



Legislation Text

File #: 17-0275, **Version:** 2

Recommendation to declare ordinance amending and restating Chapter 21.56, related to Wireless Telecommunications Facilities, read and adopted as read. (Citywide)

On June 7, 2011, the City Council adopted Ordinance No. ORD-11-0011, which revised the City's zoning regulations for wireless telecommunications facilities. A number of major changes were established in that Ordinance, including a Conditional Use Permit (CUP) requirement for any new wireless telecommunication facility outside the public right-of-way, and more rigorous design and aesthetic standards for all wireless telecommunications facilities.

At the time this Ordinance was adopted, practically all wireless telecommunications facility development was occurring at "macro" sites on monopoles, building rooftops, or electrical transmission towers. Most of these sites are located on private property, and consist of multiple large panel antennas (typically six to twelve) with multiple radio units and several large (refrigerator-sized) equipment cabinets, and a backup power generator located on a ground lease area or leased equipment room. Currently, there are over 120 such macro wireless telecommunication facilities in the City that provide broad area coverage to the carriers' customers throughout the City.

The 2011 Ordinance also included new regulations (in Section 21.56.130) for a different type of wireless telecommunications facility, located in the public right-of-way. These were anticipated to be located on existing or new poles, such as street light standards, and were expected to be considerably smaller in scale than macro sites. Referred to by the wireless industry as "micro" sites or "small cells," they consist of a single small omnidirectional antenna 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, either in an underground vault or mounted on the pole above pedestrian height. These micro sites, or 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 2011, there were no micro sites on public infrastructure in Long Beach. As small cell technology was completely new at the time, the 2011 regulations represented a best-practices approach based on other jurisdictions' approaches to this emerging field.

In the years since 2011, the City received fewer than five permit applications for small cells in the public right-of-way. This changed in 2016, when the wireless industry shifted to large-scale deployment of small cells. The Department of Development Services has received

approximately 80 applications for small cells located in the public right-of-way since the beginning of 2016. With this sudden increase in the volume of applications for wireless telecommunications facilities in the right-of-way, staff has found that the 2011 regulations do not provide sufficient clarity to applicants, and contain several design standards and location preferences that need to be updated to better implement the City's aesthetic standards and goals for small cell wireless telecommunications facilities in the public right-of-way.

The Public Works and Development Services Departments, in collaboration with the City Attorney's Office, initiated the effort to update the wireless telecommunications facility regulations to better respond to the current market for small cell development. This update will provide 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 first step in this effort is the adoption of a "patch" Ordinance, to implement the most crucial changes and allow City staff and the City Attorney's Office time to develop a more comprehensive update of the wireless telecommunications regulations, and allow aesthetically-appropriate small cell projects to proceed in the process. It is anticipated that a permanent Ordinance will be brought forward in approximately six months.

The proposed "patch" Ordinance includes: an updated statement of purpose of the regulations; updated definitions of terms; clarification of permitting requirements; removal of vague or inapplicable language; an update to the siting preferences for wireless telecommunications facilities in the right-of-way to encourage location on existing utility poles, discourage installation of new poles, and prohibit installation of new wooden poles; establishment of better standards for wireless equipment (radio packs, power converters, and electric meters) associated with these sites, specifically, requiring them to be located in below-grade vaults wherever possible; and, higher standards of evidence if the developer cannot meet the superior siting and design preferences set by the Ordinance (Exhibit A - Ordinance Redline).

Staff recommends the City Council adopt the Ordinance implementing the "patch" measures, and adopt a Resolution directing the Department of Development Services to submit this Ordinance amendment to the California Coastal Commission for a Local Coastal Program (LCP) Amendment. Following adoption of this "patch" Ordinance, a permanent code amendment will be brought forward to the Planning Commission for review in approximately six months.

Notice of this public hearing was published in a newspaper of general circulation on April 3, 2017. Any responses and comments received will be conveyed to the City Council prior to the public hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the proposed project (Exhibit B - CE-17-053), finding that this project qualifies for a Categorical Exemption per Section 15305 of the California Environmental Quality Act Guidelines.

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 28, 2017 and by Budget Management Officer Rhutu Amin Gharib on March 30, 2017.

City Council action is requested on April 18, 2017. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on March 16, 2017.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

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

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APPROVED:
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