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1 Permit or Local Coastal Development Permit shall be obtained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. No interference with public right-of-way. In no case
10 shall any part of a wireless telecommunication facility alter vehicular
11 circulation or parking within the public right-of-way, nor shall it impede
12 vehicular and/or pedestrian access or visibility along any public right-of-
13 way. No permittee shall locate or maintain wireless telecommunication
14 facilities to unreasonably interfere with the use of City property or the public
15 right-of-way by the City, by the general public or by other persons
16 authorized to use or be present in or upon the public right-of-way.
17 Unreasonable interference includes disruption to vehicular or pedestrian
18 traffic on City property or the public right-of-way, interference with public
19 utilities, and any such other activities that will present a hazard to public
20 health, safety or welfare when alternative methods of construction would
21 result in less disruption. All such facilities shall be moved by the permittee,
22 at the 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 facilities shall
25 be designed and located to eliminate or substantially reduce their visual and
26 aesthetic impacts upon the surrounding public rights-of-way and public
27 vantage points. To accomplish this goal, all wireless telecommunication
28 equipment shall be developed with the intent of locating and designing such

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

6 a. Antenna preferences:

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

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

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

25 c. Site location preferences:

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

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

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

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

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

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

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

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

27 4. Height:

28 a. Antenna installations on existing City

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

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

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

13 5. Design:

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

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

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

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

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

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

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

28 g. Proposed facilities shall be located and

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

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

4 6. Other requirements.

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

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

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

20 7. Signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this Chapter.

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

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

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

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

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

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

