

ORDINANCE NO. ORD-11-0011

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING TABLE 31-1 OF
CHAPTER 21.31, TABLES 32-1 AND 32-1A OF CHAPTER
21.32, TABLE 33-2 OF CHAPTER 21.33, TABLE 34-1 OF
CHAPTER 21.34, TABLE 35-1 OF CHAPTER 21.35, AND
TABLE 36-1 OF CHAPTER 21.36; BY ADDING CHAPTER
21.56; AND BY REPEALING SECTIONS 21.45.115 AND
21.52.210; ALL RELATING TO WIRELESS
TELECOMMUNICATIONS FACILITIES

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

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

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

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

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

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

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

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

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

9 Section 8. The Long Beach Municipal Code is amended by adding
10 Chapter 21.56 to read as follows:

11 Chapter 21.56

12 Wireless Telecommunications Facilities

13
14 21.56.010 Purpose and objectives.

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

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

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

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

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

1 aesthetic impact on the community is minimal;

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

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

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

10
11 21.56.020 Definitions.

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

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

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

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

28 D. "Monopole" means any single freestanding pole structure used

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

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

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

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

19 H. "Wireless Telecommunications Facility" means equipment
20 installed for the purpose of providing wireless transmission of voice, data,
21 images, or other information including but not limited to, cellular telephone
22 service, personal communications services, and paging services, consisting
23 of equipment, antennas, and network components such as towers, utility
24 poles, transmitters, base stations, and emergency power systems. "Wireless
25 telecommunications facility" does not include radio or television broadcast
26 facilities, nor radio communications systems for government or emergency
27 services agencies.
28

1 21.56.030 Permit requirements for new wireless telecommunications
2 facilities that are not co-location facilities.

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

5 A. A Conditional Use Permit shall be required for the initial
6 construction and installation of all new wireless telecommunications facilities
7 in accordance with all Specific Procedures set forth in Chapter 21.21 and
8 Chapter 21.25, Division II, of the Zoning Regulations, except as modified by
9 this Chapter.

10 B. Roof/building-mounted Facilities. All new wireless
11 telecommunications facilities that are not co-location facilities that are
12 roof/building-mounted facilities shall also be subject to Site Plan Review in
13 addition to the Conditional Use Permit requirement in Subsection
14 21.56.030.A.

15
16 21.56.040 Development and design standards for new wireless
17 telecommunications facilities that are not co-location facilities.

18 All new wireless telecommunications facilities shall meet the following
19 minimum standards:

20 A. Location. New wireless telecommunications facilities shall not
21 be located in Residential (R) or Institutional (I) zoning districts, or
22 Residential/Institutional Planned Development (PD) Districts (as defined in
23 Subsection 21.56.020.H), unless the applicant demonstrates, by a
24 preponderance of evidence, that a review has been conducted of other
25 options with less environmental impact, and no other sites or combination of
26 sites allows feasible service or adequate capacity and coverage. This review
27 shall include, but is not limited to, identification of alternative site(s) within a
28 one (1) mile radius of the proposed facility. See Section 21.56.050 for

1 additional application requirements;

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

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

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

17
18 21.56.050 Application requirements for new wireless telecommunications
19 facilities that are not co-location facilities.

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

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

27 B. Maintenance plan. A maintenance plan detailing the type and
28 frequency of required maintenance activities, including maintenance of

1 landscaping and camouflaging, if applicable;

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

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

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

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

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

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

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

28 I. Deposit. A cash or other sufficient deposit for a third party peer

1 review as required by this Chapter.

2
3 21.56.060 Entitlement, term, renewal, and expiration.

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

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

26 C. If the entitlement for an existing wireless telecommunications
27 facility has expired, applications for modification, expansion, or co-location at
28 that site, as well as after-the-fact renewals of entitlements for the existing

wireless telecommunications facilities, shall be subject to the standards and procedures for new wireless telecommunications facilities set forth in Sections 21.56.030 through 21.56.050.

21.56.070 Permit requirements for co-location facilities.

A. 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

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

11
12 21.56.080 Development and design standards for co-location facilities.

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

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

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

21
22 21.56.090 Application requirements for co-location facilities.

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

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

28 B. A maintenance and access plan that identifies any changes to

1 the original maintenance and access plan associated with the existing
2 wireless telecommunications facility and Conditional Use Permit;

3 C. A Radio Frequency (RF) report demonstrating that the
4 emissions from the co-location equipment as well as the cumulative
5 emissions from the co-location equipment and the existing facility will not
6 exceed the limits established by the Federal Communications Commission
7 (FCC);

8 D. Prior to the issuance of a building permit, the applicant shall
9 submit color samples, and materials samples if requested, for the co-location
10 equipment and any screening devices. Paint colors and materials shall be
11 subject to the review and approval of the Department of Development
12 Services. Color verification shall occur in the field after the applicant has
13 painted the equipment the approved color, but before the applicant
14 schedules a final inspection.

15
16 21.56.100 Development and design standards for all wireless
17 telecommunications facilities and co-location facilities.

18 The following standards shall apply to all wireless telecommunications
19 facilities and co-location facilities:

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

22 1. Siting new wireless telecommunications facilities outside
23 of public viewshed whenever feasible;

24 2. Maximizing the use of existing vegetation and natural
25 features to cloak wireless telecommunications facilities;

26 3. Constructing towers or monopoles no taller than
27 necessary to provide adequate coverage, network capacity, and service
28 quality;

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

4 5. Screening wireless telecommunications facilities and co-
5 location facilities with landscaping consisting of drought-tolerant plant
6 material. All ground lease areas shall be landscaped with climbing vines on
7 the exterior of the enclosure wall, planted not more than four (4) feet on
8 center. Adequate irrigation systems shall be provided for landscaping. The
9 landscape screening requirement may be modified or waived by the Director
10 of Development Services in instances where landscaping would not be
11 appropriate; and

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

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

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

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

21 C. Paint colors. Paint colors for a wireless telecommunications
22 facility and co-location facility shall minimize the facility's visual impact by
23 blending with the surrounding environment, terrain, landscape, or buildings
24 (not sky colors, as the sky is a luminous source of light at all times and no
25 non-luminous object can physically be made to blend with the sky). Paint
26 colors shall be subject to the review and approval of the Department of
27 Development Services. Color verification shall occur in the field after the
28 applicant has painted the equipment in the approved color(s), but before the

1 applicant schedules a final inspection.

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

5 1. Antenna location.

6 a. Antennas mounted on the façade of a building
7 are strongly discouraged, but if approved, must be fully integrated into the
8 architecture of the existing structure or otherwise screened from public view.
9 "Stealth boxes" enclosing façade antennas shall not be considered adequate
10 screening;

11 b. Antennas shall be mounted on building rooftops,
12 roof decks, or penthouses whenever feasible as a preferred alternative to
13 façade-mounting. Antennas located on the building rooftop shall be located
14 above the ceiling plate of the highest occupied floor;

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

18 2. Equipment location.

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

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

1 3. Screening required.

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

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

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

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

28 e. At the discretion of the Staff Site Plan Review

1 Committee, part or all of a proposed roof/building-mounted wireless
2 telecommunications facility or co-location facility may be exempted from
3 screening requirements if the best feasible screening design would result in
4 greater negative visual impacts than if part or all of the proposed installation
5 were unscreened.

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

11 E. Non-reflective materials. The exteriors of wireless
12 telecommunications facilities and co-location facilities shall be constructed of
13 non-reflective materials.

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

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

20 1. No monopole or other freestanding structure shall ever
21 exceed a maximum height of one hundred twenty feet (120') in any zoning
22 district. In any Residential (R) or Institutional (I) zoning district, or
23 Residential/Institutional Planned Development (PD) district (as defined in
24 Subsection 21.56.020.H), no monopole or other freestanding structure shall
25 exceed a maximum height of fifty-five feet (55'). However, if an applicant
26 demonstrates that the monopole or structure will accommodate a minimum
27 of two (2) carriers, the site may be permitted at a maximum height of sixty
28 feet (60'); or the applicant demonstrates that the monopole or structure will

1 accommodate three (3) carriers, the site may be permitted at a maximum
2 height of sixty-five feet (65').

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

8 3. Notwithstanding the height limits set forth in the
9 preceding sections, for facilities to be mounted on towers used for high-
10 voltage electrical power transmission between generating plants and
11 electrical substations (not utility poles), the antennas may be mounted as
12 high as necessary on the tower, provided that the top of the highest antenna
13 is not higher than the top of the existing tower.

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

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

22 J. Generators and emergency power. Diesel generators are
23 allowed as an emergency power source, although they are discouraged.
24 When a feasible alternative technology for permanent on-site backup power
25 becomes available (for example, fuel cells) the Department of Development
26 Services may require the use of such technology in lieu of a diesel
27 generator, unless the applicant provides written documentation explaining
28 why such an alternative is not feasible. All generator installations shall

1 comply with all containment requirements of the applicable Fire and Building
2 codes, without exception.

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

16
17 21.56.110 Performance standards for all wireless telecommunications
18 facilities and co-location facilities.

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

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

26 B. Licensing. The applicant or operator shall file, receive, and
27 maintain all necessary licenses and registrations from the Federal
28 Communications Commission (FCC), the California Public Utilities

1 Commission (CPUC) and any other applicable regulatory bodies prior to
2 initiating the operation of the wireless telecommunications facility. The
3 applicant shall supply the Department of Development Services with
4 evidence of these licenses and registrations prior to approval of a final
5 inspection. If any required license is ever revoked, the operator shall inform
6 the Department of Development Services of the revocation within ten (10)
7 days of receiving notice of such revocation.

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

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

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

1 that removal is required under the provisions of this Chapter.

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

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

12 H. Use of backup power sources. The use of diesel generators or
13 any other emergency backup power sources shall comply with Chapter 8.80
14 of the Long Beach Municipal Code (Noise Ordinance). The use of backup
15 power sources shall be limited to actual power-outage emergencies and any
16 operation necessary for testing and maintenance. Permanent or continuous
17 use of backup power sources is prohibited.

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

significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the Director of Development Services.

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

A. 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.

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.

D. 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

1 Development Services and Public Works or their respective designees. The
2 Director of Development Services shall issue a Notice of Final Action with
3 the results of this administrative review. The Applicant shall pay a fee for
4 this administrative review in the amount adopted by the City Council in a
5 resolution.

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

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

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

27 5. Prior to the installation of any new or expanded
28 wireless telecommunication facility within the public right-of-way, the

1 applicant shall obtain the appropriate permits (e.g., encroachment
2 and traffic control permits) from the Department of Public Works.
3 The applicant shall provide a written justification as to the need and
4 authority by which it has a right to place its facilities within the public
5 right-of-way.

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

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

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

1 intent of locating and designing such facilities in the following manner
2 and order of preference (from top to bottom):

3 a. Antennas:

- 4 1. On an existing public utility pole;
5 2. On an existing street light or traffic
6 signal standard;
7 3. On a new public utility pole.

8 b. Equipment:

- 9 1. Mounted on the subject pole;
10 2. In an existing ground-mounted
11 (grade-level) equipment cabinet, with no expansion or additional
12 cabinets to be added;
13 3. Within a below-grade equipment
14 vault;
15 4. Within a new equipment enclosure
16 mounted at grade. However, this is strongly discouraged. If the
17 applicant proposes to mount new equipment at grade, a written
18 explanation shall be provided describing why other mounting options
19 are not feasible.

20 c. Site location:

- 21 1. Within alleys;
22 2. Within the public right-of-way and
23 not requiring the removal of existing parkway trees, reduction of the
24 size of any parkway landscape planters, and not requiring any
25 modifications to the existing location of any infrastructure within the
26 public right-of-way;
27 3. Within the parkway landscaping
28 and requiring only minor alterations to the existing parkway

landscaping (including planter size) and/or infrastructure;

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

5. 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 feet (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;

6. The applicant shall not install a new utility on a public right-of-way 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.

3. 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

1 highest element shall not exceed the average height of utility poles
2 on the same block as the subject site by more than five feet (5'). In
3 cases of uncertainty, the Zoning Administrator shall have the
4 authority to determine the applicable height limit;

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

7 4. Design:

8 a. Any pole to be installed in the public right-
9 of-way shall be disguised to resemble a utility pole or street light to
10 the maximum extent possible. All antennas, where feasible, shall be
11 screened behind a cylindrical screening device of a diameter no more
12 than fifty percent (50%) greater than that of the pole. All antennas
13 and screening devices shall be painted or finished to match the pole.
14 The provisions of Subsection 21.56.100.C (Paint Colors) shall apply;

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

20 c. Antenna installations on existing City
21 infrastructure shall be placed in a manner so that the size,
22 appearance and function of the final installation is essentially
23 identical to the installation prior to the antenna installation taking
24 place;

25 d. No faux or otherwise nonfunctioning street
26 lights, decorative elements, signs, clock towers, or artificial trees or
27 shrubs or other such nonfunctioning screening elements made to
28 resemble other objects shall be permitted;

1 e. Wireless telecommunications facility
2 equipment located above the surface grade in the public right-of-way
3 including, but not limited to those on certain street lights or traffic
4 signal standards, shall consist of small equipment components that
5 are compatible in structure, scale, function and proportion to the
6 streetlights and traffic signals they are mounted on. Equipment shall
7 be painted or otherwise coated to be visually compatible with lighting
8 and signal equipment. Underground vaults shall employ flush-to-
9 grade access portals and vents. Installations on City owned or
10 controlled streetlights and other public facilities shall be subject to
11 applicable administrative and rental fees as adopted by resolution of
12 the City Council;

13 f. Facilities shall be designed to be as
14 visually unobtrusive as possible. Applicant shall size antennas, mast
15 arms, cabinet equipment and other facilities to minimize visual clutter.
16 Facilities shall be sited to avoid or minimize obstruction of views from
17 public vantage points and otherwise minimize the negative aesthetic
18 impacts of the public right-of-way;

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

21 5. Other requirements.

22 a. Street trees. The City may require that
23 the applicant plant and maintain street trees adjacent to the wireless
24 telecommunications facility if the applicant's equipment occupies
25 space at street level. All street trees shall be selected from the list of
26 permitted species maintained by the Department of Public Works,
27 and shall be installed under a Public Works permit, to the satisfaction
28 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 other applicable codes, as well as other restrictions specified in this Chapter.

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

6. 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.

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

4 2. Compliance with regulations. Wireless
5 telecommunication facilities shall comply with all local, state and
6 federal regulatory requirements.

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

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

17 5. Repair of public right-of-way. The
18 permittee/operator shall repair, at its sole cost and expense, any
19 damage (including, but not limited to subsidence, cracking, erosion,
20 collapse, weakening, or loss of lateral support) to City streets,
21 sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and
22 systems, underground utility line and systems, or sewer systems or
23 sewer lines that results from any activities performed in connection
24 with the installation and/or maintenance of a wireless
25 telecommunications facility by Permittee. In the event Permittee fails
26 to complete said repair within the number of days stated on a written
27 notice by the Director of Public Works, the Director of Public Works
28 shall cause said repair to be completed and shall invoice the

1 permittee for all costs incurred by City as a result of such repair.

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

14 7. Abandonment. The owner or operator of the
15 wireless telecommunications site shall notify the Department of
16 Development Services in writing upon abandonment of the facility.
17 The wireless telecommunications facility and all equipment
18 associated therewith shall be removed in its entirety by the operator
19 within ninety (90) days of a FCC or CPUC license or registration
20 revocation or of facility abandonment (per Subsection 21.56.020.A)
21 or other discontinuation of use. The site shall be restored to its pre-
22 installation condition to the satisfaction of the Directors of Public
23 Works and Development Services at the expense of the facility owner
24 or operator. Restoration shall be completed within two (2) months of
25 removal of the facility; hence a maximum of five (5) months from
26 abandonment of the facility to completion of restoration. If such
27 removal is not completed within these time limits, the Director of
28 Public Works shall be authorized to cause such removal to be

1 completed and shall invoice the permittee for all costs incurred by
2 City as a result of such removal.

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

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

22 10. City Changes to Public Right-of-Way. The permittee
23 shall modify, remove, or relocate its Wireless Telecommunications Facility,
24 or portion thereof, without cost or expense to the City, if and when made
25 necessary by any street or alley reconstruction, widening, relocation or
26 vacation, the undergrounding of utilities, or any other construction in the
27 public right-of-way negatively impacted by the wireless telecommunications
28 facilities as installed, to the maximum degree consistent with the regulations

1 at the California Public Utility Commission. Said modification, removal, or
2 relocation of a wireless telecommunications facility shall be completed within
3 ninety (90) days of notification by City unless exigencies dictate a shorter
4 period for removal or relocation. In the event a wireless telecommunications
5 facility is not modified, removed, or relocated within said period of time, City
6 may cause the same to be done at the sole expense of applicant. Further, in
7 the event of an emergency, the City may modify, remove, or relocate
8 wireless telecommunications facilities without prior notice to applicant
9 provided applicant is notified within a reasonable period thereafter.

10 G. Application Requirements.

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

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

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

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

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

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

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

10 e. The location of all existing sidewalks and
11 parkway landscape planters;

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

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

23 5. Propagation/coverage maps as required by
24 Subsection 21.56.050.D;

25 6. A radio-frequency (RF) study prepared by a
26 qualified, independent, RF engineer, deemed acceptable to the City,
27 documenting that the new or modified telecommunication facility will
28 not exceed maximum RF emission limits, as set by the Federal

1 Communication Commission, for maximum human exposure. The
2 RF study shall include all proposed and existing telecommunication
3 antennas at maximum operational capacity;

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

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

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

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

1 telecommunications sites in the public right-of-way shall include all
2 application requirements set forth in this Chapter.

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

10 3. If the entitlement for an existing wireless
11 telecommunications facility has expired, applications for co-location at that
12 site, as well as after-the-fact renewals of entitlements for the existing
13 wireless telecommunications facilities, shall be subject to the standards and
14 procedures for new wireless telecommunications facilities in the public right-
15 of-way, as set forth in this Section.

16
17 21.56.140 Additional requirements and standards for wireless
18 telecommunications facilities located in Park Zoning Districts.

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

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

27 C. Prior to the City Council considering any lease or permit of
28 Park District land for a Wireless Telecommunications Facility, the matter

1 shall first be submitted to the Site Plan Review Committee in accordance
2 with Chapter 21.25 of this Code. The Site Plan Review Committee shall
3 impose reasonable conditions of approval, which shall include the minimum
4 development, design and performance standards set forth in this Chapter.

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

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

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

17
18 21.56.150 Other provisions.

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

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

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

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

25 E. Appeals.

26 1. Appeals from the decision(s) of the Director of
27 Development Services or designee, and the Staff Site Plan Review
28 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 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

1 Facility on alternative sites will not increase community compatibility or is not
2 reasonably feasible;

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

6 5. The applicant has submitted a statement of its
7 willingness to allow other wireless service providers to co-locate on the
8 proposed Wireless Telecommunications Facility wherever technically and
9 economically feasible and where co-location would not harm community
10 compatibility; and

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

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

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.

Section 9. The Long Beach Municipal Code is amended by repealing Sections 21.45.115 and 21.45.210.

Section 10. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 7, 2011, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell,
Schipske, Andrews, Johnson, Gabelich,
Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

Approved: 6/8/11

(Date)



Mayor