

## 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, to the maximum extent 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;
- D. Strongly encourage the location of wireless telecommunications facilities in those areas of the City where the adverse aesthetic impact on the community is minimal;
- E. Strongly encourage wireless telecommunications providers to configure all facilities in such a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative camouflaging techniques;
- F. Enhancing the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and
- G. Conform to all applicable federal and State laws.

~~(ORD-11-0011 § 8, 2011)~~

### 21.56.020 - Definitions.

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

- A. ~~A.~~—"Abandoned." Notwithstanding the definition of "abandoned" in Section 21.15.030, a wireless telecommunications facility use shall be considered abandoned if it is not in use for six (6) consecutive months.
- B. ~~"Applicable Law"~~ means all applicable federal, state, and City laws, ordinances, codes, rules, regulations and orders, as the same may be amended or adopted from time to time.
- C. ~~B.~~—"Co-location" means the placement or installation of wireless telecommunications facilities, including antennas and related equipment onto an existing wireless telecommunications facility in the case of monopoles, or onto the same building in the case of roof/building-mounted sites or placement in the public right-of-way.
- D. ~~C.~~—"Co-location facility" means a wireless telecommunications facility that has been co-located consistent with the meaning of "co-location" as defined above. It does not include the initial installation of a new wireless telecommunications facility where previously there was none, nor the construction of an additional monopole on a site with an existing monopole.
- E. ~~D.~~—"Monopole" means any single freestanding pole structure used to support wireless telecommunications antennas or equipment at a height above the ground. This includes those poles camouflaged to resemble natural objects.

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

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

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

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

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

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

~~(ORD-11-0011 § 8, 2011)~~

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. Llocations outside the public right-of-way. ~~A a~~ A Conditional Use Permit shall be required for the initial construction and installation of all new wireless telecommunications facilities that are not co-location facilities and are outside the public right-of-way, in accordance with all Specific Procedures set forth in Chapter 21.21 and Chapter 21.25, Division II, of the Zoning Regulations, except as modified by this Chapter.
- B. 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.
- C. At locations in the public right-of-way. Ay, a Wireless Right-of-Way Facility Permit shall be required for the initial construction and installation of all new wireless telecommunications facilities in accordance with all Specific Procedures set forth in Section 21.56.130.

~~(ORD-11-0011 § 8, 2011)~~



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 one (1) mile radius of the proposed facility. See Section 21.56.050 for additional application requirements;
- B. **Co-location required where possible.** New wireless telecommunications facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact;
- C. **Accommodation of co-location.** Except where aesthetically inappropriate in the determination of the Staff Site Plan Review Committee, new wireless telecommunications facilities shall be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible;
- D. **Additional Development and Design Standards.** Wireless telecommunications facilities also shall be subject to the additional design standards specified in Section 21.56.100.

~~(ORD 11-0011 § 8, 2011)~~

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

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

- A. **Photo simulations.** Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;
- B. **Maintenance plan.** A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of landscaping and camouflaging, if applicable;
- C. **Five year build-out plan.** A description of the planned maximum five (5) year build-out of the site for the applicant's wireless telecommunications facilities, including, to the extent possible, the full extent of wireless telecommunications facility expansion associated with future co-location facilities by other wireless service providers. The applicant shall use best efforts to contact all other wireless service providers known to be operating in the City upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The City shall, within thirty (30) days of its receipt of an application, identify any known wireless service providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the five (5) year build-out plan. If future co-locations are not technically feasible, a written explanation shall be provided;



- D. **Nearby facilities.** Identification of existing wireless telecommunications facilities within a one (1) mile radius of the proposed location of the new wireless telecommunications facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing wireless telecommunications facility was listed among the alternatives, the applicant must specifically address why the modification of such wireless telecommunications facility is not a viable option. The written explanation shall also state the radio frequency coverage and capacity needs and objectives of the applicant, and shall include maps of existing coverage and predicted new coverage with the proposed facility;
- E. **Availability for co-location.** A statement that the proposed wireless telecommunications facility is available for co-location, or an explanation of why future co-location is not technically feasible;
- F. **RF report.** A radio frequency (RF) report describing the emissions of the proposed wireless telecommunications facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC);
- G. **Alternative analysis.** Applications for the establishment of new wireless telecommunications facilities inside Residential (R) or Institutional (I) zoning districts, Residential/Institutional Planned Development (PD) Districts (as defined in Subsection 21.56.020.H), and residential or institutional General Plan Land Use Districts (LUDs) shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative nonresidential, non-institutional sites or combination of nonresidential, non-institutional sites available to eliminate or substantially reduce significant gaps in the applicant service provider's coverage or network capacity;
- H. **Height justification.** An engineering certification providing technical data sufficient to justify the proposed height of any new monopole or roof/building-mounted site;
- I. **Deposit.** A cash or other sufficient deposit for a third party peer review as required by this Chapter.

(~~ORD 11-0011 § 8, 2011~~)

#### 21.56.060 - Entitlement, term, renewal and expiration.

- A. Conditional Use Permits and other entitlements for wireless telecommunications facilities, including approval of the five (5) year build-out plan as specified in Subsection 21.56.050.C, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for Conditional Use Permits for this class of land uses due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other Conditional land uses allowed by the City. The applicant or operator shall file for a renewal for the entitlement and pay the applicable renewal application fees six (6) months prior to expiration of the permit with the Department of Development Services, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, wireless telecommunications facility renewal applications shall provide an updated build-out description prepared in accordance with the procedures established by Subsection 21.56.050.C.
- B. Where required, renewals for entitlements for existing wireless telecommunications facilities and co-location facilities constructed prior to the effective date of this Chapter are subject to the provisions of Sections 21.56.030 through 21.56.050. Renewals of entitlements approved after the effective date of this Chapter shall only be approved if all conditions of the original entitlement have been satisfied, and the five (5) year build-out plan has been provided.



- C. If the entitlement for an existing wireless telecommunications facility has expired, applications for modification, expansion, or co-location at that site, as well as after-the-fact renewals of entitlements for the existing wireless telecommunications facilities, shall be subject to the standards and procedures for new wireless telecommunications facilities set forth in Sections 21.56.030 through 21.56.050.

~~(ORD-11-0011 § 8, 2011)~~

21.56.070 - Permit requirements for co-location facilities.

- A. **Co-location Facilities Requiring a Conditional Use Permit.** Applications for co-location will be subject to the standards and procedures set forth for new wireless telecommunications facilities, above (Sections 21.56.030 through 21.56.060), if any of the following apply:
1. No Conditional Use Permit was issued for the original wireless telecommunications facility;
  2. The Conditional Use Permit for the original wireless telecommunications facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or
  3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future co-location facilities (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit).
- B. **Permit Requirements for Other Co-location Facilities.**
1. Roof/building-mounted facilities with visible exterior changes. Roof/building-mounted co-location facilities proposing visible exterior changes to the site shall be subject to Site Plan Review.
  2. All Others. Applications for all other co-location facilities shall be subject to a building permit approval. Prior to filing an application for a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original Conditional Use Permit, and with all applicable provisions of this Chapter, by submitting an application to the Department of Development Services for an administrative review as set forth in Section 21.56.090. The applicant shall not file an application for a building permit until the applicant receives written notification that this administrative review is complete and approved. The applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.

~~(ORD-11-0011 § 8, 2011)~~

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

- A. **Compliance with discretionary approvals.** The co-location facility shall comply with all approvals and conditions of the underlying (existing) discretionary permit for the wireless telecommunications facility.
- B. **Harmonious Design.** To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunications facility(ies) on the site.
- C. **Additional Design Standards.** Co-location facilities also shall be subject to the additional design standards specified in Section 21.56.100.

~~(ORD-11-0011 § 8, 2011)~~

21.56.090 - Application requirements for co-location facilities.



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

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

~~(ORD 11-0011 § 8, 2011)~~

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 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 applicant has painted the equipment in the approved color(s), but before the applicant schedules a final inspection.
- D. **Roof/building-mounted Facilities.** For roof/building-mounted wireless telecommunications facilities and co-location facilities, the following standards also shall apply:
  1. Antenna location.
    - a. Antennas mounted on the facade of a building are strongly discouraged, but if approved, must be fully integrated into the architecture of the existing structure or otherwise screened from public view. "Stealth boxes" enclosing facade antennas shall not be considered adequate screening;
    - b. Antennas shall be mounted on building rooftops, roof decks, or penthouses whenever feasible as a preferred alternative to facade-mounting. Antennas located on the building rooftop shall be located above the ceiling plate of the highest occupied floor;
    - c. Antennas shall be located as far away as possible from the edge of the building or roof, with the goal of reducing or eliminating visibility of the installation from any and all vantage points.
  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.
    - d. All cable trays and cable runs shall be located within existing building walls whenever physically possible. Cable trays and runs on the facade of a building are strongly discouraged. Any facade-mounted cable trays and runs shall be painted and textured



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

- e. At the discretion of the Staff Site Plan Review Committee, part or all of a proposed roof/building-mounted wireless telecommunications facility or co-location facility may be exempted from screening requirements if the best feasible screening design would result in greater negative visual impacts than if part or all of the proposed installation were unscreened.
- 4. **Restriction on Historic Landmark structures.** Installation of a roof/building-mounted wireless telecommunications facility or co-location facility at a City-designated Historic Landmark shall make no changes to the external appearance of the building unless approved by the Cultural Heritage Commission.
- E. **Non-reflective materials.** The exteriors of wireless telecommunications facilities and co-location facilities shall be constructed of non-reflective materials.
- F. **Underlying setbacks.** Wireless telecommunications facilities and co-location facilities shall comply with all the setback requirements of the underlying zoning district(s), except as modified by this Chapter.
- G. **Height.** Facilities subject to the provisions of this Chapter may be built and used to a greater height than the limit established for the zoning district in which the structure is located, except as otherwise provided below:
  - 1. No monopole or other freestanding structure shall ever exceed a maximum height of one hundred twenty feet (120') in any zoning district. In any Residential (R) or Institutional (I) zoning district, or Residential/Institutional Planned Development (PD) district (as defined in Subsection 21.56.020.H), no monopole or other freestanding structure shall exceed a maximum height of fifty-five feet (55'). However, if an applicant demonstrates that the monopole or structure will accommodate a minimum of two (2) carriers, the site may be permitted at a maximum height of sixty feet (60'); or the applicant demonstrates that the monopole or structure will accommodate three (3) carriers, the site may be permitted at a maximum height of sixty-five feet (65');
  - 2. A roof/building-mounted wireless telecommunications facility shall not exceed the maximum height allowed in the applicable zoning district, or ten (10) feet above the building roof deck, whichever is higher, except that in any R-1, R-2, or R-3 district, no roof/building-mounted site shall exceed the maximum height for structures allowed in that district;
  - 3. Notwithstanding the height limits set forth in the preceding Sections, for facilities to be mounted on towers used for high-voltage electrical power transmission between generating plants and electrical substations (not utility poles), the antennas may be mounted as high as necessary on the tower, provided that the top of the highest antenna is not higher than the top of the existing tower.
- H. **Accessory buildings.** In any zoning district, accessory buildings in support of the operation of the wireless telecommunications facility or co-location facility may be constructed, provided that they comply with the development standards set forth for accessory structures for the zoning district in which the site is located.
- I. **Footprint.** The overall footprint of each wireless telecommunications facility shall be as small as possible, to the satisfaction of the Staff Site Plan Review Committee.
- J. **Generators and emergency power.** Diesel generators are allowed as an emergency power source, although they are discouraged. When a feasible alternative technology for permanent on-site backup power becomes available (for example, fuel cells) the Department of Development Services may require the use of such technology in lieu of a diesel generator, unless the applicant



provides written documentation explaining why such an alternative is not feasible. All generator installations shall comply with all containment requirements of the applicable Fire and Building Codes, without exception.

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

~~(ORD 11-0011 § 8, 2011)~~

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

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

- A. **Lighting.** Wireless telecommunications facilities and co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the California Public Utilities Commission (CPUC).
- B. **Licensing.** The applicant or operator shall file, receive, and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunications facility. The applicant shall supply the Department of Development Services with evidence of these licenses and registrations prior to approval of a final inspection. If any required license is ever revoked, the operator shall inform the Department of Development Services of the revocation within ten (10) days of receiving notice of such revocation.
- C. **Building permit required.** Once a Conditional Use Permit or other applicable entitlement is obtained, the applicant shall obtain a building permit and shall build in accordance with the approved plans.
- D. **Power connection.** The project's final electrical inspection and approval of connection to electrical power shall be dependent upon the applicant obtaining a permanent and operable power connection.
- E. **Removal after end of use.** The wireless telecommunications facility, and/or co-location facility, if present, and all equipment associated therewith shall be removed in its entirety by the operator, at the operator's sole expense, within ninety (90) days of a FCC or CPUC license or registration revocation or if the facility is abandoned (per Subsection 21.56.020.A) or no longer needed. The site shall be restored to its pre-installation condition and, where necessary, re-vegetate to blend in with the surrounding area. In the case of roof/building-mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed and the building shall be restored to its pre-installation condition. Restoration and re-vegetation shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. Facilities not removed within these time limits shall be removed immediately. The City shall not be responsible to provide notice that removal is required under the provisions of this Chapter.



- F. **Maintenance.** Wireless telecommunications facilities and co-location facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements all of the applicable requirements of this Chapter and all other applicable zoning and development standards set forth in Title 21, and all permit conditions of approval. Site and landscaping maintenance shall be the responsibility of the property owner, who may designate an agent, including the operator, to carry out this maintenance.
- G. **Noise.** All construction and operation activities shall comply with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code and any applicable conditions of approval.
- H. **Use of backup power sources.** The use of diesel generators or any other emergency backup power sources shall comply with Chapter 8.80 of the Long Beach Municipal Code (Noise Ordinance). The use of backup power sources shall be limited to actual power-outage emergencies and any operation necessary for testing and maintenance. Permanent or continuous use of backup power sources is prohibited.
- I. **RF report.** Within forty-five (45) days of commencement of operations, the applicant for the wireless communications facility shall provide (at the applicant's expense) the Development Services Department with a report, prepared by a qualified expert, indicating that the actual radio frequency emissions of the operating facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the Federal Communications Commission. This report shall include emissions from all co-location facilities, if any, at the site as well. The applicant shall subsequently provide such report to the City within forty-five (45) days following any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the Director of Development Services.

~~(ORD 11-0011 § 8, 2011)~~

21.56.120 - Additional requirements and standards for wireless telecommunications facilities and co-location facilities in the coastal zone.

- A. **Location.** New wireless telecommunications facilities shall not be located between the first public highway and the sea or bay, unless no feasible alternative exists, and the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter (in the determination of the Staff Site Plan Review Committee) the exterior appearance of the existing structure.
- B. **Local coastal program requirements.** New wireless telecommunications facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP).
- C. **Coastal permit required.** The necessary Coastal Development Permit or Local Coastal Development Permit shall be obtained.

~~(ORD 11-0011 § 8, 2011)~~

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

- A. **Purpose.** The purpose of this Section is to:
  - 1. Provide a uniform and comprehensive set of standards for the development, siting, installation, and operation of Wireless Telecommunications Facilities in the limited physical resources and capacity of the available Public Right-of-Way of the City of Long Beach in such a manner to not unreasonably discriminate, and to be competitively neutral, and non-exclusive as to the extent required under applicable law;



2. Encourage open competition and the provision of advanced and high quality telecommunications services on the widest possible basis to the businesses, institutions, and residents of the City;
3. Encourage economic development while preserving aesthetic and other community values and preventing proliferation of above ground wireless telecommunication equipment;
4. To promote the public health, safety, convenience, and general welfare of the City's residents, and to protect historical resources, property values and the aesthetic appearance of the City of Long Beach.

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

**C. Definitions.**

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

**CD. Permit requirements for wireless telecommunications facilities in the public right-of-way.**

1. Prior to the issuance of construction permits for any new, co-located, modified or expanded wireless telecommunication facility within the public right-of-way, an administrative review and approval from the Planning Bureau shall be required to ensure compliance with this Chapter. All such applications shall be reviewed and approved by the Directors of Development Services and Public Works or their respective designees. The Director of Development Services shall issue a Notice of Final Action with the results of this administrative review. The Applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.
2. If the facility is to be installed on an existing utility pole, street light or traffic signal the Applicant shall provide proof that the pole is either a) owned and controlled by the Joint Pole Commission ("JPC") and that the Applicant is a member of the JPC with attachment rights or b) that the owner of the pole has authorized the installation.
3. The applicant shall submit a copy of the certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission (CPUC) to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the City's public right-of-way. Any applicant that, prior to 1996, provided telecommunications service under administratively equivalent documentation issued by the CPUC may submit copies of that documentation in lieu of a CPCN.
4. The applicant shall submit a copy of the certified environmental document from the CPUC covering the applicant's proposed telecommunication facilities with the City, including all mitigation measures as required by the CPUC pursuant to the required environmental analysis. The City's issuance of a standard permit will be conditioned upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon the applicant.
5. Prior to the installation of any new or expanded wireless telecommunication facility within the public right-of-way, the applicant shall obtain the appropriate permits (e.g., encroachment and traffic control permits) from the Department of Public Works. The applicant shall provide a written justification as to the need and authority by which it has a right to place its facilities within the public right-of-way.

**DE. Development and design standards for wireless telecommunications facilities in the public right-of-way.**

1. No interference with public right-of-way. In no case shall any part of a wireless telecommunication facility alter vehicular circulation or parking within the public right-of-way, nor shall it impede



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

2. Location. All wireless telecommunication facilities shall be designed and located to eliminate or substantially reduce their visual and aesthetic impacts upon the surrounding public rights-of-way and public vantage points. To accomplish this goal, all wireless telecommunication equipment shall be developed with the intent of locating and designing such facilities in the following manner and order of preference (from top to bottom). In instances where a facility is proposed for installation at a location or in a manner that is not the highest preference for each of the following categories, the applicant shall make a factual showing that all higher preferences are infeasible:
  - a. Antennas preferences:
    1. ~~On an existing public Utility Pole; On an existing City-owned street light pole;~~
    2. ~~On an existing Street Light Pole or traffic signal standard; On an existing City-owned utility pole;~~
    3. ~~On another existing light pole or utility pole;~~
    - 3.4. On a new public Utility Pole.
  - b. Equipment preferences (for all appurtenant equipment, including, but not limited to, radio units, power supplies, voltage converters, and electrical service connections and meters):
    1. ~~Mounted on the subject pole on which the antenna is proposed for installation; Within a below-grade equipment vault;~~
    2. ~~In an existing ground-mounted (grade-level) equipment cabinet, with no expansion or additional cabinets to be added; Mounted on the pole on which the antenna(s) is/are proposed for installation;~~
    3. ~~Within a below-grade equipment vault; In an existing ground-mounted (grade-level) equipment cabinet, with no expansion or additional cabinets to be added;~~
    4. Within a new equipment enclosure mounted at grade. However, this is strongly discouraged. If the applicant proposes to mount new equipment at grade, a written explanation shall be provided describing why other mounting options are not feasible.
  - c. Site location preferences:
    1. Within alleys; Within the public right-of-way, not in a center median, and not requiring the removal of existing parkway trees, reduction of the size of any parkway landscape planters, and not requiring any modifications to the existing location of any infrastructure within the public right-of-way;
    2. ~~Within the public right-of-way and not requiring the removal of existing parkway trees, reduction of the size of any parkway landscape planters, and not requiring any modifications to the existing location of any infrastructure within the public right-of-way;~~ Within the parkway landscaping within the public right-of-way, and requiring only minor alterations to the existing parkway landscaping (including planter size) and/or infrastructure;
    3. ~~Within the parkway landscaping and requiring only minor alterations to the existing parkway landscaping (including planter size) and/or infrastructure; Within the public~~



right-of-way in a manner that requires significant alteration to the existing public improvements and/or infrastructure

3. Site location restrictions. In addition to the orders of preference specified in the preceding subsections, the following location prohibitions shall be applicable to all applications for installations of wireless telecommunications facilities in the public rights-of-way, unless such restrictions are deemed preempted in accordance with Section 21.56.170.

14. All wireless telecommunication facility antennas, equipment and related infrastructure shall be prohibited in all center street medians, ~~whether landscaped or not~~;

25. In Residential Zoning Districts or Residential Planned Development Districts, only one (1) wireless telecommunications facility and associated equipment shall be permitted within the public right-of-way within a three hundred foot (300') radius. Any wireless telecommunications facility which is co-located with another wireless telecommunications facility shall be exempt from this requirement. However, no more than two (2) wireless telecommunications facilities shall be located on one (1) pole;

36. ~~The applicant shall not install~~ No new wireless communications facilities within the a new utility on a public right-of-way shall be permitted where there presently are no overhead utility facilities ~~unless the CPUC has authorized the applicant to install such facilities and that the applicant has demonstrated by the preponderance of the evidence that no other viable options exist.~~

43. Height:

- a. Antenna installations on existing City infrastructure shall not exceed the height of the existing infrastructure piece by more than five feet (5') unless approved by the City Engineer and Director of Public Works after a finding is made that a greater height would promote the aesthetic or safety concerns of the City;
- b. For facilities proposed for placement on a new pole in the public right-of-way, the height to the top of the highest element shall not exceed the average height of utility poles on the same block as the subject site by more than five feet (5'). In cases of uncertainty, the Zoning Administrator shall have the authority to determine the applicable height limit;
- c. Overhead equipment shall be a minimum of eight feet (8') above level of sidewalk for public safety reasons.

54. Design:

- a. Any pole to be installed in the public right-of-way shall be disguised to resemble a utility pole or street light to the maximum extent possible. All antennas, shall be limited to one omnidirectional antenna unit (may include multiple internal antennas) of a diameter no more than fifty percent (50%) greater than that of the top of the pole, where feasible, or shall be no more than three separate panel antennas screened behind a cylindrical screening device of a diameter no more than fifty percent (50%) greater than that of the top of the pole. All antennas and screening devices shall be painted or finished to match the pole. The provisions of Subsection 21.56.100.C (Paint Colors) shall apply. The installation of new wood poles is prohibited;
- b. Omnidirectional antenna units and groups of Ppanel antennas shall be placed on the same vertical axis as the center of the pole where feasible. If not feasible, the installation shall utilize brackets and/or cross-arms that allow no more than a six-inch (6") extension (stand-off) from the pole except when additional stand-off is required to comply with health and safety regulations such as GEO-95 and OSHA;
- c. Antenna installations on existing City infrastructure shall be placed in a manner so that the size, appearance and function of the final installation is essentially identical to the installation prior to the antenna installation taking place;



- d. No faux or otherwise nonfunctioning street lights, decorative elements, signs, clock towers, or artificial trees or shrubs or other such nonfunctioning screening elements made to resemble other objects shall be permitted;
- e. Wireless telecommunications facility equipment located above the surface grade in the public right-of-way including, but not limited to those on certain street lights ~~or traffic signal standards~~, shall consist of small equipment components that are compatible in structure, scale, function and proportion to the ~~poles streetlights and traffic signals~~ they are mounted on. Equipment shall be painted or otherwise coated to be visually compatible with ~~lighting and signal equipment~~ the subject pole. Underground vaults shall employ flush-to-grade access portals and vents. Installations on City owned or controlled ~~streetlights and other~~ public facilities shall be subject to applicable administrative and rental fees as adopted by resolution of the City Council;
- f. Facilities shall be designed to be as visually unobtrusive as possible. Applicant shall size antennas, mast arms, cabinet equipment and other facilities to minimize visual clutter. Facilities shall be sited to avoid or minimize obstruction of views from public vantage points and otherwise minimize the negative aesthetic impacts of the public right-of-way;
- g. Proposed facilities shall be located and designed for co-location to the maximum extent possible.
- h. All cables shall be routed through the interior of the subject pole. No exterior cable runs are permitted.

65. Other requirements.

- a. Street trees. The City may require that the applicant plant and maintain street trees adjacent to the wireless telecommunications facility if the applicant's equipment occupies space at street level. All street trees shall be selected from the list of permitted species maintained by the Department of Public Works, and shall be installed under a Public Works permit, to the satisfaction of the Director of Public Works.
- b. Permittee shall install and maintain permitted wireless telecommunications facilities in compliance with the requirements of the Uniform Building, National Electrical Code, City noise standards, and all other applicable codes, laws, and regulations, as well as ~~the other~~ restrictions specified in this Chapter.
- c. The proposed wireless telecommunications facility and its location shall comply with the Americans with Disabilities Act.

76. Signs.

- a. There shall be no advertising or signage on any portion of a wireless telecommunication facility, except that required by law and/or as may be required by the City of Long Beach.
- b. Identification. Each wireless telecommunication facility shall be identified by a permanently installed plaque or marker, no larger than four inches (4") by six inches (6"), clearly identifying the addresses, email contact information, and twenty-four (24) hour local or toll-free contact telephone numbers for a live contact person for both the permittee and the agent responsible for the maintenance of the wireless telecommunications facility. Emergency contact information shall be included for immediate response. Such information shall be updated in the event of a change in the permittee, the agency responsible for maintenance of the wireless telecommunication facility, or both.

FE. **Performance standards for wireless telecommunications facilities in the public right-of-way.** All wireless telecommunications facilities in the public right-of-way shall be subject to the performance standards enumerated in Section 21.56.110, in addition to the following:

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



2. **Compliance with regulations.** Wireless telecommunication facilities shall comply with all local, State and federal regulatory requirements.
3. **Graffiti.** All graffiti on any components of the wireless telecommunications facility shall be removed promptly in accordance with City regulations. Graffiti on any facility in the public right-of-way must be removed within twenty-four (24) hours of its appearance.
4. **Landscaping.** All landscaping attendant to the wireless telecommunications facility, including landscaping of the public right-of-way, shall be maintained in good, healthy condition at all times. Any dead or dying landscaping and shall be promptly replaced or rehabilitated.
5. **Repair of public right-of-way.** The permittee/operator shall repair, at its sole cost and expense, any damage (including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support) to City streets, sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and systems, underground utility line and systems, or sewer systems or sewer lines that results from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility by Permittee. In the event Permittee fails to complete said repair within the number of days stated on a written notice by the Director of Public Works, the Director of Public Works shall cause said repair to be completed and shall invoice the permittee for all costs incurred by City as a result of such repair.
6. **Replacement of Equipment.** During the term of a public right-of-way wireless telecommunications site permit, a permittee may replace equipment that is part of a permitted wireless facility provided that the replacement equipment would be of the same size and appearance as the previously permitted equipment. The permittee shall notify the Department of Development Services and the Department of Public Works prior to replacing or adding any equipment, and shall not install the proposed equipment unless and until the Department of Development Services notifies permittee in writing that the Department has determined that the proposed replacement equipment complies with the requirements of this Section, and until all required permits have been obtained.
7. **Abandonment.** The owner or operator of the wireless telecommunications site shall notify the Department of Development Services in writing upon abandonment of the facility. The wireless telecommunications facility and all equipment associated therewith shall be removed in its entirety by the operator within ninety (90) days of a FCC or CPUC license or registration revocation or of facility abandonment (per Subsection 21.56.020.A) or other discontinuation of use. The site shall be restored to its pre-installation condition to the satisfaction of the Directors of Public Works and Development Services at the expense of the facility owner or operator. Restoration shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. If such removal is not completed within these time limits, the Director of Public Works shall be authorized to cause such removal to be completed and shall invoice the permittee for all costs incurred by City as a result of such removal.
8. **Indemnification.** Every permittee of a Wireless Telecommunications Facility in the public right-of-way shall defend, indemnify, and hold harmless the City of Long Beach, its City Council, officers, and employees to the maximum ~~extend~~extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use or maintenance of the applicant's Facility subject to this Chapter.
9. **Insurance.** The permittee shall obtain, pay for and maintain, in full force and effect through the term of the permit, an insurance policy or policies that fully protects the City from claims and suits for bodily injury and property damage. The insurance must be issued in the amount or amounts, which the City Attorney or Risk Manager determines. The insurance must afford coverage for the permittee or wireless provider's use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the City's Risk Manager. Before issuance of any permit, the applicant shall furnish the City with certificates of insurance and



endorsements, in the form satisfactory to the City Attorney or the Risk Manager, evidencing the coverage required by the City.

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

**GE. Application Requirements.** All applications for wireless telecommunication facilities located wholly or partly within the public right-of-way shall be submitted to the Director of Development Services and the Director of Public Works and shall be accompanied with the following:

1. A site plan illustrating the exact location and size of all proposed wireless telecommunication facility antennas, equipment and related infrastructure necessary for its operation within the public right-of-way;
2. A fully dimensioned and scaled site plan that illustrates the following information within one hundred fifty feet (150') of the proposed wireless telecommunication facility:
  - a. The distances between all new and existing wireless telecommunication equipment and all other infrastructure within the public right-of-way such as, but not limited to, other existing telecommunication equipment, utility poles, light poles, fire hydrants, bus stops, traffic signals and above and below ground utility equipment vault(s);
  - b. The distance and location of adjoining property lines and easement boundaries abutting the public right-of-way, curbs, driveway approaches, easements, walls, existing utility substructures, and parkway trees from the wireless telecommunication facility;
  - c. The immediate adjacent land uses and building locations;
  - d. The dedicated width of the public right-of-way;
  - e. The location of all existing sidewalks and parkway landscape planters.
3. All conduit locations between the wireless telecommunication antennas and the infrastructure necessary to operate the antennas;
4. A detailed photograph of the exact location of all proposed wireless telecommunication facility antennas, equipment and related infrastructure within the public right-of-way. Additional photographs shall also be provided to document the existing setting of the wireless telecommunication facility within one hundred fifty feet (150') to the north, south, east and west of the proposed facility with a corresponding location map key documenting where each photograph was taken;
5. Propagation/coverage maps as required by Subsection 21.56.050.D;
6. A radio-frequency (RF) study prepared by a qualified, independent, RF engineer, deemed acceptable to the City, documenting that the new or modified telecommunication facility will not exceed maximum RF emission limits, as set by the Federal Communication Commission, for maximum human exposure. The RF study shall include all proposed and existing telecommunication antennas at maximum operational capacity;



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

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

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

**HG. Entitlement, term, renewal, and expiration.**

1. Permits for wireless telecommunications facilities in the public right-of-way, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for permits for this class of land use, due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other land uses allowed by the City. The applicant or operator shall file for a renewal of the entitlement and pay the applicable renewal application fees of the Department of Development Services and the Department of Public Works six (6) months prior to expiration, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, renewal applications for wireless telecommunications sites in the public right-of-way shall include all application requirements set forth in this Chapter.
2. Where required, renewals of entitlements for existing wireless telecommunications facilities in the public right-of-way constructed prior to the effective date of this Chapter are subject to the provisions of Subsection 21.56.130.H.1. Renewals of permits approved after the effective date of this Chapter shall only be approved if the subject site is in full compliance with the provisions of this Chapter.
3. If the entitlement for an existing wireless telecommunications facility has expired, applications for co-location at that site, as well as after-the-fact renewals of entitlements for the existing wireless telecommunications facilities, shall be subject to the standards and procedures for new wireless telecommunications facilities in the public right-of-way, as set forth in this Section.

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

~~(ORD 11-0011 § 8, 2011)~~

**21.56.140 - Additional requirements and standards for wireless telecommunications facilities located in Park Zoning Districts.**

- A. For the purpose of this ordinance the term Park Zoning District shall include those areas of the City regulated and established pursuant to Chapter 21.35 of this Code.
- B. Installation of Wireless Telecommunications Facilities in Park Districts must be pursuant to a lease or permit approved by the City Council. For those parks under the jurisdiction of the City's Parks and Recreation Commission, the matter shall first be submitted to the Commission for its recommendation. A Conditional Use Permit shall not be required.
- C. Prior to the City Council considering any lease or permit of Park District land for a Wireless Telecommunications Facility, the matter shall first be submitted to the Site Plan Review Committee in accordance with Chapter 21.25 of this Code. The Site Plan Review Committee shall impose



reasonable conditions of approval, which shall include the minimum development, design and performance standards set forth in this Chapter.

- D. Application for Site Plan review in a Park Zoning District shall be in accordance with Section 21.56.050, or Section 21.56.090, if it is to be a co-location facility.
- E. All Site Plan Review proceedings conducted in accordance with this Section shall be subject to the Administrative Procedures set forth in Chapter 21.21, and the specific procedures set forth in Section 21.25.501 et seq. relative to site plan reviews.
- F. In order to effectuate parity between those Wireless Telecommunications Facilities located in Park Zoning Districts and those located elsewhere in the City, a fee equivalent to that established by the City Council for the processing and issuance of a Conditional Use Permit shall be charged.

~~(ORD 11-0011 § 8, 2011)~~

#### 21.56.150 - Other provisions.

- A. **Temporary Wireless Telecommunication Facilities.** Installation, maintenance, or operation of any temporary wireless telecommunications site is prohibited except as allowed under a special events permit necessary during a special event authorized by Chapter 5.60 of the LBMC, or during a government-declared emergency.
- B. **Illegal facilities.** Illegal wireless telecommunications facilities or co-location facilities have no vested rights and shall either be brought into legal conforming status in accordance with this Chapter and Title 21 of the Long Beach Municipal Code, or shall be removed.
- C. **Modifications to Wireless Telecommunications Facilities.** Any modification to a wireless telecommunications facility or co-location facility, including but not limited to replacement of antennas, installation of additional antennas, installation of additional equipment cabinets, installation of a backup generator, paint or camouflage changes, and other physical changes to the facility, shall require, at a minimum, an administrative approval, and, if necessary, a building permit from the Department of Development Services. Prior to issuance of any approval for modification, the applicant shall submit an application for an administrative review to determine the compliance of the proposed modification with this Chapter and the existing Conditional Use Permit or other entitlement. For sites not subject to Section 21.56.130 (located in the public right-of-way), applications for modification will be subject to the standards and procedures set forth for new wireless telecommunications facilities, as specified in Sections 21.56.030 through 21.56.060, if any of the following apply:
  - 1. No Conditional Use Permit was issued for the original wireless telecommunications facility;
  - 2. The Conditional Use Permit for the original wireless telecommunications facility did not allow for future modification or the extent of site improvements involved with the modification project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or
  - 3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future modifications (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit).
- D. **Peer Review.**
  - 1. The Director of Development Services is authorized to retain on behalf of the City an independent technical expert to peer review any application for a Wireless Telecommunications Facility Permit if reasonably necessary, as determined by the Director. The review is intended to be a review of technical aspects of the proposed Wireless Telecommunications Facility and shall address all of the following:
    - a. Compliance with applicable radio frequency emission standards;



- b. Whether any requested exception is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality and is the least intrusive means of doing so;
- c. The accuracy and completeness of submissions;
- d. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
- e. The applicability of analysis techniques and methodologies;
- f. The validity of conclusions reached;
- g. The compatibility of any required architectural screening;
- h. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building mounted sites; and
- i. Any specific technical issues designated by the City.

**E. Appeals.**

- 1. Appeals from the decision(s) of the Director of Development Services or designee, 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 has been designed to achieve compatibility with the community to the maximum extent reasonably feasible;
- 2. An alternative configuration will not increase community compatibility or is not reasonably feasible;
- 3. The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;
- 4. The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so;
- 5. The applicant has submitted a statement of its willingness to allow other wireless service providers to co-locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where co-location would not harm community compatibility; and



6. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.
- H. **Transfer or Change of Ownership/Operator.** Upon assignment or transfer of an already approved Wireless Telecommunications Facility or any rights under that permit, the owner and/or current operator of the Facility shall within thirty (30) days of such assignment or transfer provide written notification to the Director of Development Services of the date of the transfer and the identity of the transferee. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Telecommunications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing permit, the Director shall notify the applicant who may revise the application or apply for modification of the permit pursuant to the requirements of this Chapter.

~~(ORD-11-0011 § 8, 2011)~~

#### 21.56.160 - Severability Clause.

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

~~(ORD-11-0011 § 8, 2011)~~