

# CITY OF LONG BEACH

# H-2

DEPARTMENT OF DEVELOPMENT SERVICES

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May 17, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documents into the record, conclude the public hearing, and declare the ordinance amending the Zoning Regulations of the Long Beach Municipal Code, Title 21, relating to Wireless Telecommunications Facilities read for the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

## DISCUSSION

On April 20, 2010, the City Council instituted a moratorium via minute order, temporarily halting the approval of permits for wireless telecommunications facilities. This moratorium subsequently was amended to include only sites in Residential (R) and Institutional (I) zoning districts. During the moratorium, Department of Development Services staff has conducted studies of other cities' wireless ordinances, held several community meetings and two study sessions, and reached out to local residents and the wireless industry.

The product of this effort is a new wireless ordinance that staff proposes to replace the entirety of the City's existing regulations on wireless telecommunications facilities. This new ordinance, as proposed, would accomplish the following:

- Encourage placement of wireless facilities away from residential areas. Applicants would have to meet a high burden of proof to demonstrate that no other feasible locations are available before a wireless site would be placed in a residential area. Please note, however, that wireless sites cannot be banned outright from residential areas without exposing the City to legal action, as a ban may effectively deny the provision of wireless service, which is prohibited by Federal and State law, and is not the intent of this ordinance.
- Require co-location instead of construction of a new site any time a co-location opportunity is feasible.
- Require reports on each site's compliance with Federal Communications Commission (FCC) rules on radio frequency (RF) emissions.
- Institute a requirement for a master Conditional Use Permit (CUP) and five-year build-out plan for each site.
- Set clear design standards for sites, especially roof/building-mounted sites.

- Set higher application standards, including identification of all surrounding wireless sites within a one-mile radius, and a list and map of all the applicant carrier's existing sites in the City.
- Set standards and establish processes for development of wireless sites in the public right-of-way and City parks.

Prior to the recommendation of this ordinance for approval by the Planning Commission on April 7, 2011, numerous hearings, study sessions, and meetings were conducted to obtain community and industry participation (Exhibit A – List of Public Meetings). During this series of preceding meetings and hearings, many Long Beach residents expressed a desire for stricter limits on RF emissions from wireless sites, a ban on sites in and near residential land uses, and stricter reporting and testing requirements for RF emissions, beyond what is required by the FCC, all due to the perceived health concerns of RF emissions. Development Services staff has worked with the City Attorney's Office to modify the draft ordinance to incorporate many of the suggested changes to the ordinance, including a number of streamlining and simplification measures, as well as multiple clarifications.

However, staff was unable to include stricter reporting requirements and restrictions on RF emissions, as the Federal Telecommunications Act of 1996 prohibits municipal governments from considering the health effects of RF emissions when making land use decisions. The primary purpose of this ordinance is to regulate aesthetics, and any attempt to use it to regulate RF emissions endangers the legitimacy of the ordinance from a legal standpoint. Staff has included as many RF measures as are legally defensible, and believes that these measures will allow adequate confirmation of compliance with FCC regulations to satisfy neighborhood concerns.

Staff also surveyed other cities' ordinances regarding wireless sites in the public right-of-way. After considering many other ordinances, staff has selected the best elements from each and has created a set of development standards for placement of wireless sites in the public right-of-way that will be most appropriate for Long Beach. This covers sites located on utility poles, streetlights, traffic signals, and other public hardware in the right-of-way.

A flowchart is attached to illustrate how wireless applications would be processed under the new ordinance (Exhibit B – Wireless Application Process Flowchart). The new ordinance would be implemented through creation of a new chapter in the Zoning Regulations, Chapter 21.56, which would contain all wireless telecommunications standards. Existing regulations located in Sections 21.45.115 and 21.52.210 would be deleted as part of this action. An attached comparison table (Exhibit C – Comparison Table of Existing and Proposed Regulations) illustrates the core differences between the existing and proposed wireless telecommunications facilities regulations.

The Planning Commission recommended approval of the first iteration of this amendment to the Zoning Regulations on October 21, 2010, and approved of the current revised version on April 7, 2011. The Commission's recommendation is forwarded to the City Council for consideration and adoption into the proposed ordinance.

This letter was reviewed by Assistant City Attorney Michael Mais on April 27, 2011 and by Budget Management Officer Victoria Bell on April 28, 2011.

TIMING CONSIDERATIONS

The Municipal Code requires Council action within 60 days of positive action by the Planning Commission, which took place on April 7, 2011. The current moratoriums on wireless telecommunications facilities in the residential and institutional zoning districts will expire on June 12, 2011.

FISCAL IMPACT

There is no fiscal or job impact associated with the requested action. Differences in revenue due to modified permitting processes would be recovered by appropriate fees for service designed for full cost recovery in the Development Services Fund (SR 137) in the Department of Development Services (DV).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST  
CITY MANAGER

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- Attachments:
- City Council Ordinance
  - Exhibit A – List of Public Meetings
  - Exhibit B – Wireless Application Process Flowchart
  - Exhibit C – Comparison Table of Existing and Proposed Regulations
  - Redline Version of Exhibits A-G of City Council Ordinance

Table 31-1  
Uses in Residential Zones

	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M	
Other Uses																				
Carnival, fiesta, other outdoor exhibition or celebration (see Section 21.53.109)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	
Cellular and personal communication services (see Section 21.52.210)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	N	
Church (see Section 21.51.213)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	C	C	C	N	N	
Common recreational facilities (permitted only for multi-family developments with 21 or more units)	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	A	A	A	Y	
Construction trailer (see Section 21.53.103)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	
Courtesy parking for nonresidential use (see Section 21.52.221)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	C	C	N	
Child day care home-small or large facility (1-14 persons) (see Section 21.51.230)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N
Day care center (15 or more persons) (see Section 21.52.249)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N

Other Uses	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M
Detached accessory room (see Section 21.31.245)	N	N	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	N	Y
Electrical distribution station (see Section 21.52.223)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N
Group home (1-6 persons) (see Section 21.15.1200)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Home occupation (see Section 21.51.235)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Interim Parks																			
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N
Private school (elementary) (see Section 21.52.263)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N
Recreational vehicles – parking and storage (see Section 21.41.276)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y

	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M
<b>Other Uses</b>																			
Room rentals (see Section 21.51.270)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Sandwiched lot development (see Section 21.52.270)	N	N	N	C	N	N	N	N	C	C	C	C	C	N	N	N	N	N	N
Storage of chattel (see Section 21.51.290)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Trailer or dwelling unit used as home sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Vehicle parking and storage (see Section 21.41.281 and 21.41.283)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>Wireless telecommunications facilities (see Chapter 21.56)</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

**Abbreviations:**

- Y = Yes (permitted use).
- N = Not permitted.
- C = Conditional use permit required. Refer to provisions in Chapter 21.52.
- A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.
- T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.
- AP = Administrative use permit required. Refer to provisions in Chapter 21.52.
- IP = Interim park use permit required. Refer to provisions in Chapter 21.52.
- (a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.
- (b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.
- (c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.
- (d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.

TABLE 32-1

Uses in All Other Commercial Zoning Districts

	Neighborhood			Community						Regional	Other
Transportation and Communication Facilities											
	CNP	CAN	CNR	CCA	CCP	CCR	CCN	CHW	CS		
Communication facilities: A. Freestanding/monopole-cellular and personal communication services	C	C	C	C	C	C	C	C	C	See Section 21.52.240	
B. Attached/roof mounted-cellular and personal communication services	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.45.115.	
Electrical distribution station	C	C	C	C	C	C	C	C	N		
Transportation facilities (bus terminals, cab stands, heliports, helistops)	N	N	N	N	N	N	N	C	N		
<u>Wireless telecommunications facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Chapter 21.56</u>	

TABLE 32-1A

Uses in all Other Commercial Zoning Districts

Use	CO	CH	CT	
<b>Miscellaneous Uses</b>				
Cellular and person communication services-attached/ roof-mounted (see Section 21.45.115)	Y*	Y*	Y*	
Cellular and personal communication services	G	G	G	
Concession, Entertainment facility, Other outdoor display	T	T	T	
Construction trailer	T	T	T	
Electrical distribution station	Y	Y	C	
Trailer used for office, nightwatchman's quarters	AP	AP	AP	
<u>Wireless telecommunications facilities (see Chapter 21.56)</u>	<u>C</u>	<u>C</u>	<u>C</u>	

REDLINED VERSION-Exhibit C  
 TABLE 32-1A  
 "Miscellaneous Uses" section



Table 33-2

Uses in Industrial Districts

Use	IL	IM	IG	IP	*Notes and Exceptions
11. Communications (SIC code 48*)	Y	Y	Y	See Item 10 in this table.	a. Requires conditional use permit in all districts: <ul style="list-style-type: none"> <li>• 483 (Radio and television broadcasting stations)</li> <li>• Microwave transmission or relay towers</li> <li>• <del>Freestanding/monopole cellular and personal communication services (attached/roof mounted stations are permitted without a CUP, see Section 21.45.115)</del></li> <li>• <u>Wireless Telecommunications Facilities (see Chapter 21.56)</u></li> </ul>

REDLINED VERSION-EXHIBIT D  
 TABLE 33-2  
 “11. Communications” section

**Table 34-1  
Uses in the Institutional District**

	<b>Use</b>	<b>District I</b>
1.	Arboretum, botanical gardens or nurseries	Y
2.	Cafeterias and restaurants	A
3.	Caretaker's residence	AP
4.	Carnival, fiesta, or similar exhibition or celebration	T
5.	Cellular and personal communication services	
	a. Freestanding/monopole (see section 21.52.210)	C
	b. Attached/roof mounted equipment (see section 21.45.115)	Y
5.	Cemeteries	C
6.	Churches	Y
7.	Colleges, universities and vocational training centers	Y
8.	Commercial uses (as principal use)	N
9.	Construction trailer	T
10.	Convention and exhibition centers	Y
11.	Country clubs (with golf course)	Y
12.	Cultural centers	Y
13.	Daycare/preschool	Y
14.	Fire stations	Y
15.	Government offices	Y
16.	Hall rental	C
17.	Handicapped and senior citizen housing	C
18.	Historical landmarks, memorials and monuments	Y
19.	Hospitals, medical centers, medical office complexes, convalescent hospitals	Y
20.	Interim storage of vehicles and service yard (2 years)	C
21.	Libraries	Y
22.	Manufacturing	N
23.	Marinas	Y
24.	Off premises signs	N
25.	Outdoor sales events (see section 21.52.256)	C
26.	Museums	Y
27.	Parking (commercial)	C
28.	Parking (courtesy)	A
29.	Pistol or rifle range	C
30.	Police station	Y
31.	Police training academy	C
32.	Recreational facility	A
33.	Residential – single-family	Y
34.	Residential – multiple-family	N
35.	Sale of alcoholic beverage	C
36.	Schools (public or private, excluding vocational schools)	Y
37.	Schools (vocational)	N
38.	Social service office of nonprofit organization	Y
39.	Special group residence (communal, board and care, etc.)	C
40.	Stadium	C
41.	Trailer used for office or nightwatchman's quarters	T
42.	Water tanks	Y
43.	Wireless Telecommunications Facilities (see Chapter 21.56)	C

Abbreviations:

Y = Permitted.

N = Not permitted

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as an accessory use. Special conditions may apply. Refer to Chapter 21.51.

T = Permitted as a temporary use subject to the requirements of Chapter 21.53 of this title.

AP = Permitted with an administrative use permit.

**TABLE 35-1  
Uses in Park Districts**

<b>Use</b>	<b>District P</b>
Alcoholic beverage sales – with permitted or conditionally permitted uses	C
Amphitheater, band shell, performance stage and the like:	
a. With a seating capacity of up to 200 persons	Y
b. With a seating capacity greater than 200 persons	C
Athletic facilities including sports fields, swimming pools, courts and the like	Y
Campgrounds (except recreational vehicle campgrounds)	Y
Cellular and personal communication services	
a. Freestanding/monopole (see section 21.52.210)	C
b. Attached/roof mounted equipment (see section 21.52.115)	C
Circuses	N
Comfort stations	A
Commercial recreation uses <sup>(a)</sup> (see definition, e.g., miniature golf courses, water slides, bicycle rentals, nonmotorized vehicles, and the like)	C
Commercial uses-other	N
Community gardens	Y
Community service uses <sup>(b)</sup> :	
a. Nonregional, city staffed	Y
b. Nonregional, nonprofit	C
c. Nonregional, for profit	N
Community service uses <sup>(b)</sup> -regional	N
Construction trailer	T
Cultural and educational uses (e.g., museums, ranchos, nature centers and the like)	Y
Daycare and preschools:	
a. Cooperatives and city staffed	Y
b. Nonprofit	C
Electronic video games (not to exceed 4 in any 1 building)	A
Exhibition grounds on a permanent basis for fairs, carnivals, trade shows and the like, or for continuation of fairs, carnivals, trade shows and the like beyond 10 days in length	N
Exhibitions, trade shows and the like	T
Fairs, festivals, carnivals, holiday celebrations, pageants, social events and the like for a period not to exceed 10 days	T
Food and beverage concessions (not including alcoholic)	A
Landscaped open areas	Y
Libraries of the City of Long Beach	C

Motor vehicle racing or testing	N
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A
Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
Police and fire stations, communication centers, schools, government buildings and the like	N
Private clubs (nonprofit and recreational only)	C
Recreational equipment sale and rental for use in park (except that motorcycles, motorized skateboards, mopeds and the like, are not permitted)	A
Recreational vehicle campground	C
Recreational vehicle storage	N
Residential uses (except caretaker or guard facilities)	N
Restaurants with or without alcoholic beverage sales	C
Sale of alcoholic beverage	C
Sewage and wastewater treatment of tertiary or more advanced level of treatment	A
<u>Wireless Telecommunications Facilities (see Chapter 21.56)</u>	<u>C</u>
Any use which violates the noise ordinance of the city	N

Editor's note— Abbreviations:

Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as accessory use. Refer to Chapter 21.51.

T = Permitted as temporary use. Refer to Chapter 21.53.

(a) "Commercial recreation" is any recreational use in parks for which a fee is charged independent of city oversight. (See definition for "commercial recreation" in Section 21.15.565 and findings for such uses in the park P district in Section 21.52.610.)

(b) "Community service use" is a service provided for the health and welfare of the individual receiving the service. Such uses in parks do not include the permanent provision of food, shelter or medical services except for counseling, health fairs, medical screening and the like. Nonregional community service uses serve the local community—the neighbors nearby who require the service. Regional serving community service providers serve a much wider constituency.

**TABLE 36-1**  
**Uses in the Public Right-of-Way District**

Use	District (PR)
1. Agriculture	A
2. Caretaker dwelling	A
2.5 Cellular and personal communication services	
a. Freestanding/monopole (see Section 21.52.210)	C
b. Attached/roof mounted equipment (see Section 21.45.115)	Y
3. Electrical distribution station, pipeline or flood-control pumping station, railroad switching station or other similar facility essential to the operation of rights-of-way	A
4. Electrical generating facility (except solar)	N
5. Flood control rights-of-way	Y
6. Freeway rights-of-way	Y
7. Public recreational facilities	A
8. Railroad or rapid transit rights-of-way	Y
9. Rail yard or maintenance yard	N
10. Right-of-way maintenance facilities	A
11. Solar collectors	Y
12. Tree farm or nursery	Y
13. Utility rights-of-way	Y
14. Wireless telecommunication facilities (see Chapter 21.56)	C

Abbreviations:

Y = Permitted as a principal use.

N = Not permitted.

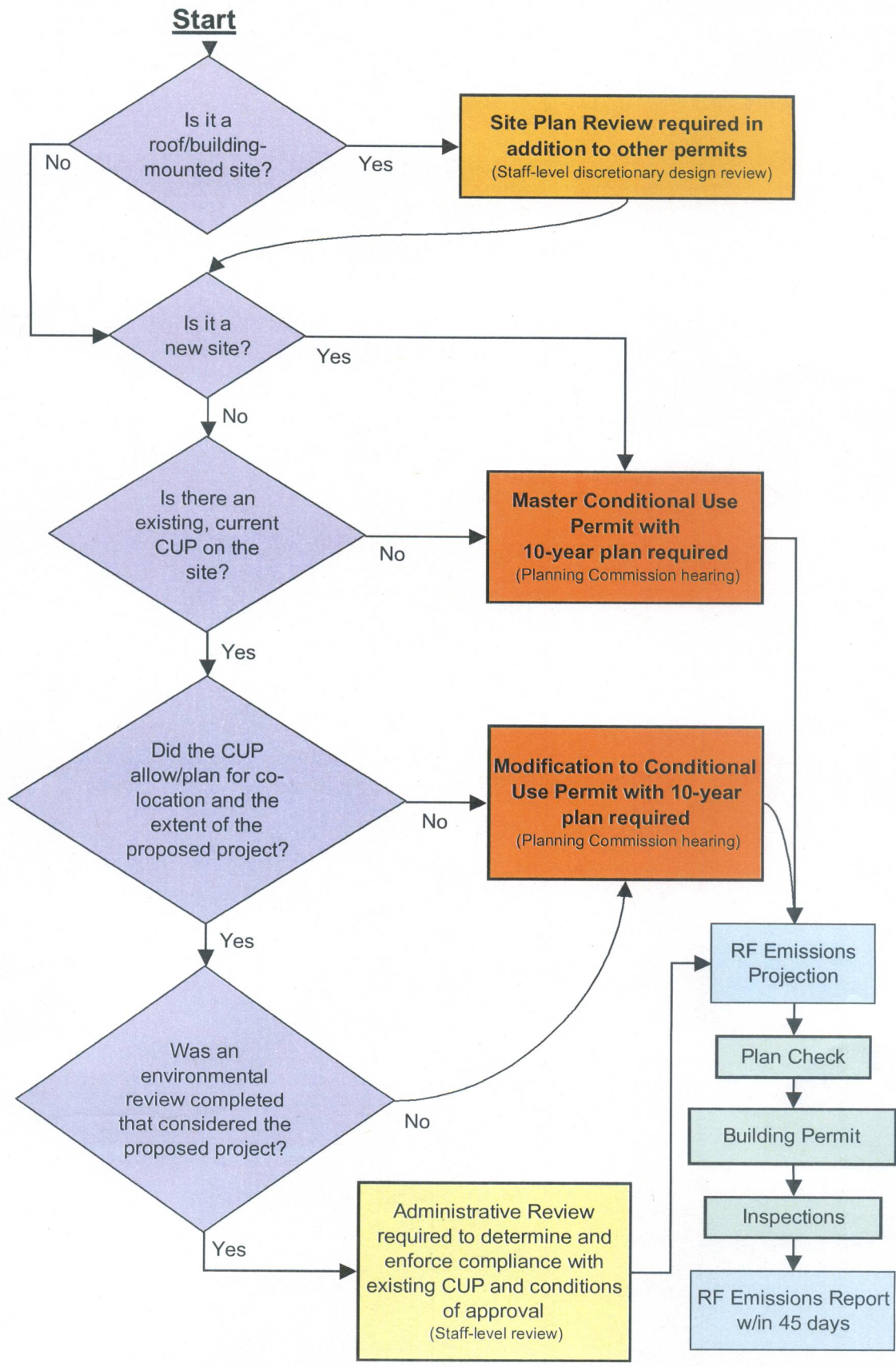
C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as an accessory use. Special standards may apply. Refer to Chapter 21.51.

**List of Public Meetings – Wireless Telecommunications Ordinance Amendment**

- Planning Commission study session on February 18, 2010, where staff discussed the deficiencies of the current ordinance and the need for an update.
- April 20, 2010 Council hearing where the minute order for moratorium was adopted, halting wireless development Citywide.
- May 18, 2010 Council hearing where the moratorium was adopted into ordinance to apply to residential (R) zones only.
- Planning Commission study session on June 17, 2010, where staff brought a proposed framework of the new ordinance to the Planning Commission for direction from the Commission.
- July 6, 2010 Council hearing where the moratorium was modified to include the Institutional (I) zoning district.
- Planning Commission study session of August 19, 2010, where staff brought a first text draft of the new ordinance to the Planning Commission for community and industry comment and direction from the Commission.
- September 14, 2010 Council hearing where the moratorium was extended to December 14, 2010.
- Planning Commission hearing on October 21, 2010, where the Planning Commission recommended adoption of the first final version of this ordinance.
- December 14, 2010 Council hearing where the moratorium was extended to June 12, 2011.
- Planning Commission hearing of April 7, 2011, where the new ordinance was approved and forwarded to Council for adoption.
- Several community and PAC meetings, and numerous meetings with wireless industry representatives since the initiation of the minute order moratorium.

Proposed Chapter 21.56 Wireless Telecommunications Facilities Regulations Flowchart



**Comparison of Existing Ch. 21.45 and 21.52  
Wireless Regulations with Proposed Ch. 21.56**

Current wireless telecom regulations in the Zoning Ordinance are contained within Chapters 21.45 (Special Development Standards) and Chapter 21.52 (Conditional Uses). The proposed Chapter 21.56 (Wireless Telecommunications Facilities) would bring all wireless regulations into one place, and completely supersede those sections of Ch. 21.45 and 21.52 that regulate wireless telecom, resulting in their deletion.

<b>Wireless Telecom Regulations Comparison Table</b>		
<u>Point of Concern</u>	<u>Existing Standard</u>	<u>Proposed Standard</u>
Permit needed for roof/building-mounted sites	SSPR for all new sites, additions, and modifications	Master CUP for initial site, then administrative approval for additions or modifications within scope of Master CUP
Permit needed for freestanding monopoles	CUP for all new sites, SSPR for additions and modifications	Master CUP for initial site, then administrative approval for additions or modifications within scope of Master CUP
Location of wireless sites in Residential and Institutional zoning districts	Allowed	Not allowed unless proven that no other feasible alternative exists
Co-location of sites	Not required	Required unless proven not to be feasible
Requires wireless sites to be designed for co-location	Not explicitly	Yes
Identification of wireless sites within one-mile radius (to evaluate co-location potential)	Not required	Required
5-year build-out plan for each site	Not required	Required
Requires wireless sites to be aesthetically appropriate	No	Yes
Provides for peer review of carriers' projects and technical claims, in cases of uncertainty	No	Yes
Addresses design and permitting of facilities in public right-of-way	No	Yes
Addresses setbacks and aesthetics for ground equipment enclosures	No	Yes
Requires RF Reporting	No	Yes
<b>Terms: CUP – Conditional Use Permit, SSPR – Staff Site Plan Review</b>		



OFFICE OF THE CITY ATTORNEY  
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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 TABLE 31-1 OF CHAPTER 21.31, TABLES 32-1 AND 32-1A OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, TABLE 34-1 OF CHAPTER 21.34, TABLE 35-1 OF CHAPTER 21.35, AND TABLE 36-1 OF CHAPTER 21.36; BY ADDING CHAPTER 21.56; AND BY REPEALING SECTIONS 21.45.115 AND 21.52.210; ALL RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES

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

Section 1. Chapter 21.31 of the Long Beach Municipal Code is amended by amending the "Other Uses" section of Table 31-1 as shown on Exhibit "A" which is incorporated herein by this reference.

Section 2. Chapter 21.32 of the Long Beach Municipal Code is amended by amending the "Transportation and Communication Facilities" section of Table 32-1 as shown on Exhibit "B" which is incorporated herein by this reference.

Section 3. Chapter 21.32 of the Long Beach Municipal Code is amended by amending the "Miscellaneous Uses" section of Table 32-1A as shown on Exhibit "C" which is incorporated herein by this reference.

Section 4. Chapter 21.33 of the Long Beach Municipal Code is amended by amending number "11. Communications" section of Table 33-2 as shown on Exhibit "D" which is incorporated herein by this reference.

Section 5. Chapter 21.34 of the Long Beach Municipal Code is amended

1 by amending Table 34-1 as shown on Exhibit "E" which is incorporated herein by this  
2 reference.

3 Section 6. Chapter 21.35 of the Long Beach Municipal Code is amended  
4 by amending Table 35-1 as shown on Exhibit "F" which is incorporated herein by this  
5 reference.

6 Section 6. Chapter 21.36 of the Long Beach Municipal Code is amended  
7 by amending Table 36-1 as shown on Exhibit "G" which is incorporated herein by this  
8 reference.

9 Section 7. The Long Beach Municipal Code is amended by adding  
10 Chapter 21.56 to read as follows:

11 Chapter 21.56

12 Wireless Telecommunications Facilities

13  
14 21.56.010 Purpose and objectives.

15 The purpose of this Chapter is to regulate the establishment and  
16 operation of wireless telecommunications facilities within the City of Long  
17 Beach, consistent with the General Plan, and with the intent to:

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

20 B. Require, to the maximum extent feasible, the co-location of  
21 wireless telecommunications facilities;

22 C. Minimize the negative aesthetic impact of wireless  
23 telecommunications facilities, establish a fair and efficient process for review  
24 and approval of applications, assure an integrated, comprehensive review of  
25 environmental impacts of such facilities, and protect the health, safety and  
26 welfare of the City of Long Beach;

27 D. Strongly encourage the location of wireless  
28 telecommunications facilities in those areas of the City where the adverse

1 aesthetic impact on the community is minimal;

2 E. Strongly encourage wireless telecommunications providers to  
3 configure all facilities in such a way that minimizes displeasing aesthetics  
4 through careful design, siting, landscaping, screening, and innovative  
5 camouflaging techniques;

6 F. Enhancing the ability of the providers of telecommunications  
7 services to provide such services to the City quickly, effectively, and  
8 efficiently; and

9 G. Conform to all applicable federal and state laws.

10  
11 21.56.020 Definitions.

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

15 A. "Abandoned." Notwithstanding the definition of "abandoned" in  
16 Section 21.15.030, a wireless telecommunications facility use shall be  
17 considered abandoned if it is not in use for six (6) consecutive months.

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

23 C. "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 D. "Monopole" means any single freestanding pole structure used

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

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

9 F. "Roof/building-mounted site" means any wireless  
10 telecommunications facility, and any appurtenant equipment, located on a  
11 rooftop or building, having no support structure such as a monopole or other  
12 type of tower.

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

19 H. "Wireless Telecommunications Facility" means equipment  
20 installed for the purpose of providing wireless transmission of voice, data,  
21 images, or other information including but not limited to, cellular telephone  
22 service, personal communications services, and paging services, consisting  
23 of equipment, antennas, and network components such as towers, utility  
24 poles, transmitters, base stations, and emergency power systems. "Wireless  
25 telecommunications facility" does not include radio or television broadcast  
26 facilities, nor radio communications systems for government or emergency  
27 services agencies.

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21.56.030 Permit requirements for new wireless telecommunications facilities that are not co-location facilities.

All new wireless telecommunications facilities that are not co-location facilities shall meet the following standards and requirements:

A. A Conditional Use 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 Chapter 21.21 and Chapter 21.25, Division II, of the Zoning Regulations, except as modified by this Chapter.

B. Roof/building-mounted Facilities. All new wireless telecommunications facilities that are not co-location facilities that are 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.

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. Location. New wireless telecommunications facilities shall not be located in Residential (R) or Institutional (I) zoning districts, or Residential/Institutional Planned Development (PD) Districts (as defined in Subsection 21.56.020.H), 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

1 one (1) mile radius of the proposed facility. See Section 21.56.050 for  
2 additional application requirements;

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

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

15 D. Additional Development and Design Standards. Wireless  
16 telecommunications facilities also shall be subject to the additional design  
17 standards specified in Section 21.56.100.

18  
19 21.56.050 Application requirements for new wireless telecommunications  
20 facilities that are not co-location facilities.

21 In addition to the requirements set forth in Section 21.21.201 of the  
22 Zoning Regulations and Chapter 21.25 (Specific Procedures) of the Zoning  
23 Regulations, applicants for new wireless telecommunications facilities shall  
24 submit the following materials regarding the proposed wireless  
25 telecommunications facility:

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

28 B. Maintenance plan. A maintenance plan detailing the type and

1 frequency of required maintenance activities, including maintenance of  
2 landscaping and camouflaging, if applicable;

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

20 D. Nearby facilities. Identification of existing wireless  
21 telecommunications facilities within a one (1) mile radius of the proposed  
22 location of the new wireless telecommunications facility, and an explanation  
23 of why co-location on these existing facilities, if any, is not feasible. This  
24 explanation shall include such technical information and other justifications  
25 as are necessary to document the reasons why co-location is not a viable  
26 option. The applicant shall provide a list of all existing structures considered  
27 as alternatives to the proposed location. The applicant shall also provide a  
28 written explanation for why the alternatives considered were either

1 unacceptable or infeasible. If an existing wireless telecommunications facility  
2 was listed among the alternatives, the applicant must specifically address  
3 why the modification of such wireless telecommunications facility is not a  
4 viable option. The written explanation shall also state the radio frequency  
5 coverage and capacity needs and objectives of the applicant, and shall  
6 include maps of existing coverage and predicted new coverage with the  
7 proposed facility;

8 E. Availability for co-location. A statement that the proposed  
9 wireless telecommunications facility is available for co-location, or an  
10 explanation of why future co-location is not technically feasible;

11 F. RF report. A radio frequency (RF) report describing the  
12 emissions of the proposed wireless telecommunications facility. The report  
13 shall demonstrate that the emissions from the proposed equipment as well  
14 as the cumulative emissions from the facility will not exceed the limits  
15 established by the Federal Communications Commission (FCC);

16 G. Alternative analysis. Applications for the establishment of new  
17 wireless telecommunications facilities inside Residential (R) or Institutional  
18 (I) zoning districts, Residential/Institutional Planned Development (PD)  
19 Districts (as defined in Subsection 21.56.020.H), and residential or  
20 institutional General Plan Land Use Districts (LUDs) shall be accompanied  
21 by a detailed alternatives analysis that demonstrates that there are no  
22 feasible alternative non-residential, non-institutional sites or combination of  
23 non-residential, non-institutional sites available to eliminate or substantially  
24 reduce significant gaps in the applicant service provider's coverage or  
25 network capacity;

26 H. Height justification. An engineering certification providing  
27 technical data sufficient to justify the proposed height of any new monopole  
28 or roof/building mounted site;



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

3  
4 21.56.060 Entitlement, term, renewal, and expiration.

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

20 B. Where required, renewals for entitlements for existing wireless  
21 telecommunications facilities and co-location facilities constructed prior to  
22 the effective date of this Chapter are subject to the provisions of Sections  
23 21.56.030 through 21.56.050. Renewals of entitlements approved after the  
24 effective date of this Chapter shall only be approved if all conditions of the  
25 original entitlement have been satisfied, and the five (5)-year build-out plan  
26 has been provided.

27 C. If the entitlement for an existing wireless telecommunications  
28 facility has expired, applications for modification, expansion, or co-location at

1 that site, as well as after-the-fact renewals of entitlements for the existing  
2 wireless telecommunications facilities, shall be subject to the standards and  
3 procedures for new wireless telecommunications facilities set forth in  
4 Sections 21.56.030 through 21.56.050.

5  
6 21.56.070 Permit requirements for co-location facilities.

7 A. Co-location Facilities Requiring a Conditional Use Permit.

8 Applications for co-location will be subject to the standards and procedures  
9 set forth for new wireless telecommunications facilities, above (Sections  
10 21.56.030 through 21.56.060), if any of the following apply:

11 1. No Conditional Use Permit was issued for the original  
12 wireless telecommunications facility;

13 2. The Conditional Use Permit for the original wireless  
14 telecommunications facility did not allow for future co-location facilities or the  
15 extent of site improvements involved with the co-location project (in this  
16 case, an application for a modification to the approved Conditional Use  
17 Permit, subject to Planning Commission review, may be substituted for a  
18 new Conditional Use Permit); or

19 3. No environmental review was completed for the location  
20 of the original wireless telecommunications facility that addressed the  
21 environmental impacts of future co-location facilities (in this case, an  
22 application for a modification to the approved Conditional Use Permit,  
23 subject to Planning Commission review, may be substituted for a new  
24 Conditional Use Permit).

25 B. Permit Requirements for Other Co-location Facilities.

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

1                   2.     All Others. Applications for all other co-location facilities  
2 shall be subject to a building permit approval. Prior to filing an application  
3 for a building permit for co-location, the applicant shall demonstrate  
4 compliance with the conditions of approval, if any, of the original Conditional  
5 Use Permit, and with all applicable provisions of this Chapter, by submitting  
6 an application to the Department of Development Services for an  
7 administrative review as set forth in Section 21.56.090. The applicant shall  
8 not file an application for a building permit until the applicant receives written  
9 notification that this administrative review is complete and approved. The  
10 applicant shall pay a fee for this administrative review in the amount adopted  
11 by the City Council in a resolution.

12  
13 21.56.080     Development and design standards for co-location facilities.

14             A.     Compliance with discretionary approvals. The co-location  
15 facility shall comply with all approvals and conditions of the underlying  
16 (existing) discretionary permit for the wireless telecommunications facility.

17             B.     Harmonious Design. To the extent feasible, the design of co-  
18 location facilities shall also be in visual harmony with the other wireless  
19 telecommunications facility(ies) on the site.

20             C.     Additional Design Standards. Co-location facilities also shall be  
21 subject to the additional design standards specified in Section 21.56.100.

22  
23 21.56.090     Application requirements for co-location facilities.

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

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

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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. 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. 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 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. The adverse visual impact of wireless telecommunications facilities shall be avoided, minimized, and mitigated by:

1. Siting new wireless telecommunications facilities outside of public viewshed whenever feasible;
2. Maximizing the use of existing vegetation and natural features to cloak wireless telecommunications facilities;
3. Constructing towers or monopoles no taller than necessary to provide adequate coverage, network capacity, and service

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quality;

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

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 (4) feet 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

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

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:

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

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

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

1 applicant has painted the equipment in the approved color(s), but before the  
2 applicant schedules a final inspection.

3 D. Roof/building-mounted Facilities. For roof/building-mounted  
4 wireless telecommunications facilities and co-location facilities, the following  
5 standards also shall apply:

6 1. Antenna location.

7 a. Antennas mounted on the façade of a building  
8 are prohibited;

9 b. Antennas shall be located on the building rooftop,  
10 above the ceiling plate of the highest occupied floor;

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

14 2. Equipment location.

15 a. All equipment appurtenant to a roof/building-  
16 mounted wireless telecommunications site shall be located inside an existing  
17 building whenever possible, to the satisfaction of the Director of  
18 Development Services;

19 b. If it is physically impossible for equipment to be  
20 located inside an existing building and the equipment is to be located on a  
21 building rooftop, the equipment shall be subject to the same screening and  
22 location requirements as the antennas. If no space for the equipment is  
23 available for lease in a building because all possible spaces are leased and  
24 occupied, this shall constitute a physical impossibility.

25 3. Screening required.

26 a. Where physically possible, antennas and  
27 equipment shall be located entirely within an existing architectural feature or  
28 screening device. This shall include areas used or occupied by other

1 wireless service providers where feasible.

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

8 c. All antennas, including panel antennas,  
9 microwave antennas, GPS antennas, any other antennas, and all other  
10 equipment mounted on the building, shall be concealed behind the screening  
11 device on all sides such that the antennas and appurtenant equipment is not  
12 visible from the exterior of the subject property, from other property, or the  
13 public right-of-way.

14 d. All cable trays and cable runs shall be located  
15 within existing building walls whenever physically possible. Cable trays and  
16 runs on the façade of a building are strongly discouraged. Any façade-  
17 mounted cable trays and runs shall be painted and textured to match the  
18 building and shall be mounted as close to the façade surface as possible,  
19 with no discernible gap between. Cable trays and runs mounted on a roof  
20 deck and below the height of the parapet wall or screening device shall be  
21 exempt from this requirement, provided they are fully screened by the  
22 parapet wall or screening device. Exposed cable trays and runs on a sloped  
23 roof are prohibited.

24 e. At the discretion of the Staff Site Plan Review  
25 Committee, part or all of a proposed roof/building-mounted wireless  
26 telecommunications facility or co-location facility may be exempted from  
27 screening requirements if the best feasible screening design would result in  
28 greater negative visual impacts than if part or all of the proposed installation

1 were unscreened.

2 4. Restriction on Historic Landmark structures. Installation  
3 of a roof/building-mounted wireless telecommunications facility or co-location  
4 facility at a City-designated Historic Landmark shall make no changes to the  
5 external appearance of the building unless approved by the Cultural Heritage  
6 Commission.

7 E. Non-reflective materials. The exteriors of wireless  
8 telecommunications facilities and co-location facilities shall be constructed of  
9 non-reflective materials.

10 F. Underlying setbacks. Wireless telecommunications facilities  
11 and co-location facilities shall comply with all the setback requirements of the  
12 underlying zoning district(s), except as modified by this Chapter.

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

16 1. No monopole or other freestanding structure shall ever  
17 exceed a maximum height of one hundred twenty feet (120') in any zoning  
18 district. In any Residential (R) or Institutional (I) zoning district, or  
19 Residential/Institutional Planned Development (PD) district (as defined in  
20 Subsection 21.56.020.H), no monopole or other freestanding structure shall  
21 exceed a maximum height of fifty-five feet (55');

22 2. A roof/building-mounted wireless telecommunications  
23 facility shall not exceed the maximum height allowed in the applicable zoning  
24 district, or ten (10) feet above the building roof deck, whichever is higher,  
25 except that in any R-1, R-2, or R-3 district, no roof/building-mounted site  
26 shall exceed the maximum height for structures allowed in that district;

27 3. Notwithstanding the height limits set forth in the  
28 preceding sections, for facilities to be mounted on towers used for high-



1 voltage electrical power transmission between generating plants and  
2 electrical substations (not utility poles), the antennas may be mounted as  
3 high as necessary on the tower, provided that the top of the highest antenna  
4 is not higher than the top of the existing tower.

5 H. Accessory buildings. In any zoning district, accessory  
6 buildings in support of the operation of the wireless telecommunications  
7 facility or co-location facility may be constructed, provided that they comply  
8 with the development standards set forth for accessory structures for the  
9 zoning district in which the site is located.

10 I. Footprint. The overall footprint of each wireless  
11 telecommunications facility shall be as small as possible, to the satisfaction  
12 of the Staff Site Plan Review Committee.

13 J. Generators and emergency power. Diesel generators are  
14 allowed as an emergency power source, although they are discouraged.  
15 When a feasible alternative technology for permanent on-site backup power  
16 becomes available (for example, fuel cells) the Department of Development  
17 Services may require the use of such technology in lieu of a diesel  
18 generator, unless the applicant provides written documentation explaining  
19 why such an alternative is not feasible. All generator installations shall  
20 comply with all containment requirements of the applicable Fire and Building  
21 codes, without exception.

22 K. Ground lease area enclosures and landscaping. If equipment  
23 appurtenant to a facility is to be located in a ground lease area, the lease  
24 area shall be enclosed by a CMU block wall, or other appropriate fence, to  
25 the satisfaction of the Staff Site Plan Review Committee. The fence shall be  
26 of a minimum height of six feet six inches (6'-6") in residential districts, and  
27 eight feet (8') in other districts, unless waived at the discretion of the Director  
28 of Development Services in cases of infeasibility. The exterior of all ground

1 lease areas shall be landscaped with drought-tolerant plant material, and  
2 adequate irrigation systems shall be provided for landscaping. Climbing  
3 vines shall be provided on the exterior of the enclosure wall, planted not  
4 more than four (4) feet on center. This landscaping requirement may be  
5 modified or waived by the Director of Development Services in instances  
6 where landscaping would not be appropriate.

7  
8 21.56.110 Performance standards for all wireless telecommunications  
9 facilities and co-location facilities.

10 No use may be conducted in a manner that, in the determination of  
11 the Director of Development Services, does not meet the performance  
12 standards below:

13 A. Lighting. Wireless telecommunications facilities and co-  
14 location facilities shall not be lighted or marked unless required by the  
15 Federal Communications Commission (FCC), the Federal Aviation  
16 Administration (FAA), or the California Public Utilities Commission (CPUC).

17 B. Licensing. The applicant or operator shall file, receive, and  
18 maintain all necessary licenses and registrations from the Federal  
19 Communications Commission (FCC), the California Public Utilities  
20 Commission (CPUC) and any other applicable regulatory bodies prior to  
21 initiating the operation of the wireless telecommunications facility. The  
22 applicant shall supply the Department of Development Services with  
23 evidence of these licenses and registrations prior to approval of a final  
24 inspection. If any required license is ever revoked, the operator shall inform  
25 the Department of Development Services of the revocation within ten (10)  
26 days of receiving notice of such revocation.

27 C. Building permit required. Once a Conditional Use Permit or  
28 other applicable entitlement is obtained, the applicant shall obtain a building

1 permit and shall build in accordance with the approved plans.

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

5 E. Removal after end of use. The wireless telecommunications  
6 facility, and/or co-location facility, if present, and all equipment associated  
7 therewith shall be removed in its entirety by the operator, at the operator's  
8 sole expense, within ninety (90) days of a FCC or CPUC license or  
9 registration revocation or if the facility is abandoned (per Subsection  
10 21.56.020.A) or no longer needed. The site shall be restored to its pre-  
11 installation condition and, where necessary, re-vegetate to blend in with the  
12 surrounding area. In the case of roof/building-mounted facilities, all  
13 antennas, equipment, screening devices, support structures, cable runs, and  
14 other appurtenant equipment shall be removed and the building shall be  
15 restored to its to its pre-installation condition. Restoration and re-vegetation  
16 shall be completed within two (2) months of removal of the facility; hence a  
17 maximum of five (5) months from abandonment of the facility to completion  
18 of restoration. Facilities not removed within these time limits shall be  
19 removed immediately. The City shall not be responsible to provide notice  
20 that removal is required under the provisions of this Chapter.

21 F. Maintenance. Wireless telecommunications facilities and co-  
22 location facilities shall be maintained by the permittee(s) and subsequent  
23 owners in a manner that implements all of the applicable requirements of this  
24 Chapter and all other applicable zoning and development standards set forth  
25 in Title 21, and all permit conditions of approval. Site and landscaping  
26 maintenance shall be the responsibility of the property owner, who may  
27 designate an agent, including the operator, to carry out this maintenance.

28 G. Noise. All construction and operation activities shall comply

1 with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code and  
2 any applicable conditions of approval.

3 H. Use of backup power sources. The use of diesel generators or  
4 any other emergency backup power sources shall comply with Chapter 8.80  
5 of the Long Beach Municipal Code (Noise Ordinance). The use of backup  
6 power sources shall be limited to actual power-outage emergencies and any  
7 operation necessary for testing and maintenance. Permanent or continuous  
8 use of backup power sources is prohibited.

9 I. RF report. Within forty-five (45) days of commencement of  
10 operations, the applicant for the wireless communications facility shall  
11 provide (at the applicant's expense) the Development Services Department  
12 with a report, prepared by a qualified expert, indicating that the actual radio  
13 frequency emissions of the operating facility, measured at the property line  
14 or nearest point of public access and in the direction of maximum radiation  
15 from each antenna, is in compliance with the standards established by the  
16 Federal Communications Commission. This report shall include emissions  
17 from all co-location facilities, if any, at the site as well. The applicant shall  
18 subsequently provide such report to the City within forty-five (45) days  
19 following any change in design, number of antennas, operation, or other  
20 significant change in circumstances, or when such a report is otherwise  
21 required by the FCC, to the satisfaction of the Director of Development  
22 Services.

24 21.56.120 Additional requirements and standards for wireless  
25 telecommunications facilities and co-location facilities in the  
26 Coastal Zone.

27 A. Location. New wireless telecommunications facilities shall not  
28 be located between the first public highway and the sea or bay, unless no

1 feasible alternative exists, and the facility is not visible from a public location,  
2 or will be attached to an existing structure in a manner that does not  
3 significantly alter (in the determination of the Staff Site Plan Review  
4 Committee) the exterior appearance of the existing structure.

5 B. Local coastal program requirements. New wireless  
6 telecommunications facilities shall comply with all applicable policies,  
7 standards, and regulations of the Local Coastal Program (LCP).

8 C. Coastal permit required. The necessary Coastal Development  
9 Permit or Local Coastal Development Permit shall be obtained.

10  
11 21.56.130 Requirements and standards for wireless telecommunications  
12 facilities and co-location facilities in the public right-of-way.

13 A. Purpose. The purpose of this Section is to:

14 1. Provide a uniform and comprehensive set of standards  
15 for the development, siting, installation, and operation of Wireless  
16 Telecommunications Facilities in the limited physical resources and capacity  
17 of the available Public Right-of-Way of the City of Long Beach in such a  
18 manner to not unreasonably discriminate, and to be competitively neutral,  
19 and non-exclusive as to the extent required under applicable law;

20 2. Encourage open competition and the provision of  
21 advanced and high quality telecommunications services on the widest  
22 possible basis to the businesses, institutions, and residents of the City;

23 3. Encourage economic development while preserving  
24 aesthetic and other community values and preventing proliferation of above  
25 ground wireless telecommunication equipment;

26 4. To promote the public health, safety, convenience, and  
27 general welfare of the City's residents, and to protect historical resources,  
28 property values and the aesthetic appearance of the City of Long Beach.

1           B.     Department of Development Services Review. The Director of  
2 Public Works shall refer all applications for wireless telecommunications  
3 facilities and co-location facilities in the public right-of-way to the Department  
4 of Development Services for review.

5           C.     Definitions.

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

13          D.     Permit requirements for wireless telecommunications facilities  
14 in the public right-of-way.

15           1.     Prior to the issuance of construction permits for any  
16 new, co-located, modified or expanded wireless telecommunication facility  
17 within the public right-of-way, an administrative review and approval from the  
18 Planning Bureau shall be required to ensure compliance with this Chapter.  
19 All such applications shall be reviewed and approved by the Directors of  
20 Development Services and Public Works or their respective designees. The  
21 Director of Development Services shall issue a Notice of Final Action with  
22 the results of this administrative review. The Applicant shall pay a fee for  
23 this administrative review in the amount adopted by the City Council in a  
24 resolution.

25           2.     If the facility is to be installed on an existing utility pole,  
26 street light or traffic signal the Applicant shall provide proof that the pole is  
27 either a) owned and controlled by the Joint Pole Commission ("JPC") and  
28 that the Applicant is a member of the JPC with attachment rights or b) that

1 the owner of the pole has authorized the installation.

2 3. The applicant shall submit a copy of the certificate of  
3 public convenience and necessity (CPCN) issued by the California Public  
4 Utilities Commission (CPUC) to the applicant, and a copy of the CPUC  
5 decision that authorizes the applicant to provide the telecommunications  
6 service for which the facilities are proposed to be constructed in the City's  
7 public right-of-way. Any applicant that, prior to 1996, provided  
8 telecommunications service under administratively equivalent documentation  
9 issued by the CPUC may submit copies of that documentation in lieu of a  
10 CPCN.

11 4. The applicant shall submit a copy of the certified  
12 environmental document from the CPUC covering the applicant's proposed  
13 telecommunication facilities with the City, including all mitigation measures  
14 as required by the CPUC pursuant to the required environmental analysis.  
15 The City's issuance of a standard permit will be conditioned upon the  
16 applicant's compliance with all applicable mitigation measures and  
17 monitoring requirements imposed by the CPUC upon the applicant.

18 5. Prior to the installation of any new or expanded  
19 wireless telecommunication facility within the public right-of-way, the  
20 applicant shall obtain the appropriate permits (e.g., encroachment  
21 and traffic control permits) from the Department of Public Works.  
22 The applicant shall provide a written justification as to the need and  
23 authority by which it has a right to place its facilities within the public  
24 right-of-way.

25 E. Development and design standards for wireless  
26 telecommunications facilities in the public right-of-way.

27 1. No interference with public right-of-way. In no  
28 case shall any part of a wireless telecommunication facility alter

1 vehicular circulation or parking within the public right-of-way, nor shall  
2 it impede vehicular and/or pedestrian access or visibility along any  
3 public right-of-way. No permittee shall locate or maintain  
4 telecommunication facilities to unreasonably interfere with the use of  
5 City property or the public right-of-way by the City, by the general  
6 public or by other persons authorized to use or be present in or upon  
7 the public right-of-way. Unreasonable interference includes  
8 disruption to vehicular or pedestrian traffic on City property or the  
9 public right-of-way, interference with public utilities, and any such  
10 other activities that will present a hazard to public health, safety or  
11 welfare when alternative methods of construction would result in less  
12 disruption. All such facilities shall be moved by the permittee, at the  
13 permittee's cost, temporarily or permanently, as determined by the  
14 Director of Public Works or Director of Development Services.

15 2. Location. All wireless telecommunication  
16 facilities shall be designed and located to eliminate or substantially  
17 reduce their visual and aesthetic impacts upon the surrounding public  
18 rights-of-way and public vantage points. To accomplish this goal, all  
19 wireless telecommunication equipment shall be developed with the  
20 intent of locating and designing such facilities in the following manner  
21 and order of preference (from top to bottom):

22 3. Antennas:  
23 a. On an existing public utility pole;  
24 b. On an existing street light or traffic signal  
25 standard;  
26 c. On a new public utility pole.

27 4. Equipment:  
28 a. Mounted on the subject pole;



- 1                                    b.        In an existing ground-mounted (grade-
- 2 level) equipment cabinet, with no expansion or additional cabinets to
- 3 be added;
- 4                                    c.        Within a below-grade equipment vault;
- 5                                    d.        Within a new equipment enclosure
- 6 mounted at grade. However, this is strongly discouraged. If the
- 7 applicant proposes to mount new equipment at grade, a written
- 8 explanation shall be provided describing why other mounting options
- 9 are not feasible.
- 10                                  5.        Site location:
- 11                                    a.        Within alleys;
- 12                                    b.        Within the public right-of-way and not
- 13 requiring the removal of existing parkway trees, reduction of the size
- 14 of any parkway landscape planters, and not requiring any
- 15 modifications to the existing location of any infrastructure within the
- 16 public right-of-way;
- 17                                    c.        Within the parkway landscaping and
- 18 requiring only minor alterations to the existing parkway landscaping
- 19 (including planter size) and/or infrastructure;
- 20                                    d.        All wireless telecommunication facility
- 21 antennas, equipment and related infrastructure shall be prohibited in
- 22 all center street medians, whether landscaped or not;
- 23                                    e.        In Residential Zoning Districts or
- 24 Residential Planned Development Districts, only one (1) wireless
- 25 telecommunications facility and associated equipment shall be
- 26 permitted within the public right-of-way within a three hundred feet
- 27 (300') radius. Any wireless telecommunications facility which is co-
- 28 located with another wireless telecommunications facility shall be

1 exempt from this requirement. However, no more than two (2)  
2 wireless telecommunications facilities shall be located on one (1)  
3 pole;

4 f. The applicant shall not install a new utility  
5 on a public right-of-way where there presently are no overhead utility  
6 facilities unless the CPUC has authorized the applicant to install such  
7 facilities and that the applicant has demonstrated by the  
8 preponderance of the evidence that no other viable options exist.

9 6. Height:

10 a. Antenna installations on existing City  
11 infrastructure shall not exceed the height of the existing infrastructure  
12 piece by more than five feet (5') unless approved by the City  
13 Engineer and Director of Public Works after a finding is made that a  
14 greater height would promote the aesthetic or safety concerns of the  
15 City;

16 b. For facilities proposed for placement on a  
17 new pole in the public right-of-way, the height to the top of the  
18 highest element shall not exceed the average height of utility poles  
19 on the same block as the subject site by more than five feet (5'). In  
20 cases of uncertainty, the Zoning Administrator shall have the  
21 authority to determine the applicable height limit;

22 c. Overhead equipment shall be a minimum  
23 of eight feet (8') above level of sidewalk for public safety reasons.

24 7. Design:

25 a. Any pole to be installed in the public right-  
26 of-way shall be disguised to resemble a utility pole or street light to  
27 the maximum extent possible. All antennas, where feasible, shall be  
28 screened behind a cylindrical screening device of a diameter no more

1 than fifty percent (50%) greater than that of the pole. All antennas  
2 and screening devices shall be painted or finished to match the pole.  
3 The provisions of Subsection 21.56.100.C (Paint Colors) shall apply;

4 b. Panel antennas shall utilize brackets  
5 and/or cross-arms that allow no more than a six-inch (6") extension  
6 (stand-off) from the pole except when additional stand-off is required  
7 to comply with health and safety regulations such as GEO-95 and  
8 OSHA;

9 c. Antenna installations on existing City  
10 infrastructure shall be placed in a manner so that the size,  
11 appearance and function of the final installation is essentially  
12 identical to the installation prior to the antenna installation taking  
13 place;

14 d. No faux or otherwise nonfunctioning street  
15 lights, decorative elements, signs, clock towers, or artificial trees or  
16 shrubs or other such nonfunctioning screening elements made to  
17 resemble other objects shall be permitted;

18 e. Wireless telecommunications facility  
19 equipment located above the surface grade in the public right-of-way  
20 including, but not limited to those on certain street lights or traffic  
21 signal standards, shall consist of small equipment components that  
22 are compatible in structure, scale, function and proportion to the  
23 streetlights and traffic signals they are mounted on. Equipment shall  
24 be painted or otherwise coated to be visually compatible with lighting  
25 and signal equipment. Underground vaults shall employ flush-to-  
26 grade access portals and vents. Installations on City owned or  
27 controlled streetlights and other public facilities shall be subject to  
28 applicable administrative and rental fees as adopted by resolution of

1 the City Council;

2 f. Facilities shall be designed to be as  
3 visually unobtrusive as possible. Applicant shall size antennas, mast  
4 arms, cabinet equipment and other facilities to minimize visual clutter.  
5 Facilities shall be sited to avoid or minimize obstruction of views from  
6 public vantage points and otherwise minimize the negative aesthetic  
7 impacts of the public right-of-way;

8 g. Proposed facilities shall be located and  
9 designed for co-location to the maximum extent possible.

10 8. Other requirements.

11 a. Street trees. The City may require that  
12 the applicant plant and maintain street trees adjacent to the wireless  
13 telecommunications facility if the applicant's equipment occupies  
14 space at street level. All street trees shall be selected from the list of  
15 permitted species maintained by the Department of Public Works,  
16 and shall be installed under a Public Works permit, to the satisfaction  
17 of the Director of Public Works.

18 b. Permittee shall install and maintain  
19 permitted wireless telecommunications facilities in compliance with  
20 the requirements of the Uniform Building, National Electrical Code,  
21 City noise standards and other applicable codes, as well as other  
22 restrictions specified in this Chapter.

23 c. The proposed wireless  
24 telecommunications facility and its location shall comply with the  
25 Americans with Disabilities Act.

26 9. Signs.

27 a. There shall be no advertising or signage  
28 on any portion of a wireless telecommunication facility, except that

1 required by law and/or as may be required by the City of Long Beach.

2 b. Identification. Each wireless  
3 telecommunication facility shall be identified by a permanently  
4 installed plaque or marker, no larger than four inches (4") by six  
5 inches (6"), clearly identifying the addresses, email contact  
6 information, and twenty-four (24) hour local or toll-free contact  
7 telephone numbers for a live contact person for both the permittee  
8 and the agent responsible for the maintenance of the wireless  
9 telecommunications facility. Emergency contact information shall be  
10 included for immediate response. Such information shall be updated  
11 in the event of a change in the permittee, the agency responsible for  
12 maintenance of the wireless telecommunication facility, or both.

13 F. Performance standards for wireless telecommunications  
14 facilities in the public right-of-way.

15 All wireless telecommunications facilities in the public right-of-  
16 way shall be subject to the performance standards enumerated in  
17 Section 21.56.110, in addition to the following:

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

21 2. Compliance with regulations. Wireless  
22 telecommunication facilities shall comply with all local, state and  
23 federal regulatory requirements.

24 3. Graffiti. All graffiti on any components of the  
25 wireless telecommunications facility shall be removed promptly in  
26 accordance with City regulations. Graffiti on any facility in the public  
27 right-of-way must be removed within twenty-four (24) hours of its  
28 appearance.

1                   4.       Landscaping. All landscaping attendant to the  
2 wireless telecommunications facility, including landscaping of the  
3 public right-of-way, shall be maintained in good, healthy condition at  
4 all times. Any dead or dying landscaping and shall be promptly  
5 replaced or rehabilitated.

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

19                   6.       Replacement of Equipment. During the term of a  
20 public right-of-way wireless telecommunications site permit, a  
21 permittee may replace equipment that is part of a permitted wireless  
22 facility provided that the replacement equipment would be of the  
23 same size and appearance as the previously permitted equipment.  
24 The permittee shall notify the Department of Development Services  
25 and the Department of Public Works prior to replacing or adding any  
26 equipment, and shall not install the proposed equipment unless and  
27 until the Department of Development Services notifies permittee in  
28 writing that the Department has determined that the proposed

1 replacement equipment complies with the requirements of this  
2 Section, and until all required permits have been obtained.

3 7. Abandonment. The owner or operator of the  
4 wireless telecommunications site shall notify the Department of  
5 Development Services in writing upon abandonment of the facility.  
6 The wireless telecommunications facility and all equipment  
7 associated therewith shall be removed in its entirety by the operator  
8 within ninety (90) days of a FCC or CPUC license or registration  
9 revocation or of facility abandonment (per Subsection 21.56.020.A)  
10 or other discontinuation of use. The site shall be restored to its pre-  
11 installation condition to the satisfaction of the Directors of Public  
12 Works and Development Services at the expense of the facility owner  
13 or operator. Restoration shall be completed within two (2) months of  
14 removal of the facility; hence a maximum of five (5) months from  
15 abandonment of the facility to completion of restoration. If such  
16 removal is not completed within these time limits, the Director of  
17 Public Works shall be authorized to cause such removal to be  
18 completed and shall invoice the permittee for all costs incurred by  
19 City as a result of such removal.

20 8. Indemnification. Every permittee of a Wireless  
21 Telecommunications Facility in the public right of way shall defend,  
22 indemnify, and hold harmless the City of Long Beach, its City Council,  
23 officers, and employees to the maximum extend permitted by law, from any  
24 loss or liability or damage, including expenses and costs, for bodily or  
25 personal injury, and for property damage sustained by any person as a result  
26 of the installation, use or maintenance of the applicant's Facility subject to  
27 this Chapter.

28 9. Insurance. The permittee shall obtain, pay for and

1 maintain, in full force and effect through the term of the permit, an insurance  
2 policy or policies that fully protects the City from claims and suits for bodily  
3 injury and property damage. The insurance must be issued in the amount or  
4 amounts, which the City Attorney or Risk Manager determines. The  
5 insurance must afford coverage for the permittee or wireless provider's use,  
6 operation and activity, vehicles, equipment, facility, representatives, agents  
7 and employees, as determined by the City's Risk Manager. Before issuance  
8 of any permit, the applicant shall furnish the City with certificates of  
9 insurance and endorsements, in the form satisfactory to the City Attorney or  
10 the Risk Manager, evidencing the coverage required by the City.

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

27 G. Application Requirements.  
28



1 All applications for wireless telecommunication facilities  
2 located wholly or partly within the public right-of-way shall be  
3 submitted to the Director of Development Services and the Director  
4 of Public Works and shall be accompanied with the following:

5 1. A site plan illustrating the exact location and size  
6 of all proposed wireless telecommunication facility antennas,  
7 equipment and related infrastructure necessary for its operation  
8 within the public right-of-way;

9 2. A fully dimensioned and scaled site plan that  
10 illustrates the following information within one hundred fifty feet (150')  
11 of the proposed wireless telecommunication facility:

12 a. The distances between all new and  
13 existing wireless telecommunication equipment and all other  
14 infrastructure within the public right-of-way such as, but not limited to,  
15 other existing telecommunication equipment, utility poles, light poles,  
16 fire hydrants, bus stops, traffic signals and above and below ground  
17 utility equipment vault(s);

18 b. The distance and location of adjoining  
19 property lines and easement boundaries abutting the public right-of-  
20 way, curbs, driveway approaches, easements, walls, existing utility  
21 substructures, and parkway trees from the wireless  
22 telecommunication facility;

23 c. The immediate adjacent land uses and  
24 building locations;

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

27 e. The location of all existing sidewalks and  
28 parkway landscape planters;

1                                 3.     All conduit locations between the wireless  
2 telecommunication antennas and the infrastructure necessary to  
3 operate the antennas;

4                                 4.     A detailed photograph of the exact location of all  
5 proposed wireless telecommunication facility antennas, equipment  
6 and related infrastructure within the public right-of-way. Additional  
7 photographs shall also be provided to document the existing setting  
8 of the wireless telecommunication facility within one hundred fifty feet  
9 (150') to the north, south, east and west of the proposed facility with  
10 a corresponding location map key documenting where each  
11 photograph was taken;

12                                5.     Propagation/coverage maps as required by  
13 Subsection 21.56.050.D;

14                                6.     A radio-frequency (RF) study prepared by a  
15 qualified, independent, RF engineer, deemed acceptable to the City,  
16 documenting that the new or modified telecommunication facility will  
17 not exceed maximum RF emission limits, as set by the Federal  
18 Communication Commission, for maximum human exposure. The  
19 RF study shall include all proposed and existing telecommunication  
20 antennas at maximum operational capacity;

21                                7.     Any additional information deemed necessary by  
22 the Director of Public Works and/or Director of Development Services  
23 to evaluate the proposed telecommunication facility and its  
24 construction impact to the existing infrastructure and design of the  
25 public right-of-way;

26                                8.     Each permittee, as a condition of the Wireless  
27 telecommunication permit, shall obtain, keep, and maintain a  
28 performance bond in an amount as determined by the City Engineer

1 adequate to guarantee to the City the prompt, faithful and competent  
2 performance of the proposed work necessary to install the proposed  
3 telecommunication facility and restoration of the public right-of-way.

4 H. Entitlement, term, renewal, and expiration.

5 1. Permits for wireless telecommunications facilities  
6 in the public right-of-way, shall be valid for ten (10) years following  
7 the date of final action. A ten (10)-year term is prescribed for permits  
8 for this class of land use, due to the unique nature of development,  
9 exceptional potential for visual and aesthetic impacts, and the rapidly  
10 changing technologic aspects that differentiate wireless  
11 telecommunications from other land uses allowed by the City. The  
12 applicant or operator shall file for a renewal of the entitlement and  
13 pay the applicable renewal application fees of the Department of  
14 Development Services and the Department of Public Works six (6)  
15 months prior to expiration, if continuation of the use is desired. In  
16 addition to providing the standard information and application fees  
17 required for renewal, renewal applications for wireless  
18 telecommunications sites in the public right-of-way shall include all  
19 application requirements set forth in this Chapter.

20 2. Where required, renewals of entitlements for  
21 existing wireless telecommunications facilities in the public right-of-  
22 way constructed prior to the effective date of this Chapter are subject  
23 to the provisions of Subsection 21.56.130.H.1. Renewals of permits  
24 approved after the effective date of this Chapter shall only be  
25 approved if the subject site is in full compliance with the provisions of  
26 this Chapter.

27 3. If the entitlement for an existing wireless  
28 telecommunications facility has expired, applications for co-location at that

1 site, as well as after-the-fact renewals of entitlements for the existing  
2 wireless telecommunications facilities, shall be subject to the standards and  
3 procedures for new wireless telecommunications facilities in the public right-  
4 of-way, as set forth in this Section.

5  
6 21.56.140 Additional requirements and standards for wireless  
7 telecommunications facilities located in Park Zoning Districts.

8 A. For the purpose of this ordinance the term Park Zoning District  
9 shall include those areas of the City regulated and established pursuant to  
10 Chapter 21.35 of this Code.

11 B. Installation of Wireless Telecommunications Facilities in Park  
12 Districts must be pursuant to a lease or permit approved by the City Council.  
13 For those parks under the jurisdiction of the City's Parks and Recreation  
14 Commission, the matter shall first be submitted to the Commission for its  
15 recommendation. A Conditional Use Permit shall not be required.

16 C. Prior to the City Council considering any lease or permit of  
17 Park District land for a Wireless Telecommunications Facility, the matter  
18 shall first be submitted to the Site Plan Review Committee in accordance  
19 with Chapter 21.25 of this Code. The Site Plan Review Committee shall  
20 impose reasonable conditions of approval, which shall include the minimum  
21 development, design and performance standards set forth in this Chapter.

22 D. Application for Site Plan review in a Park Zoning District shall  
23 be in accordance with Section 21.56.050, or Section 21.56.090, if it is to be a  
24 co-location facility.

25 E. All Site Plan Review proceedings conducted in accordance  
26 with this Section shall be subject to the Administrative Procedures set forth  
27 in Chapter 21.21, and the specific procedures set forth in Section 21.25.501  
28 *et seq.* relative to site plan reviews.

1 F. In order to effectuate parity between those Wireless  
2 Telecommunications Facilities located in Park Zoning Districts and those  
3 located elsewhere in the City, a fee equivalent to that established by the City  
4 Council for the processing and issuance of a Conditional Use Permit shall be  
5 charged.

6  
7 21.56.150 Other provisions.

8 A. Temporary Wireless Telecommunication Facilities. Installation,  
9 maintenance, or operation of any temporary wireless telecommunications  
10 site is prohibited except as allowed under a special events permit necessary  
11 during a special event authorized by Chapter 5.60 of the LBMC, or during a  
12 government-declared emergency.

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

17 C. Modifications to Wireless Telecommunications Facilities. Any  
18 modification to a wireless telecommunications facility or co-location facility,  
19 including but not limited to replacement of antennas, installation of additional  
20 antennas, installation of additional equipment cabinets, installation of a  
21 backup generator, paint or camouflage changes, and other physical changes  
22 to the facility, shall require, at a minimum, an administrative approval, and, if  
23 necessary, a building permit from the Department of Development Services.  
24 Prior to issuance of any approval for modification, the applicant shall submit  
25 an application for an administrative review to determine the compliance of  
26 the proposed modification with this Chapter and the existing Conditional Use  
27 Permit or other entitlement. For sites not subject to Section 21.56.130  
28 (located in the public right-of-way), applications for modification will be

1 subject to the standards and procedures set forth for new wireless  
2 telecommunications facilities, as specified in Sections 21.56.030 through  
3 21.56.060, if any of the following apply:

4 1. No Conditional Use Permit was issued for the original  
5 wireless telecommunications facility;

6 2. The Conditional Use Permit for the original wireless  
7 telecommunications facility did not allow for future modification or the extent  
8 of site improvements involved with the modification project (in this case, an  
9 application for a modification to the approved Conditional Use Permit,  
10 subject to Planning Commission review, may be substituted for a new  
11 Conditional Use Permit); or

12 3. No environmental review was completed for the location  
13 of the original wireless telecommunications facility that addressed the  
14 environmental impacts of future modifications (in this case, an application for  
15 a modification to the approved Conditional Use Permit, subject to Planning  
16 Commission review, may be substituted for a new Conditional Use Permit).

17 D. Peer Review.

18 1. The Director of Development Services is authorized to  
19 retain on behalf of the City an independent technical expert to peer review  
20 any application for a Wireless Telecommunications Facility Permit if  
21 reasonably necessary, as determined by the Director. The review is intended  
22 to be a review of technical aspects of the proposed Wireless  
23 Telecommunications Facility and shall address all of the following:

24 a. Compliance with applicable radio frequency  
25 emission standards;

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

- 1 c. The accuracy and completeness of submissions;
- 2 d. Technical demonstration of the unavailability of
- 3 alternative sites or configurations and/or coverage analysis;
- 4 e. The applicability of analysis techniques and
- 5 methodologies;
- 6 f. The validity of conclusions reached;
- 7 g. The compatibility of any required architectural
- 8 screening;
- 9 h. Technical data submitted by the applicant to
- 10 justify the proposed height of any new installation including monopoles or
- 11 roof/building mounted sites; and
- 12 i. Any specific technical issues designated by the
- 13 City.

14 E. Appeals.

- 15 1. Appeals from the decision(s) of the Director of
- 16 Development Services or designee, and the Staff Site Plan Review
- 17 Committee, shall be to the Planning Commission.
- 18 2. Appeals from the decision(s) of the Planning
- 19 Commission shall be to the City Council.
- 20 3. All appeals shall be in accordance with the provisions of
- 21 Title 21 related to Appeals.

22 F. Revocation. The Planning Commission may, after a duly

23 noticed public hearing, revoke, modify or suspend any Wireless

24 Telecommunications Permit on any one or more of the following grounds:

- 25 1. That the Wireless Telecommunications Permit was
- 26 obtained by fraud or misrepresentation;
- 27 2. That the Wireless Telecommunications Permit granted
- 28 is being, or within the recent past has been, exercised contrary to the terms

1 or conditions of such approval or in violation of any statute, ordinance, law or  
2 regulation; or

3 3. That the use permitted by the Wireless  
4 Telecommunications Permit is being, or within the recent past has been,  
5 exercised so as to be detrimental to the public health or safety or as to  
6 constitute a nuisance.

7 G. Findings. A Conditional Use Permit, Site Plan Review, or  
8 Modification for a Wireless Telecommunications Facility or Co-location  
9 Facility may be granted only if the following findings are made by the  
10 designated reviewing body or person, in addition to any findings applicable  
11 under Chapter 21.25:

12 1. The proposed Wireless Telecommunications Facility has  
13 been designed to achieve compatibility with the community to the maximum  
14 extent reasonably feasible;

15 2. An alternative configuration will not increase community  
16 compatibility or is not reasonably feasible;

17 3. The location of the Wireless Telecommunications  
18 Facility on alternative sites will not increase community compatibility or is not  
19 reasonably feasible;

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

23 5. The applicant has submitted a statement of its  
24 willingness to allow other wireless service providers to co-locate on the  
25 proposed Wireless Telecommunications Facility wherever technically and  
26 economically feasible and where co-location would not harm community  
27 compatibility; and

28 6. Noise generated by equipment will not be excessive,



1 annoying nor be detrimental to the public health, safety, and welfare.

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

18  
19 21.56.160 Severability Clause.

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

25  
26 Section 8. The Long Beach Municipal Code is amended by repealing  
27 Sections 21.45.115 and 21.45.210.

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Section 9. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

Table 31-1  
Uses in Residential Zones

	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M	
<b>Other Uses</b>																				
Carnival, fiesta, other outdoor exhibition or celebration (see Section 21.53.109)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		N
Church (see Section 21.51.213)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	C	C	C	N		N
Common recreational facilities (permitted only for multi-family developments with 21 or more units)	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	A	A	A		Y
Construction trailer (see Section 21.53.103)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		N
Courtesy parking for nonresidential use (see Section 21.52.221)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		N
Child day care home-small or large facility (1-14 persons) (see Section 21.51.230)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		N
Day care center (15 or more persons) (see Section 21.52.249)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		N
Detached accessory room (see Section 21.31.245)	N	N	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	N		Y

	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M
Other Uses																			
Electrical distribution station (see Section 21.52.223)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N
Group home (1-6 persons) (see Section 21.15.1200)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Home occupation (see Section 21.51.235)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Interim Parks																			
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N
Private school (elementary) (see Section 21.52.263)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N
Recreational vehicles – parking and storage (see Section 21.41.276)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
Room rentals (see Section 21.51.270)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y

Other Uses	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M
Sandwiched lot development (see Section 21.52.270)	N	N	N	C	N	N	N	N	C	C	C	C	C	N	N	N	N	N	N
Storage of chattel (see Section 21.51.290)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Trailer or dwelling unit used as home sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Vehicle parking and storage (see Section 21.41.281 and 21.41.283)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Abbreviations:

- Y = Yes (permitted use).
- N = Not permitted.
- C = Conditional use permit required. Refer to provisions in Chapter 21.52.
- A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.
- T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.
- AP = Administrative use Permit required. Refer to provisions in Chapter 21.52.
- IP = Interim park use permit required. Refer to provisions in Chapter 21.52.
- (a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.
- (b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.
- (c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.
- (d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.

TABLE 32-1

Uses in All Other Commercial Zoning Districts

	Neighborhood		Community					Regional			Other
<b>Transportation and Communication Facilities</b>											
	CNP	CNA	CNR	CCA	CCP	CCR	CCN *	CHW	CS		
Electrical distribution station	C	C	C	C	C	C	C	C	N		
Transportation facilities (bus terminals, cab stands, heliports, helistops)	N	N	N	N	N	N	N	C	N		
Wireless telecommunications facilities	C	C	C	C	C	C	C	C	C		See Chapter 21.56

TABLE 32-1A

Uses in all Other Commercial Zoning Districts

Use	CO	CH	CT	
<b>Miscellaneous Uses</b>				
Cellular and personal communication services	C	C	C	
Concession, Entertainment facility, Other outdoor display	T	T	T	
Construction trailer	T	T	T	
Electrical distribution station	Y	Y	C	
Trailer used for office, nightwatchman's quarters	AP	AP	AP	
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C	

Table 33-2

Uses in Industrial Districts

Use	IL	IM	IG	IP	*Notes and Exceptions
11. Communications (SIC code 48*)	Y	Y	Y	See Item 10 in this table.	a. Requires conditional use permit in all districts: <ul style="list-style-type: none"> <li>• 483 (Radio and television broadcasting stations)</li> <li>• Microwave transmission or relay towers</li> <li>• Wireless Telecommunications Facilities (see Chapter 21.56)</li> </ul>



**Table 34-1  
Uses in the Institutional District**

	<b>Use</b>	<b>District I</b>
1.	Arboretum, botanical gardens or nurseries	Y
2.	Cafeterias and restaurants	A
3.	Caretaker's residence	AP
4.	Carnival, fiesta, or similar exhibition or celebration	T
5.	Cemeteries	C
6.	Churches	Y
7.	Colleges, universities and vocational training centers	Y
8.	Commercial uses (as principal use)	N
9.	Construction trailer	T
10.	Convention and exhibition centers	Y
11.	Country clubs (with golf course)	Y
12.	Cultural centers	Y
13.	Daycare/preschool	Y
14.	Fire stations	Y
15.	Government offices	Y
16.	Hall rental	C
17.	Handicapped and senior citizen housing	C
18.	Historical landmarks, memorials and monuments	Y
19.	Hospitals, medical centers, medical office complexes, convalescent hospitals	Y
20.	Interim storage of vehicles and service yard (2 years)	C
21.	Libraries	Y
22.	Manufacturing	N
23.	Marinas	Y
24.	Off premises signs	N
25.	Outdoor sales events (see section 21.52.256)	C
26.	Museums	Y
27.	Parking (commercial)	C
28.	Parking (courtesy)	A
29.	Pistol or rifle range	C
30.	Police station	Y
31.	Police training academy	C
32.	Recreational facility	A
33.	Residential – single-family	Y
34.	Residential – multiple-family	N
35.	Sale of alcoholic beverage	C
36.	Schools (public or private, excluding vocational schools)	Y
37.	Schools (vocational)	N
38.	Social service office of nonprofit organization	Y
39.	Special group residence (communal, board and care, etc.)	C
40.	Stadium	C
41.	Trailer used for office or nightwatchman's quarters	T
42.	Water tanks	Y
43.	Wireless Telecommunications Facilities (see Chapter 21.56)	C

Abbreviations:

Y = Permitted.

N = Not permitted

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as an accessory use. Special conditions may apply. Refer to Chapter 21.51.

T = Permitted as a temporary use subject to the requirements of Chapter 21.53 of this title.

AP = Permitted with an administrative use permit.

**TABLE 35-1  
Uses in Park Districts**

<b>Use</b>	<b>District P</b>
Alcoholic beverage sales – with permitted or conditionally permitted uses	C
Amphitheater, band shell, performance stage and the like:	
a. With a seating capacity of up to 200 persons	Y
b. With a seating capacity greater than 200 persons	C
Athletic facilities including sports fields, swimming pools, courts and the like	Y
Campgrounds (except recreational vehicle campgrounds)	Y
Circuses	N
Comfort stations	A
Commercial recreation uses <sup>(a)</sup> (see definition, e.g., miniature golf courses, water slides, bicycle rentals, nonmotorized vehicles, and the like)	C
Commercial uses-other	N
Community gardens	Y
Community service uses <sup>(b)</sup> :	
a. Nonregional, city staffed	Y
b. Nonregional, nonprofit	C
c. Nonregional, for profit	N
Community service uses <sup>(b)</sup> -regional	N
Construction trailer	T
Cultural and educational uses (e.g., museums, ranchos, nature centers and the like)	Y
Daycare and preschools:	
a. Cooperatives and city staffed	Y
b. Nonprofit	C
Electronic video games (not to exceed 4 in any 1 building)	A
Exhibition grounds on a permanent basis for fairs, carnivals, trade shows and the like, or for continuation of fairs, carnivals, trade shows and the like beyond 10 days in length	N
Exhibitions, trade shows and the like	T
Fairs, festivals, carnivals, holiday celebrations, pageants, social events and the like for a period not to exceed 10 days	T
Food and beverage concessions (not including alcoholic)	A
Landscaped open areas	Y
Libraries of the City of Long Beach	C
Motor vehicle racing or testing	N
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A

Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
Police and fire stations, communication centers, schools, government buildings and the like	N
Private clubs (nonprofit and recreational only)	C
Recreational equipment sale and rental for use in park (except that motorcycles, motorized skateboards, mopeds and the like, are not permitted)	A
Recreational vehicle campground	C
Recreational vehicle storage	N
Residential uses (except caretaker or guard facilities)	N
Restaurants with or without alcoholic beverage sales	C
Sale of alcoholic beverage	C
Sewage and wastewater treatment of tertiary or more advanced level of treatment	A
Wireless Telecommunications Facilities (see Chapter 21.56)	C
Any use which violates the noise ordinance of the city	N

Editor's note— Abbreviations:

Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as accessory use. Refer to Chapter 21.51.

T = Permitted as temporary use. Refer to Chapter 21.53.

(a) "Commercial recreation" is any recreational use in parks for which a fee is charged independent of city oversight. (See definition for "commercial recreation" in Section 21.15.565 and findings for such uses in the park P district in Section 21.52.610.)

(b) "Community service use" is a service provided for the health and welfare of the individual receiving the service. Such uses in parks do not include the permanent provision of food, shelter or medical services except for counseling, health fairs, medical screening and the like. Nonregional community service uses serve the local community—the neighbors nearby who require the service. Regional serving community service providers serve a much wider constituency.

TABLE 36-1

Uses in the Public Right-of-Way District

Use	District (PR)
1. Agriculture	A
2. Caretaker dwelling	A
3. Electrical distribution station, pipeline or flood-control pumping station, railroad switching station or other similar facility essential to the operation of rights-of-way	A
4. Electrical generating facility (except solar)	N
5. Flood control rights-of-way	Y
6. Freeway rights-of-way	Y
7. Public recreational facilities	A
8. Railroad or rapid transit rights-of-way	Y
9. Rail yard or maintenance yard	N
10. Right-of-way maintenance facilities	A
11. Solar collectors	Y
12. Tree farm or nursery	Y
13. Utility rights-of-way	Y
14. Wireless telecommunication facilities (see Chapter 21.56)	C

Abbreviations:

Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as an accessory use. Special standards may apply. Refer to Chapter 21.51.