

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING AND RESTATING
CHAPTER 21.56, RELATED TO WIRELESS
TELECOMMUNICATIONS FACILITIES

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

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

Chapter 21.56

WIRELESS TELECOMMUNICATIONS FACILITIES

21.56.010 Purpose and objectives.

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

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

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

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

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

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

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

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

12 21.56.020 Definitions.

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

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

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

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

27 D. "Co-location facility" means a Wireless Telecommunications
28 Facility that has been co-located consistent with the meaning of "co-

1 location” as defined above. It does not include the initial installation of a
2 new Wireless Telecommunications Facility where previously there was
3 none, nor the construction of an additional monopole on a site with an
4 existing monopole.

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

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

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

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

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

27 J. “Utility Pole” means any pole or tower owned by any utility
28 company that is located in the public right-of-way necessary for the

1 distribution of electrical or other utility services regulated by the California
2 Public Utilities Commission. This does not include towers for high-voltage
3 electrical power transmission between generating plants and electrical
4 substations.

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

14 21.56.030 Permit requirements for new Wireless Telecommunications Facilities.

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

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

23 B. Roof/building-mounted facilities. All new Wireless
24 Telecommunications Facilities that are not co-location facilities that are
25 roof/building-mounted facilities shall also be subject to Site Plan Review in
26 addition to the Conditional Use Permit requirement in Subsection
27 21.56.030.A.

28 C. At locations in the public right-of-way. A Wireless Right-of-

1 Way Facility Permit shall be required for the initial construction and
2 installation of all new Wireless Telecommunications Facilities in accordance
3 with all Specific Procedures set forth in Section 21.56.130.

4 21.56.040 Development and design standards for new Wireless
5 Telecommunications Facilities that are not co-location facilities.

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

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

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

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

1 fact, infeasible;

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

5 21.56.050 Application requirements for new Wireless Telecommunications
6 Facilities that are not co-location facilities.

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

12 B. Photo simulations. Photo simulations of the facility from
13 reasonable line-of-sight locations from public roads or viewpoints;

14 C. Maintenance plan. A maintenance plan detailing the type and
15 frequency of required maintenance activities, including maintenance of
16 landscaping and camouflaging, if applicable;

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

1 and with whom the applicant must undertake their best efforts to fulfill the
2 above consultation and documentation requirements. The location,
3 footprint, maximum tower height, and general arrangement of future co-
4 locations shall be identified by the five (5) year build-out plan. If future co-
5 locations are not technically feasible, a written explanation shall be
6 provided;

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

23 F. Availability for co-location. A statement that the proposed
24 Wireless Telecommunications Facility is available for co-location, or an
25 explanation of why future co-location is not technically feasible;

26 G. RF report. A radio frequency (RF) report describing the
27 emissions of the proposed Wireless Telecommunications Facility. The
28 report shall demonstrate that the emissions from the proposed equipment

1 as well as the cumulative emissions from the facility will not exceed the
2 limits established by the Federal Communications Commission (FCC);

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

12 I. Height justification. An engineering certification providing
13 technical data sufficient to justify the proposed height of any new monopole
14 or roof/building-mounted site;

15 J. Deposit. A cash or other sufficient deposit for a third party
16 peer review as required by this Chapter.

17 21.56.060 Entitlement, term, renewal and expiration.

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

1 the use is desired. In addition to providing the standard information and
2 application fees required for renewal, Wireless Telecommunications Facility
3 renewal applications shall provide an updated build-out description
4 prepared in accordance with the procedures established by Subsection
5 21.56.050.C.

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

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

19 21.56.070 Permit requirements for co-location facilities.

20 A. Co-location facilities requiring a Conditional Use Permit.
21 Applications for co-location will be subject to the standards and procedures
22 set forth for new Wireless Telecommunications Facilities, above (Sections
23 21.56.030 through 21.56.060), if any of the following apply:

24 1. No Conditional Use Permit was issued for the original
25 Wireless Telecommunications Facility;

26 2. The Conditional Use Permit for the original Wireless
27 Telecommunications Facility did not allow for future co-location facilities or
28 the extent of site improvements involved with the co-location project (in this

1 case, an application for a modification to the approved Conditional Use
2 Permit, subject to Planning Commission review, may be substituted for a
3 new Conditional Use Permit); or

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

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

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

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

25 21.56.080 Development and design standards for co-location facilities.

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

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

4 C. Additional design standards. Co-location facilities also shall be
5 subject to the additional design standards specified in Section 21.56.100.
6 21.56.090 Application requirements for co-location facilities.

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

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

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

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

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

27 21.56.100 Development and design standards for all Wireless
28 Telecommunications Facilities and co-location facilities.

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

3 A. The adverse visual impact of Wireless Telecommunications
4 Facilities shall be avoided, minimized, and mitigated by:

5 1. Siting new Wireless Telecommunications Facilities
6 outside of public viewshed whenever feasible;

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

9 3. Constructing towers or monopoles no taller than
10 necessary to provide adequate coverage, network capacity, and service
11 quality;

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

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

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

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

28 1. Artificial trees cannot presently be made to resemble

1 natural trees in a sufficiently believable and realistic fashion; and

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

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

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

16 1. Antenna location:

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

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

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

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2. Equipment location.

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

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

3. Screening required.

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

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

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

1 d. All cable trays and cable runs shall be located
2 within existing building walls whenever physically possible. Cable trays and
3 runs on the facade of a building are strongly discouraged. Any facade-
4 mounted cable trays and runs shall be painted and textured to match the
5 building and shall be mounted as close to the facade surface as possible,
6 with no discernible gap between. Cable trays and runs mounted on a roof
7 deck and below the height of the parapet wall or screening device shall be
8 exempt from this requirement, provided they are fully screened by the
9 parapet wall or screening device. Exposed cable trays and runs on a sloped
10 roof are prohibited.

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

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

22 E. Non-reflective materials. The exteriors of Wireless
23 Telecommunications Facilities and co-location facilities shall be constructed
24 of non-reflective materials.

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

28 G. Height. Facilities subject to the provisions of this Chapter may

1 be built and used to a greater height than the limit established for the
2 zoning district in which the structure is located, except as otherwise
3 provided below:

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

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

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

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

1 zoning district in which the site is located.

2 I. Footprint. The overall footprint of each Wireless
3 Telecommunications Facility shall be as small as possible, to the
4 satisfaction of the Staff Site Plan Review Committee.

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

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

1 sole expense, within ninety (90) days of a FCC or CPUC license or
2 registration revocation or if the facility is abandoned (per Subsection
3 21.56.020.A) or no longer needed. The site shall be restored to its pre-
4 installation condition and, where necessary, re-vegetate to blend in with the
5 surrounding area. In the case of roof/building-mounted facilities, all
6 antennas, equipment, screening devices, support structures, cable runs,
7 and other appurtenant equipment shall be removed and the building shall
8 be restored to its to its pre-installation condition. Restoration and re-
9 vegetation shall be completed within two (2) months of removal of the
10 facility; hence a maximum of five (5) months from abandonment of the
11 facility to completion of restoration. Facilities not removed within these time
12 limits shall be removed immediately. The City shall not be responsible to
13 provide notice that removal is required under the provisions of this Chapter.

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

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

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

1 continuous use of backup power sources is prohibited.

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

16 21.56.120 Additional requirements and standards for Wireless
17 Telecommunications Facilities and co-location facilities in
18 the coastal zone.

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

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

28 C. Coastal permit required. The necessary Coastal Development

1 Permit or Local Coastal Development Permit shall be obtained.

2 21.56.130 Requirements and standards for Wireless Telecommunications
3 Facilities and co-location facilities in the public right-of-way.

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

5 1. Provide a uniform and comprehensive set of standards
6 for the development, siting, installation, and operation of Wireless
7 Telecommunications Facilities in the limited physical resources and
8 capacity of the available public right-of-way of the City of Long Beach in
9 such a manner to not unreasonably discriminate, and to be competitively
10 neutral, and non-exclusive as to the extent required under applicable law;

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

14 3. Encourage economic development while preserving
15 aesthetic and other community values and preventing proliferation of above
16 ground wireless telecommunication equipment;

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

20 B. Department of Development Services review. The Director of
21 Public Works shall refer all applications for Wireless Telecommunications
22 Facilities and co-location facilities in the public right-of-way to the
23 Department of Development Services for review.

24 C. Permit requirements for Wireless Telecommunications
25 Facilities in the public right-of-way.

26 1. Prior to the issuance of construction permits for any
27 new, co-located, modified or expanded wireless telecommunication facility
28 within the public right-of-way, an administrative review and approval from

1 the Planning Bureau shall be required to ensure compliance with this
2 Chapter. All such applications shall be reviewed and approved by the
3 Directors of Development Services and Public Works or their respective
4 designees. The Director of Development Services shall issue a Notice of
5 Final Action with the results of this administrative review. The Applicant
6 shall pay a fee for this administrative review in the amount adopted by the
7 City Council in a resolution.

8 2. If the facility is to be installed on an existing utility pole
9 or street light the Applicant shall provide proof that the pole is either a)
10 owned and controlled by the Joint Pole Commission ("JPC") and that the
11 Applicant is a member of the JPC with attachment rights or b) that the
12 owner of the pole has authorized the installation.

13 3. The applicant shall submit a copy of the certificate of
14 public convenience and necessity (CPCN) issued by the California Public
15 Utilities Commission (CPUC) to the applicant, and a copy of the CPUC
16 decision that authorizes the applicant to provide the telecommunications
17 service for which the facilities are proposed to be constructed in the City's
18 public right-of-way. Any applicant that, prior to 1996, provided
19 telecommunications service under administratively equivalent
20 documentation issued by the CPUC may submit copies of that
21 documentation in lieu of a CPCN.

22 4. The applicant shall submit a copy of the certified
23 environmental document from the CPUC covering the applicant's proposed
24 telecommunication facilities with the City, including all mitigation measures
25 as required by the CPUC pursuant to the required environmental analysis.
26 The City's issuance of a standard permit will be conditioned upon the
27 applicant's compliance with all applicable mitigation measures and
28 monitoring requirements imposed by the CPUC upon the applicant.

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

D. Development and design standards for Wireless Telecommunications Facilities in the public right-of-way.

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

2. Location. All wireless telecommunication facilities shall be designed and located to eliminate or substantially reduce their visual and aesthetic impacts upon the surrounding public rights-of-way and public vantage points. To accomplish this goal, all wireless telecommunication equipment shall be developed with the intent of locating and designing such

1 facilities in the following manner and order of preference (from top to
2 bottom). In instances where a facility is proposed for installation at a
3 location or in a manner that is not the highest preference for each of the
4 following categories, the applicant shall make a factual showing that all
5 higher preferences are infeasible:

6 a. Antenna preferences:

- 7 (i) On an existing street light pole;
8 (ii) On an existing utility pole;
9 (iii) On an existing structure other than a
10 street light pole, utility pole, or traffic signal in the public-right-of-way.
11 (iv) On a new utility pole.
12 (v) On a new structure other than a street
13 light pole, utility pole, or traffic signal in the public right-of-way.

14 b. Equipment preferences (for all appurtenant
15 equipment, including, but not limited to, radio units, power supplies, voltage
16 converters, and electrical service connections and meters):

- 17 (i) Within a below-grade equipment vault;
18 (ii) Mounted on the pole on which the
19 antenna(s) is/are proposed for installation;
20 (iii) In an existing ground-mounted (grade-
21 level) equipment cabinet, with no expansion or additional cabinets to be
22 added;
23 (iv) Within a new equipment enclosure
24 mounted at grade.

25 c. Site location preferences:

- 26 (i) Within the public right-of-way, not in a
27 center median, and not requiring the removal of existing parkway trees,
28 reduction of the size of any parkway landscape planters, and not requiring

1 any modifications to the existing location of any infrastructure within the
2 public right-of-way;

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

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

9 3. Site location restrictions. In addition to the orders of
10 preference specified in the preceding subsections, the following location
11 prohibitions shall be applicable to all applications for installations of
12 Wireless Telecommunications Facilities in the public rights-of-way.

13 a. All wireless telecommunication facility antennas,
14 equipment and related infrastructure shall be prohibited in all center street
15 medians;

16 b. In Residential Zoning Districts or Residential
17 Planned Development Districts, only one (1) Wireless Telecommunications
18 Facility and associated equipment shall be permitted within the public right-
19 of-way within a three hundred foot (300') radius. Any Wireless
20 Telecommunications Facility which is co-located with another Wireless
21 Telecommunications Facility shall be exempt from this requirement.
22 However, no more than two (2) Wireless Telecommunications Facilities
23 shall be located on one (1) pole;

24 c. No new wireless communications facilities within
25 the public right-of-way shall be permitted where there presently are no
26 overhead utility facilities.

27 4. Height:

28 a. Antenna installations on existing City

1 infrastructure shall not exceed the height of the existing infrastructure piece
2 by more than five feet (5') unless approved by the City Engineer and
3 Director of Public Works after a finding is made that a greater height would
4 promote the aesthetic or safety concerns of the City;

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

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

13 5. Design:

14 a. Any pole to be installed in the public right-of-way
15 shall be disguised to resemble a utility pole or street light to the maximum
16 extent possible. All antennas shall be limited to one omnidirectional antenna
17 unit (may include multiple internal antennas) of a diameter no more than
18 fifty percent (50%) greater than that of the top of the pole, or shall be no
19 more than three separate panel antennas screened behind a cylindrical
20 screening device of a diameter no more than fifty percent (50%) greater
21 than that of the top of the pole. All antennas and screening devices shall be
22 painted or finished to match the pole. The provisions of Subsection
23 21.56.100.C (Paint Colors) shall apply. The installation of new wood poles,
24 and the attachment of new Wireless Telecommunications Facilities to
25 existing wood poles, is prohibited;

26 b. Omnidirectional antenna units and groups of
27 panel antennas shall be placed on the same vertical axis as the center of
28 the pole where feasible. If not feasible, the installation shall utilize brackets

1 and/or cross-arms that allow no more than a six-inch (6") extension (stand-
2 off) from the pole except when additional stand-off is required to comply
3 with health and safety regulations such as GEO-95 and OSHA;

4 c. Antenna installations on existing City
5 infrastructure shall be placed in a manner so that the size, appearance and
6 function of the final installation is essentially identical to the installation prior
7 to the antenna installation taking place;

8 d. No faux or otherwise nonfunctioning street
9 lights, decorative elements, signs, clock towers, or artificial trees or shrubs
10 or other such nonfunctioning screening elements made to resemble other
11 objects shall be permitted;

12 e. Wireless Telecommunications Facility
13 equipment located above the surface grade in the public right-of-way
14 including, but not limited to those on certain street lights, shall consist of
15 small equipment components that are compatible in structure, scale,
16 function and proportion to the poles they are mounted on. Equipment shall
17 be painted or otherwise coated to be visually compatible with the subject
18 pole. Underground vaults shall employ flush-to-grade access portals and
19 vents. Installations on City owned or controlled public facilities shall be
20 subject to applicable administrative and rental fees as adopted by resolution
21 of the City Council;

22 f. Facilities shall be designed to be as visually
23 unobtrusive as possible. Applicant shall size antennas, mast arms, cabinet
24 equipment and other facilities to minimize visual clutter. Facilities shall be
25 sited to avoid or minimize obstruction of views from public vantage points
26 and otherwise minimize the negative aesthetic impacts of the public right-of-
27 way;

28 g. Proposed facilities shall be located and

1 designed for co-location to the maximum extent possible.

2 h. All cables shall be routed through the interior of
3 the subject pole. No exterior cable runs are permitted.

4 6. Other requirements.

5 a. Street trees. The City may require that the
6 applicant plant and maintain street trees adjacent to the Wireless
7 Telecommunications Facility if the applicant's equipment occupies space at
8 street level. All street trees shall be selected from the list of permitted
9 species maintained by the Department of Public Works, and shall be
10 installed under a Public Works permit, to the satisfaction of the Director of
11 Public Works.

12 b. Permittee shall install and maintain permitted
13 Wireless Telecommunications Facilities in compliance with the
14 requirements of the Uniform Building, National Electrical Code, City noise
15 standards, and all other applicable codes, laws, and regulations, as well as
16 the restrictions specified in this Chapter.

17 c. The proposed Wireless Telecommunications
18 Facility and its location shall comply with the Americans with Disabilities
19 Act.

20 7. Signs.

21 a. There shall be no advertising or signage on any
22 portion of a wireless telecommunication facility, except that required by law
23 and/or as may be required by the City of Long Beach.

24 b. Identification. Each wireless telecommunication
25 facility shall be identified by a permanently installed plaque or marker, no
26 larger than four inches (4") by six inches (6"), clearly identifying the
27 addresses, email contact information, and twenty-four (24) hour local or toll-
28 free contact telephone numbers for a live contact person for both the

1 permittee and the agent responsible for the maintenance of the Wireless
2 Telecommunications Facility. Emergency contact information shall be
3 included for immediate response. Such information shall be updated in the
4 event of a change in the permittee, the agency responsible for maintenance
5 of the wireless telecommunication facility, or both.

6 E. Performance standards for Wireless Telecommunications
7 Facilities in the public right-of-way. All Wireless Telecommunications
8 Facilities in the public right-of-way shall be subject to the performance
9 standards enumerated in Section 21.56.110, in addition to the following:

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

12 2. Compliance with regulations. Wireless
13 telecommunication facilities shall comply with all local, State and federal
14 regulatory requirements.

15 3. Graffiti. All graffiti on any components of the Wireless
16 Telecommunications Facility shall be removed promptly in accordance with
17 City regulations. Graffiti on any facility in the public right-of-way must be
18 removed within twenty-four (24) hours of its appearance.

19 4. Landscaping. All landscaping attendant to the Wireless
20 Telecommunications Facility, including landscaping of the public right-of-
21 way, shall be maintained in good, healthy condition at all times. Any dead or
22 dying landscaping and shall be promptly replaced or rehabilitated.

23 5. Repair of public right-of-way. The permittee/operator
24 shall repair, at its sole cost and expense, any damage (including, but not
25 limited to subsidence, cracking, erosion, collapse, weakening, or loss of
26 lateral support) to City streets, sidewalks, walks, curbs, gutters, trees,
27 parkways, or utility lines and systems, underground utility line and systems,
28 or sewer systems or sewer lines that results from any activities performed in

1 connection with the installation and/or maintenance of a Wireless
2 Telecommunications Facility by permittee. In the event permittee fails to
3 complete said repair within the number of days stated on a written notice by
4 the Director of Public Works, the Director of Public Works shall cause said
5 repair to be completed and shall invoice the permittee for all costs incurred
6 by City as a result of such repair.

7 6. Replacement of equipment. During the term of a public
8 right-of-way wireless telecommunications site permit, a permittee may
9 replace equipment that is part of a permitted wireless facility provided that
10 the replacement equipment would be of the same size and appearance as
11 the previously permitted equipment. The permittee shall notify the
12 Department of Development Services and the Department of Public Works
13 prior to replacing or adding any equipment, and shall not install the
14 proposed equipment unless and until the Department of Development
15 Services notifies permittee in writing that the Department has determined
16 that the proposed replacement equipment complies with the requirements
17 of this Section, and until all required permits have been obtained.

18 7. Abandonment. The owner or operator of the wireless
19 telecommunications site shall notify the Department of Development
20 Services in writing upon abandonment of the facility. The Wireless
21 Telecommunications Facility and all equipment associated therewith shall
22 be removed in its entirety by the operator within ninety (90) days of a FCC
23 or CPUC license or registration revocation or of facility abandonment (per
24 Subsection 21.56.020.A) or other discontinuation of use. The site shall be
25 restored to its pre-installation condition to the satisfaction of the Directors of
26 Public Works and Development Services at the expense of the facility
27 owner or operator. Restoration shall be completed within two (2) months of
28 removal of the facility; hence a maximum of five (5) months from

1 abandonment of the facility to completion of restoration. If such removal is
2 not completed within these time limits, the Director of Public Works shall be
3 authorized to cause such removal to be completed and shall invoice the
4 permittee for all costs incurred by City as a result of such removal.

5 8. Indemnification. Every permittee of a Wireless
6 Telecommunications Facility in the public right-of-way shall defend,
7 indemnify, and hold harmless the City of Long Beach, its City Council,
8 officers, and employees to the maximum extent permitted by law, from any
9 loss or liability or damage, including expenses and costs, for bodily or
10 personal injury, and for property damage sustained by any person as a
11 result of the installation, use or maintenance of the applicant's Facility
12 subject to this Chapter.

13 9. Insurance. The permittee shall obtain, pay for and
14 maintain, in full force and effect through the term of the permit, an insurance
15 policy or policies that fully protects the City from claims and suits for bodily
16 injury and property damage. The insurance must be issued in the amount or
17 amounts, which the City Attorney or Risk Manager determines. The
18 insurance must afford coverage for the permittee or wireless provider's use,
19 operation and activity, vehicles, equipment, facility, representatives, agents
20 and employees, as determined by the City's Risk Manager. Before issuance
21 of any permit, the applicant shall furnish the City with certificates of
22 insurance and endorsements, in the form satisfactory to the City Attorney or
23 the Risk Manager, evidencing the coverage required by the City.

24 10. City changes to public right-of-way. The permittee shall
25 modify, remove, or relocate its Wireless Telecommunications Facility, or
26 portion thereof, without cost or expense to the City, if and when made
27 necessary by any street or alley reconstruction, widening, relocation or
28 vacation, the undergrounding of utilities, or any other construction in the

1 public right-of-way negatively impacted by the Wireless
2 Telecommunications Facilities as installed, to the maximum degree
3 consistent with the regulations at the California Public Utilities Commission.
4 Said modification, removal, or relocation of a Wireless Telecommunications
5 Facility shall be completed within ninety (90) days of notification by City
6 unless exigencies dictate a shorter period for removal or relocation. In the
7 event a Wireless Telecommunications Facility is not modified, removed, or
8 relocated within said period of time, City may cause the same to be done at
9 the sole expense of applicant. Further, in the event of an emergency, the
10 City may modify, remove, or relocate Wireless Telecommunications
11 Facilities without prior notice to applicant provided applicant is notified
12 within a reasonable period thereafter.

13 F. Application requirements. All applications for wireless
14 telecommunication facilities located wholly or partly within the public right-
15 of-way shall be submitted to the Director of Development Services and the
16 Director of Public Works and shall be accompanied with the following:

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

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

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

1 b. The distance and location of adjoining property
2 lines and easement boundaries abutting the public right-of-way, curbs,
3 driveway approaches, easements, walls, existing utility substructures, and
4 parkway trees from the wireless telecommunication facility;

5 c. The immediate adjacent land uses and building
6 locations;

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

8 e. The location of all existing sidewalks and
9 parkway landscape planters.

10 3. All conduit locations between the wireless
11 telecommunication antennas and the infrastructure necessary to operate
12 the antennas;

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

20 5. Propagation/coverage maps as required by Subsection
21 21.56.050.D;

22 6. A radio-frequency (RF) study prepared by a qualified,
23 independent, RF engineer, deemed acceptable to the City, documenting
24 that the new or modified telecommunication facility will not exceed
25 maximum RF emission limits, as set by the Federal Communication
26 Commission, for maximum human exposure. The RF study shall include all
27 proposed and existing telecommunication antennas at maximum
28 operational capacity;

1 7. A narrative discussion, accompanied by evidence,
2 explaining (if necessary) why a superior location or configuration (as
3 established by the order of preferences in Section 21.56.130(E)(2)) cannot
4 be feasibly implemented.

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

9 9. Each permittee, as a condition of the wireless
10 telecommunication permit, shall obtain, keep, and maintain a performance
11 bond in an amount as determined by the City Engineer adequate to
12 guarantee to the City the prompt, faithful and competent performance of the
13 proposed work necessary to install the proposed telecommunication facility
14 and restoration of the public right-of-way.

15 G. Entitlement, term, renewal, and expiration.

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

1 this Chapter.

2 2. Where required, renewals of entitlements for existing
3 Wireless Telecommunications Facilities in the public right-of-way
4 constructed prior to the effective date of this Chapter are subject to the
5 provisions of Subsection 21.56.130.H.1. Renewals of permits approved
6 after the effective date of this Chapter shall only be approved if the subject
7 site is in full compliance with the provisions of this Chapter.

8 3. If the entitlement for an existing Wireless
9 Telecommunications Facility has expired, applications for co-location at that
10 site, as well as after-the-fact renewals of entitlements for the existing
11 Wireless Telecommunications Facilities, shall be subject to the standards
12 and procedures for new Wireless Telecommunications Facilities in the
13 public right-of-way, as set forth in this Section.

14 H. Department of Public Works regulations. The Department of
15 Public Works may adopt such orders or regulations as it deems necessary
16 to implement the requirements of this Section 21.56.130, or to otherwise
17 preserve and maintain the public health, **safety**, welfare, and convenience,
18 as are consistent with the requirements of this Section 21.56.130 and
19 Applicable Law.

20 21.56.140 Additional requirements and standards for Wireless
21 Telecommunications Facilities located in Park Zoning Districts.

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

25 B. Installation of Wireless Telecommunications Facilities in Park
26 Districts must be pursuant to a lease or permit approved by the City
27 Council. For those parks under the jurisdiction of the City's Parks and
28 Recreation Commission, the matter shall first be submitted to the

1 Commission for its recommendation. A Conditional Use Permit shall not be
2 required.

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

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

12 E. All Site Plan Review proceedings conducted in accordance
13 with this Section shall be subject to the Administrative Procedures set forth
14 in Chapter 21.21, and the specific procedures set forth in Section 21.25.501
15 et seq. relative to site plan reviews.

16 F. In order to effectuate parity between those Wireless
17 Telecommunications Facilities located in Park Zoning Districts and those
18 located elsewhere in the City, a fee equivalent to that established by the
19 City Council for the processing and issuance of a Conditional Use Permit
20 shall be charged.

21 21.56.150 Other provisions.

22 A. Temporary wireless telecommunication facilities. Installation,
23 maintenance, or operation of any temporary wireless telecommunications
24 site is prohibited except as allowed under a special events permit
25 necessary during a special event authorized by Chapter 5.60 of the LBMC,
26 or during a government-declared emergency.

27 B. Illegal facilities. Illegal Wireless Telecommunications Facilities
28 or co-location facilities have no vested rights and shall either be brought

1 into legal conforming status in accordance with this Chapter and Title 21 of
2 the Long Beach Municipal Code, or shall be removed.

3 C. Modifications to Wireless Telecommunications Facilities. Any
4 modification to a Wireless Telecommunications Facility or co-location
5 facility, including but not limited to replacement of antennas, installation of
6 additional antennas, installation of additional equipment cabinets,
7 installation of a backup generator, paint or camouflage changes, and other
8 physical changes to the facility, shall require, at a minimum, an
9 administrative approval, and, if necessary, a building permit from the
10 Department of Development Services. Prior to issuance of any approval for
11 modification, the applicant shall submit an application for an administrative
12 review to determine the compliance of the proposed modification with this
13 Chapter and the existing Conditional Use Permit or other entitlement. For
14 sites not subject to Section 21.56.130 (located in the public right-of-way),
15 applications for modification will be subject to the standards and procedures
16 set forth for new Wireless Telecommunications Facilities, as specified in
17 Sections 21.56.030 through 21.56.060, if any of the following apply:

18 1. No Conditional Use Permit was issued for the original
19 Wireless Telecommunications Facility;

20 2. The Conditional Use Permit for the original Wireless
21 Telecommunications Facility did not allow for future modification or the
22 extent of site improvements involved with the modification project (in this
23 case, an application for a modification to the approved Conditional Use
24 Permit, subject to Planning Commission review, may be substituted for a
25 new Conditional Use Permit); or

26 3. No environmental review was completed for the
27 location of the original Wireless Telecommunications Facility that addressed
28 the environmental impacts of future modifications (in this case, an

1 application for a modification to the approved Conditional Use Permit,
2 subject to Planning Commission review, may be substituted for a new
3 Conditional Use Permit).

4 D. Peer review.

5 1. The Director of Development Services is authorized to
6 retain on behalf of the City an independent technical expert to peer review
7 any application for a Wireless Telecommunications Facility Permit if
8 reasonably necessary, as determined by the Director. The review is
9 intended to be a review of technical aspects of the proposed Wireless
10 Telecommunications Facility and shall address all of the following:

- 11 a. Compliance with applicable radio frequency
12 emission standards;
- 13 b. Whether any requested exception is necessary
14 to close a significant gap in coverage, increase network capacity, or
15 maintain service quality and is the least intrusive means of doing so;
- 16 c. The accuracy and completeness of submissions;
- 17 d. Technical demonstration of the unavailability of
18 alternative sites or configurations and/or coverage analysis;
- 19 e. The applicability of analysis techniques and
20 methodologies;
- 21 f. The validity of conclusions reached;
- 22 g. The compatibility of any required architectural
23 screening;
- 24 h. Technical data submitted by the applicant to
25 justify the proposed height of any new installation including monopoles or
26 roof/building mounted sites; and
- 27 i. Any specific technical issues designated by the
28 City.

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E. Appeals.

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

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

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

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

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

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

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

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

1. The proposed Wireless Telecommunications Facility

1 has been designed to achieve compatibility with the community to the
2 maximum extent reasonably feasible;

3 2. An alternative configuration will not increase
4 community compatibility or is not reasonably feasible;

5 3. The location of the Wireless Telecommunications
6 Facility on alternative sites will not increase community compatibility or is
7 not reasonably feasible;

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

11 5. The applicant has submitted a statement of its
12 willingness to allow other wireless service providers to co-locate on the
13 proposed Wireless Telecommunications Facility wherever technically and
14 economically feasible and where co-location would not harm community
15 compatibility; and

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

18 H. Transfer or Change of Ownership/Operator. Upon assignment
19 or transfer of an already approved Wireless Telecommunications Facility or
20 any rights under that permit, the owner and/or current operator of the
21 Facility shall within thirty (30) days of such assignment or transfer provide
22 written notification to the Director of Public Works of the date of the transfer
23 and the identity of the transferee. The Director may require submission of
24 any supporting materials or documentation necessary to determine that the
25 proposed use is in compliance with the existing permit and all of its
26 conditions including, but not limited to, statements, photographs, plans,
27 drawings, models, and analysis by a State-licensed radio frequency
28 engineer demonstrating compliance with all applicable regulations and

1 standards of the Federal Telecommunications Commission and the
2 California Public Utilities Commission. If the Director determines that the
3 proposed operation is not consistent with the existing permit, the Director
4 shall notify the applicant who may revise the application or apply for
5 modification of the permit pursuant to the requirements of this Chapter.

6 21.56.160 Severability clause.

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

12
13 Section 2. The City Clerk shall certify to the passage of this ordinance by
14 the City Council and cause it to be posted in three (3) conspicuous places in the City of
15 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
16 Mayor.

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

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2017, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor