's current regulations are deficient in several areas including the fact that they do not adequately address community concerns regarding locational, aesthetic or design standards.

State and federal laws regarding the installation and regulation of wireless telecommunications facilities continue to evolve with recent court decisions acknowledging that cities do have a certain amount of control regarding the aesthetics and siting of wireless antenna and related equipment. The proliferation of applications for wireless installations, particularly those adjacent to residential zones, was not fully anticipated by the City at the time it established its current regulatory structure. As a result, an immediate need exists to explore regulatory options that are consistent with state and federal law as well as the City's General Plan. Furthermore, regulations must be developed to better manage and minimize the safety, aesthetic and co-location issues implicated by a proliferation of wireless facilities in the City in order to safeguard against the intrusion of incompatible and potentially disruptive land uses.

Given the outdated nature of the City's current wireless regulations, it is imperative that the City undertake to establish comprehensive regulations for the permitting, placement, design and maintenance of wireless communication facilities in all zones within the City. Such new regulations should prescribe clear, reasonable and predictable criteria to assess and process applications in a consistent and expeditious manner, while at the same time reducing the impacts associated with wireless facilities.

A temporary moratorium is necessary because the approval of pending or new applications for wireless communications facilities during the development and study of new zoning regulations could result in conflicts with the proposed zoning amendments

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that would undermine the purpose of studying such amendments. Failure to adopt a moratorium during the study period would serve to reduce the quality of life within the City to the extent that the overall public health, safety and welfare of the City's residents would be detrimentally affected.

RECOMMENDATION

Adopt a Minute Order Declaring a 120 day Moratorium on the Approval of Applications to Construct, Modify or Place Wireless Communication Facilities in the City of Long Beach; Request the City Attorney, in Cooperation with the Development Services Department, to Prepare an Interim Zoning Ordinance for Notice and Placement on the City Council Agenda in Accordance with Chapter 21.50 (Citywide)