



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

February 15, 2018

**CHAIR AND PLANNING COMMISSIONERS**City of Long Beach  
California**RECOMMENDATION:**

Recommend that the City Council adopt Negative Declaration ND-11-17, and approve a Zoning Code Amendment (ZCA17-008) and Local Coastal Program Amendment (LCPA 17-001) to modify the regulations for wireless telecommunications facilities in the public right-of-way. (Citywide)

**APPLICANT:** City of Long Beach, Department of Development Services  
333 W. Ocean Boulevard, 5<sup>th</sup> floor  
Long Beach, CA 90802  
Application No. 1702-17

**DISCUSSION**

On May 2, 2017, the City Council adopted a Zoning Code Amendment for time-critical regulations for "small cell" wireless telecommunications facilities in the public right-of-way. These facilities, which are commonly located on City infrastructure such as street light standards, are often referred to as "small cells". The May 2, 2017 Ordinance was intended to be a short-term amendment to implement a number of aesthetic standards and regulations, with the understanding that a more comprehensive ordinance would follow. Since then, the Departments of Development Services and Public Works have collaborated to produce a comprehensive ordinance regulating small cells. This proposed ordinance addresses not only design and aesthetic standards, but sets forth a new review and approval process and changes the responsibility for administration of wireless telecommunications facilities in the public right-of-way from the Development Services Department to the Public Works Department.

Until 2016, practically all wireless development was occurring as "macro" wireless telecommunications facilities on monopoles, building rooftops, or electrical transmission towers. Most of these wireless telecommunications facilities are located on private property, and consist of multiple large panel antennas (typically six to twelve), with multiple radio units behind the antennas, and several refrigerator-sized equipment cabinets, and often a backup power generator, located in a ground lease area or leased equipment room. To date, there are over 120 such macro wireless telecommunications facilities in the City. These macro wireless telecommunications facilities provide broad area coverage to the wireless carriers' customers throughout the City.

Small cells, on the other hand, are located in the public right-of-way. These facilities are placed on existing or new poles, such as street light standards, and are considerably smaller in scale than macro facilities. These consist of a single small omnidirectional antenna unit atop a pole, or up to three small panel antennas concealed behind a cylindrical shroud at the top of a pole, with small (briefcase-sized) radio equipment and electrical power connections in an underground vault, mounted on the pole above pedestrian height, or mounted within a “skirt” compartment at the base of the pole, or inside the base of the pole. These small cells fill small- and intermediate-sized gaps in the carriers’ macro coverage, in addition to providing for greater communications capacity in areas of existing macro coverage.

In 2016, the wireless telecommunications industry shifted to large-scale deployment of small cells. With the sudden increase in the volume of applications for wireless telecommunications facilities in the right-of-way, it became apparent that the City’s regulations for small cells needed to be updated immediately to protect the City’s visual and aesthetic environment and interests, and to further the City’s goals for development of small cells in the public right-of-way. The previous regulations did not contain sufficiently specific development standards for small cells to avoid visual clutter on the City’s vertical infrastructure, due to the relatively unknown nature of these types of facilities at the time. The old regulations also did not specifically prohibit siting of small cells on new or existing wooden utility poles, a “worst-of-class” practice that creates significantly negative visual impacts. Staff in the Public Works Department and City Attorney’s Office worked with Planning Bureau staff to update the wireless right-of-way regulations to better respond to the current market for small cell development.

The 2017 regulations provided more appropriate aesthetic and location standards for City residents and stakeholders, while providing increased clarity of regulations and efficiency of processing for the wireless industry. The 2017 Ordinance (Exhibit A – Section 21.56.130 of the Wireless Telecommunications Facilities Chapter of the Zoning Regulations), implemented the most crucial changes and allowed City staff time to develop a more comprehensive update of the wireless telecommunications regulations, while also allowing aesthetically-appropriate small cell projects to proceed.

The proposed ordinance completes this effort to establish comprehensive regulations for small cells in the public right-of-way, and creates a streamlined, uniform review process based on best practices of several other jurisdictions at the forefront of wireless right-of-way regulation (Exhibit B – Draft Ordinance). The ordinance includes new standards for location, size, intensity, and aesthetics of wireless small cells. Sites meeting the stricter development and location standards are eligible for ministerial (“by-right”) approvals. The discretionary (conditional) approval process has been removed to align the ordinance with recent federal law and regulations for the review and approval of wireless telecommunications facilities. The new ordinance will create consistent expectations and a streamlined process for the wireless industry, and give the City the ability to expeditiously permit these technological infrastructure projects while protecting the City’s vital interests in its visual environment and public right-of-way (Exhibit C – Photos of Appropriate Small Cell Development). The new ordinance also shifts the responsibility for administration of all aspects of wireless right-of-way sites from the Development Services

CHAIR AND PLANNING COMMISSIONERS

February 15, 2018

Page 3 of 3

Department to the Public Works Department, in accordance with the Public Works Department's core mission of maintaining and improving the City's public right-of-way.

The proposed ordinance amendment will remove Section 21.56.130 (which contains all regulations for wireless sites in the public right-of-way) from the Zoning Regulations (Title 21), and will insert the new regulations into Title 15 (Public Utilities), in a newly-created Chapter 15.34 (Wireless Telecommunications Facilities in the Public Rights-of-Way).

Staff requests that the Planning Commission forward this ordinance to the City Council with a recommendation for adoption.


**PUBLIC HEARING NOTICE**

A Notice of Public Hearing was published in the local newspaper of record, as required for a Citywide zoning amendment, on January 18, 2018, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. Any comments received prior to the Planning Commission hearing will be provided to the Commission at the hearing.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration was prepared for the proposed project (Exhibit D – ND-11-17). Staff recommends that the Planning Commission recommend that the City Council adopt this Negative Declaration.

Respectfully submitted,



LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



TOM MODICA  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

TM:LT:CT:sk

Attachments:           Exhibit A – Section 21.56.130 of Chapter 21.56 of the Zoning Regulations  
                                  Exhibit B – Draft Ordinance  
                                  Exhibit C – Photos of Appropriate Small Cell Development  
                                  Exhibit D – Negative Declaration ND-11-17