

ORDINANCE NO.

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 36-1; 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

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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 6. 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 7. 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,  
20 onto an existing wireless telecommunications facility in the case of  
21 monopoles, or onto the same building in the case of roof/building-mounted  
22 sites.

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. "Wireless Telecommunications Facility" means equipment

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

9 E. "Monopole" means any single freestanding pole structure used  
10 to support wireless telecommunications antennas or equipment at a height  
11 above the ground. This includes those poles camouflaged to resemble  
12 natural objects.

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

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

23 H. "Residential/Institutional Planned Development (PD) District"  
24 means the following Planned Development Districts within the City of Long  
25 Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho  
26 Estates), PD-17 (Alamitos Land), PD-20 (All Souls), and PD-25 (Atlantic  
27 Avenue), as well as any future PDs designated as such in the PD ordinance.  
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 Section 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 Section 21.56.020.H), and residential or institutional  
19 General Plan Land Use Districts (LUDs) shall be accompanied by a detailed  
20 alternatives analysis that demonstrates that there are no feasible alternative  
21 non-residential, non-institutional sites or combination of non-residential, non-  
22 institutional sites available to eliminate or substantially reduce significant  
23 gaps in the applicant service provider's coverage or network capacity.

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

27 I. Deposit. A cash or other sufficient deposit for a third party peer  
28 review as required by this Chapter.

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21.56.060 Entitlement, term, renewal, and expiration.

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

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

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

1 procedures for new wireless telecommunications facilities set forth in  
2 Sections 21.56.030 through 21.56.050.

3  
4 21.56.070 Permit requirements for co-location facilities.

5 A. Co-location Facilities Requiring a Conditional Use Permit.

6 Applications for co-location will be subject to the standards and procedures  
7 set forth for new wireless telecommunications facilities, above (Sections  
8 21.56.030 through 21.56.060), if any of the following apply:

9 1. No Conditional Use Permit was issued for the original  
10 wireless telecommunications facility;

11 2. The Conditional Use Permit for the original wireless  
12 telecommunications facility did not allow for future co-location facilities or the  
13 extent of site improvements involved with the co-location project (in this  
14 case, an application for a modification to the approved Conditional Use  
15 Permit, subject to Planning Commission review, may be substituted for a  
16 new Conditional Use Permit); or

17 3. No environmental review was completed for the location  
18 of the original wireless telecommunications facility that addressed the  
19 environmental impacts of future co-location facilities (in this case, an  
20 application for a modification to the approved Conditional Use Permit,  
21 subject to Planning Commission review, may be substituted for a new  
22 Conditional Use Permit).

23 B. Permit Requirements for Other Co-location Facilities.

24 1. Roof/building-mounted facilities with visible exterior  
25 changes. Roof/building-mounted co-location facilities proposing visible  
26 exterior changes to the site shall be subject to Site Plan Review.

27 2. All Others. Applications for all other co-location facilities  
28 shall be subject to a building permit approval. Prior to filing an application

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

10  
11 21.56.080 Development and design standards for co-location facilities.

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

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

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

20  
21 21.56.090 Application requirements for co-location facilities.

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

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

27 B. A maintenance and access plan that identifies any changes to  
28 the original maintenance and access plan associated with the existing

1 wireless telecommunications facility and Conditional Use Permit;

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

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

14  
15 21.56.100 Development and design standards for all wireless  
16 telecommunications facilities and co-location facilities.

17 The following standards shall apply to all wireless telecommunications  
18 facilities and co-location facilities.

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

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

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

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

28 4. Grouping buildings, shelters, cabinets, ground lease

1 areas, and other equipment together, to avoid spread of these structures  
2 across a parcel or lot.

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

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

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

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

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

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

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

4                     1.     Antenna location.

5                             a.     Antennas mounted on the façade of a building  
6 are prohibited.

7                             b.     Antennas shall be located on the building rooftop,  
8 above the ceiling plate of the highest occupied floor.

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

12                     2.     Equipment location

13                             a.     All equipment appurtenant to a roof/building-  
14 mounted wireless telecommunications site shall be located inside an existing  
15 building whenever possible, to the satisfaction of the Director of  
16 Development Services.

17                             b.     If it is physically impossible for equipment to be  
18 located inside an existing building and the equipment is to be located on a  
19 building rooftop, the equipment shall be subject to the same screening and  
20 location requirements as the antennas. If no space for the equipment is  
21 available for lease in a building because all possible spaces are leased and  
22 occupied, this shall constitute a physical impossibility.

23                     3.     Screening required

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

28                             b.     All antennas and equipment mounted on a

1 building rooftop shall be screened in a manner that is architecturally  
2 compatible with the existing building and is otherwise made as unobtrusive  
3 as possible. Screening shall use matching colors, materials, and  
4 architectural styles to create a harmonious addition to the building's  
5 architecture without disrupting its form, volume, massing, or balance.

6 c. All antennas, including panel antennas,  
7 microwave antennas, GPS antennas, any other antennas, and all other  
8 equipment mounted on the building, shall be concealed behind the screening  
9 device on all sides such that the antennas and appurtenant equipment is not  
10 visible from the exterior of the subject property, from other property, or the  
11 public right-of-way.

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

22 e. At the discretion of the Staff Site Plan Review  
23 Committee, part or all of a proposed roof/building-mounted wireless  
24 telecommunications facility or co-location facility may be exempted from  
25 screening requirements if the best feasible screening design would result in  
26 greater negative visual impacts than if part or all of the proposed installation  
27 were unscreened.

28 4. Restriction on Historic Landmark structures. Installation

1 of a roof/building-mounted wireless telecommunications facility or co-location  
2 facility at a City-designated Historic Landmark shall make no changes to the  
3 external appearance of the building unless approved by the Cultural Heritage  
4 Commission.

5 E. Non-reflective materials. The exteriors of wireless  
6 telecommunications facilities and co-location facilities shall be constructed of  
7 non-reflective materials.

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

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

14 1. No monopole or other freestanding structure shall ever  
15 exceed a maximum height of one hundred twenty feet (120') in any zoning  
16 district. In any Residential (R) or Institutional (I) zoning district, or  
17 Residential/Institutional Planned Development (PD) district (as defined in  
18 Section 21.56.020.H), no monopole or other freestanding structure shall  
19 exceed a maximum height of fifty-five feet (55').

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

25 3. Notwithstanding the height limits set forth in the  
26 preceding sections, for facilities to be mounted on towers used for high-  
27 voltage electrical power transmission between generating plants and  
28 electrical substations (not utility poles), the antennas may be mounted as

1 high as necessary on the tower, provided that the top of the highest antenna  
2 is not higher than the top of the existing tower.

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

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

11 J. Generators and emergency power. Diesel generators are  
12 allowed as an emergency power source, although they are discouraged.  
13 When a feasible alternative technology for permanent on-site backup power  
14 becomes available (for example, fuel cells) the Department of Development  
15 Services may require the use of such technology in lieu of a diesel  
16 generator, unless the applicant provides written documentation explaining  
17 why such an alternative is not feasible. All generator installations shall  
18 comply with all containment requirements of the applicable Fire and Building  
19 codes, without exception.

20 K. Ground lease area enclosures and landscaping. If equipment  
21 appurtenant to a facility is to be located in a ground lease area, the lease  
22 area shall be enclosed by a CMU block wall, or other appropriate fence, to  
23 the satisfaction of the Staff Site Plan Review Committee. The fence shall be  
24 of a minimum height of six feet six inches (6'-6") in residential districts, and  
25 eight feet (8') in other districts, unless waived at the discretion of the Director  
26 of Development Services in cases of infeasibility. The exterior of all ground  
27 lease areas shall be landscaped with drought-tolerant plant material, and  
28 adequate irrigation systems shall be provided for landscaping. Climbing

1 vines shall be provided on the exterior of the enclosure wall, planted not  
2 more than four (4) feet on center. This landscaping requirement may be  
3 modified or waived by the Director of Development Services in instances  
4 where landscaping would not be appropriate.

5  
6 21.56.110 Performance standards for all wireless telecommunications  
7 facilities and co-location facilities.

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

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

15 B. Licensing. The applicant or operator shall file, receive, and  
16 maintain all necessary licenses and registrations from the Federal  
17 Communications Commission (FCC), the California Public Utilities  
18 Commission (CPUC) and any other applicable regulatory bodies prior to  
19 initiating the operation of the wireless telecommunications facility. The  
20 applicant shall supply the Department of Development Services with  
21 evidence of these licenses and registrations prior to approval of a final  
22 inspection. If any required license is ever revoked, the operator shall inform  
23 the Department of Development Services of the revocation within ten (10)  
24 days of receiving notice of such revocation.

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

28 D. Power connection. The project's final electrical inspection and

1 approval of connection to electrical power shall be dependent upon the  
2 applicant obtaining a permanent and operable power connection.

3 E. Removal after end of use. The wireless telecommunications  
4 facility, and/or co-location facility, if present, and all equipment associated  
5 therewith shall be removed in its entirety by the operator, at the operator's  
6 sole expense, within ninety (90) days of a FCC or CPUC license or  
7 registration revocation or if the facility is abandoned (per Section  
8 21.56.020.A) or no longer needed. The site shall be restored to its pre-  
9 installation condition and, where necessary, revegetate to blend in with the  
10 surrounding area. In the case of roof/building-mounted facilities, all  
11 antennas, equipment, screening devices, support structures, cable runs, and  
12 other appurtenant equipment shall be removed and the building shall be  
13 restored to its to its pre-installation condition. Restoration and re-vegetation  
14 shall be completed within two (2) months of removal of the facility; hence a  
15 maximum of five (5) months from abandonment of the facility to completion  
16 of restoration. Facilities not removed within these time limits shall be  
17 removed immediately. The City shall not be responsible to provide notice  
18 that removal is required under the provisions of this Chapter.

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

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

1           H.     Use of backup power sources. The use of diesel generators or  
2 any other emergency backup power sources shall comply with Chapter 8.80  
3 of the Long Beach Municipal Code (Noise Ordinance). The use of backup  
4 power sources shall be limited to actual power-outage emergencies and any  
5 operation necessary for testing and maintenance. Permanent or continuous  
6 use of backup power sources is prohibited.

7           I.     RF report. Within forty-five (45) days of commencement of  
8 operations, the applicant for the wireless communications facility shall  
9 provide (at the applicant's expense) the Development Services Department  
10 with a report, prepared by a qualified expert, indicating that the actual radio  
11 frequency emissions of the operating facility, measured at the property line  
12 or nearest point of public access and in the direction of maximum radiation  
13 from each antenna, is in compliance with the standards established by the  
14 Federal Communications Commission. This report shall include emissions  
15 from all co-location facilities, if any, at the site as well. The applicant shall  
16 subsequently provide such report to the City within forty-five (45) days  
17 following any change in design, number of antennas, operation, or other  
18 significant change in circumstances, or when such a report is otherwise  
19 required by the FCC, to the satisfaction of the Director of Development  
20 Services.

21  
22       21.56.120   Additional requirements and standards for wireless  
23 telecommunications facilities and co-location facilities in the  
24 Coastal Zone.

25           A.     Location. New wireless telecommunications facilities shall not  
26 be located between the first public highway and the sea or bay, unless no  
27 feasible alternative exists, and the facility is not visible from a public location,  
28 or will be attached to an existing structure in a manner that does not

1 significantly alter (in the determination of the Staff Site Plan Review  
2 Committee) the exterior appearance of the existing structure.

3 B. Local coastal program requirements. New wireless  
4 telecommunications facilities shall comply with all applicable policies,  
5 standards, and regulations of the Local Coastal Program (LCP).

6 C. Coastal permit required. The necessary Coastal Development  
7 Permit or Local Coastal Development Permit shall be obtained.

8  
9 21.56.130 Additional requirements and standards for wireless  
10 telecommunications facilities and co-location facilities in the  
11 public right-of-way.

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

13 1. Provide a uniform and comprehensive set of standards  
14 for the development, siting, installation, and operation of Wireless  
15 Telecommunications Facilities in the limited physical resources and capacity  
16 of the available Public Right-of-Way of the City of Long Beach in such a  
17 manner to not unreasonably discriminate, and to be competitively neutral,  
18 and non-exclusive as to the extent required under applicable law.

19 2. Encourage open competition and the provision of  
20 advanced and high quality telecommunications services on the widest  
21 possible basis to the businesses, institutions, and residents of the City.

22 3. Encourage economic development while preserving  
23 aesthetic and other community values and preventing proliferation of above  
24 ground wireless telecommunication facilities.

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

28 B. Department of Development Services Review. The Director of

1 Public Works shall refer all applications for wireless telecommunications  
2 facilities and co-location facilities in the public right-of-way to the Department  
3 of Development Services for review.

4 C. Definitions.

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

12 D. Permit requirements for wireless telecommunications  
13 Facilities in the Public Right-of-way.

14 1. Prior to the issuance of construction permits for any  
15 new, co-located, modified or expanded wireless telecommunication facility  
16 within the public right-of-way, an administrative review and approval from the  
17 Planning Bureau shall be required to ensure compliance with this Chapter.  
18 All such applications shall be reviewed and approved by the Directors of  
19 Development Services and Public Works or their respective designees. The  
20 Director of Development Services shall issue a Notice of Final Action with  
21 the results of this administrative review. The applicant shall pay a fee for this  
22 administrative review in the amount adopted by the City Council in a  
23 resolution.

24 2. If the facility is to be installed on an existing utility pole,  
25 the Applicant shall provide proof that the pole owner has authorized the  
26 installation.

27 3. The applicant shall submit a copy of the certificate of  
28 public convenience and necessity (CPCN) issued by the California Public

1 Utilities Commission (CPUC) to the applicant, and a copy of the CPUC  
2 decision that authorizes the applicant to provide the telecommunications  
3 service for which the facilities are proposed to be constructed in the City's  
4 public right-of-way. Any applicant that, prior to 1996, provided  
5 telecommunications service under administratively equivalent documentation  
6 issued by the CPUC may submit copies of that documentation in lieu of a  
7 CPCN.

8 4. The applicant shall submit a copy of the certified  
9 environmental document for the CPCN, including all mitigation measures as  
10 required by the CPUC pursuant to the required environmental analysis. The  
11 City's issuance of a standard permit will be conditioned upon the applicant's  
12 compliance with all applicable mitigation measures and monitoring  
13 requirements imposed by the CPUC upon applicant.

14 5. Prior to the installation of any new or expanded  
15 wireless telecommunication facility within the public right-of-way, the  
16 applicant shall obtain the appropriate permits from the Department of  
17 Public Works in addition to the written consent of all entities that own  
18 or hold ground or air space rights that will be occupied by the  
19 wireless telecommunication facility's antennas, equipment or related  
20 infrastructure. The applicant shall provide a written justification as to  
21 the need for the placement in the public right-of-way.

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

24 1. No interference with public right-of-way. In no  
25 case shall any part of a wireless telecommunication facility alter  
26 vehicular circulation or parking within the public right-of-way, nor shall  
27 it impede vehicular and/or pedestrian access or visibility along any  
28 public right-of-way. No permittee shall locate or maintain

1 telecommunication facilities to unreasonably interfere with the use of  
2 City property or the public right-of-way by the City, by the general  
3 public or by other persons authorized to use or be present in or upon  
4 the public right-of-way. Unreasonable interference includes  
5 disruption to vehicular or pedestrian traffic on City property or the  
6 public right-of-way, interference with public utilities, and such other  
7 activities that will present a hazard to public health, safety or welfare  
8 when alternative methods of construction would result in less  
9 disruption. All such facilities shall be moved by the permittee, at the  
10 permittee's cost, temporarily or permanently, as determined by the  
11 Director of Public Works or Director of Development Services.

12 2. Location. All wireless telecommunication  
13 facilities shall be designed and located to eliminate or substantially  
14 reduce their visual and aesthetic impacts upon the surrounding public  
15 rights-of-way and adjacent properties. To accomplish this goal, all  
16 wireless telecommunication facilities and supporting equipment shall  
17 be developed with the intent of locating and designing such facilities  
18 in the following manner and order of preference (from top to bottom):

19 3. Antennas:

20 a. On an existing public utility pole;  
21 b. On an existing street light or traffic signal  
22 standard;

23 c. On a new public utility pole.

24 4. Equipment.

25 a. Mounted on the subject pole;  
26 b. In an existing ground-mounted (grade-  
27 level) equipment cabinet, with no expansion or additional cabinets to  
28 be added;

1 c. Within a below-grade equipment vault;  
2 d. Within a new equipment enclosure  
3 mounted at grade. However, this is strongly discouraged. If the  
4 applicant proposes to mount new equipment at grade, a written  
5 explanation shall be provided describing why other mounting options  
6 are not feasible.

7 5. Site location:  
8 a. Within alleys;  
9 b. Within the public right-of-way and not  
10 requiring the removal of existing parkway trees, reduction of the size  
11 of any parkway landscape planters, and not requiring any  
12 modifications to the existing location of any infrastructure within the  
13 public right-of-way;

14 c. Within the parkway landscaping and  
15 requiring only minor alterations to the existing parkway landscaping  
16 (including planter size) and/or infrastructure.

17 d. All wireless telecommunication facility  
18 antennas, equipment and related infrastructure shall be prohibited in  
19 all center street medians, whether landscaped or not.

20 e. Only one wireless telecommunications  
21 facility and associated equipment shall be permitted within a one  
22 hundred feet (100') radius. Any facility which is co-located with  
23 another facility shall be exempt from this requirement.

24 f. The applicant shall not install a new utility  
25 on a public right-of-way where there presently are no overhead utility  
26 facilities  
27

28 5. Height.

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

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

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

15 6. Design.

16 a. Any pole to be installed in the public right-  
17 of-way shall be disguised to resemble a utility pole to the maximum  
18 extent possible. All antennas, where feasible, shall be screened  
19 behind a cylindrical screening device of a diameter no more than  
20 50% greater than that of the pole. All antennas and screening  
21 devices shall be painted or finished to match the pole. The  
22 provisions of Section 21.56.100.C (Paint Colors) shall apply.

23 b. Panel antennas shall utilize brackets that  
24 allow no more than a six-inch (6") extension (stand-off) from the pole.

25 c. Antenna installations on existing City  
26 infrastructure shall be placed in a manner so that the size,  
27 appearance and function of the final installation is essentially  
28 identical to the installation prior to the antenna installation taking

1 place.

2 d. No faux or otherwise nonfunctioning street  
3 lights, decorative elements, signs, clock towers, or artificial trees or  
4 shrubs or other such nonfunctioning screening elements made to  
5 resemble other objects shall be permitted.

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

17 f. Facilities shall be designed to be as  
18 visually unobtrusive as possible. Applicant shall size antennas, mast  
19 arms, cabinet equipment and other facilities to minimize visual clutter.  
20 Facilities shall be sited to avoid or minimize obstruction of views from  
21 adjacent properties and otherwise minimize the negative aesthetic  
22 impacts of the public right-of-way.

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

25 7. Other requirements.

26 a. Street trees. The City may require that  
27 the applicant plant and maintain street trees adjacent to the wireless  
28 telecommunications facility. All street trees shall be selected from

1 the list of permitted species maintained by the Department of Public  
2 Works, and shall be installed under a Public Works permit, to the  
3 satisfaction of the Director of Public Works.

4 b. Permittee shall install and maintain  
5 permitted wireless telecommunications facilities in compliance with  
6 the requirements of the Uniform Building, National Electrical Code,  
7 City noise standards and other applicable codes, as well as other  
8 restrictions specified in this Chapter.

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

12 8. Signs.

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

16 b. Identification. Each wireless  
17 telecommunication facility shall be identified by a permanently  
18 installed plaque or marker, no larger than four inches (4") by six  
19 inches (6"), clearly identifying the addresses, email contact  
20 information, and 24-hour local or toll-free contact telephone numbers  
21 for a live contact person for both the permittee and the agent  
22 responsible for the maintenance of the wireless telecommunications  
23 facility. Emergency contact information shall be included for  
24 immediate response. Such information shall be updated in the event  
25 of a change in the permittee, the agency responsible for maintenance  
26 of the wireless telecommunication facility, or both.

27 F. Performance standards for wireless telecommunications  
28 facilities in the public right-of-way.

1 All wireless telecommunications facilities in the public right-of-  
2 way shall be subject to the performance standards enumerated in  
3 Section 21.56.110, in addition to the following:

4 1. Interference. No wireless telecommunication  
5 facility shall interfere with any emergency communication system at  
6 any time.

7 2. Compliance with regulations. Wireless  
8 telecommunication facilities shall comply with all local, state and  
9 federal regulatory requirements.

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

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

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

1 to complete said repair within the number of days stated on a written  
2 notice by the Director of Public Works, the Director of Public Works  
3 shall cause said repair to be completed and shall invoice the  
4 permittee for all costs incurred by City as a result of such repair.

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

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

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

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

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

25 10. City Changes to Public Right-of-Way. The permittee  
26 shall modify, remove, or relocate its Wireless Telecommunications Facility,  
27 or portion thereof, without cost or expense to the City, if and when made  
28 necessary by any street or alley reconstruction, widening, relocation or

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

13 G. Application Requirements

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

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

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

25 a. The distances between all new and  
26 existing wireless telecommunication equipment and all other  
27 infrastructure within the public right-of-way such as, but not limited to,  
28

1 other existing telecommunication equipment, utility poles, light poles,  
2 fire hydrants, bus stops, traffic signals and above and below ground  
3 utility equipment vault(s).

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

9 c. The immediate adjacent land uses and  
10 building locations.

11 d. The dedicated width of the public right-of-  
12 way.

13 e. The location of all existing sidewalks and  
14 parkway landscape planters.

15 3. All conduit locations between the wireless  
16 telecommunication antennas and the infrastructure necessary to  
17 operate the antennas.

18 4. A detailed photograph of the exact location of all  
19 proposed wireless telecommunication facility antennas, equipment  
20 and related infrastructure within the public right-of-way. Additional  
21 photographs shall also be provided to document the existing setting  
22 of the wireless telecommunication facility within one hundred fifty feet  
23 (150') to the north, south, east and west of the proposed facility with  
24 a corresponding location map key documenting where each  
25 photograph was taken.

26 5. Propagation/coverage maps as required by  
27 Subsection 21.56.050.D.

28 6. A radio-frequency (RF) study prepared by a

1 qualified, independent, RF engineer, deemed acceptable to the City,  
2 documenting that the new or modified telecommunication facility will  
3 not exceed maximum RF emission limits, as set by the Federal  
4 Communication Commission, for maximum human exposure. The  
5 RF study shall include all proposed and existing telecommunication  
6 antennas at maximum operational capacity.

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

12 8. Each permittee, as a condition of the Wireless  
13 telecommunication permit, shall obtain, keep, and maintain a  
14 performance bond in an amount as determined by the City Engineer  
15 adequate to guarantee to the City the prompt, faithful and competent  
16 performance of the proposed work necessary to install the proposed  
17 telecommunication facility.

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

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

1 months prior to expiration, if continuation of the use is desired. In  
2 addition to providing the standard information and application fees  
3 required for renewal, renewal applications for wireless  
4 telecommunications sites in the public right-of-way shall include all  
5 application requirements set forth in this Chapter.

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

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

19  
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 District  
23 shall include those areas of the City regulated and established pursuant to  
24 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 Council.  
27 For those parks under the jurisdiction of the City's Parks and Recreation  
28 Commission, the matter shall first be submitted to the Commission for its

1 recommendation. A Conditional Use Permit shall not be required.

2 C. Prior to the City Council considering any lease or permit of  
3 Park District land for a Wireless Telecommunications Facility, the matter  
4 shall first be submitted to the Site Plan Review Committee in accordance  
5 with Chapter 21.25 of this Code. The Site Plan Review Committee shall  
6 impose reasonable conditions of approval, which shall include the minimum  
7 development, design and performance standards set forth in this Chapter.

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

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

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

20  
21 21.56.150 Other provisions.

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

26 B. Illegal facilities. Illegal wireless telecommunications facilities or  
27 co-location facilities have no vested rights and shall either be brought into  
28 legal conforming status in accordance with this Chapter and Title 21 of the

1 Long Beach Municipal Code, or shall be removed.

2 C. Modifications to Wireless Telecommunications Facilities. Any  
3 modification to a wireless telecommunications facility or co-location facility,  
4 including but not limited to replacement of antennas, installation of additional  
5 antennas, installation of additional equipment cabinets, installation of a  
6 backup generator, paint or camouflage changes, and other physical changes  
7 to the facility, shall require, at a minimum, an administrative approval, and, if  
8 necessary, a building permit from the Department of Development Services.  
9 Prior to issuance of any approval for modification, the applicant shall submit  
10 an application for an administrative review to determine the compliance of  
11 the proposed modification with this Chapter and the existing Conditional Use  
12 Permit or other entitlement. For sites not subject to Section 21.56.130  
13 (located in the public right-of-way), applications for modification will be  
14 subject to the standards and procedures set forth for new wireless  
15 telecommunications facilities, as specified in Sections 21.56.030 through  
16 21.56.060, if any of the following apply:

17 1. No Conditional Use Permit was issued for the original  
18 wireless telecommunications facility;

19 2. The Conditional Use Permit for the original wireless  
20 telecommunications facility did not allow for future modification or the extent  
21 of site improvements involved with the modification project (in this case, an  
22 application for a modification to the approved Conditional Use Permit,  
23 subject to Planning Commission review, may be substituted for a new  
24 Conditional Use Permit); or

25 3. No environmental review was completed for the location  
26 of the original wireless telecommunications facility that addressed the  
27 environmental impacts of future modifications (in this case, an application for  
28 a modification to the approved Conditional Use Permit, subject to Planning

1 Commission review, may be substituted for a new Conditional Use Permit).

2 D. Peer Review.

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

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

27 E. Appeals.

28 1. Appeals from the decision(s) of the Director of

1 Development Services or designee, and the Staff Site Plan Review  
2 Committee, shall be to the Planning Commission;

3 2. Appeals from the decision(s) of the Planning  
4 Commission shall be to the City Council;

5 3. All appeals shall be in accordance with the provisions of  
6 Title 21 related to Appeals.

7 F. Revocation. The Planning Commission may, after a duly  
8 noticed public hearing, revoke, modify or suspend any Wireless  
9 Telecommunications Permit on any one or more of the following grounds:

10 1. That the Wireless Telecommunications Permit was  
11 obtained by fraud or misrepresentation;

12 2. That the Wireless Telecommunications Permit granted  
13 is being, or within the recent past has been, exercised contrary to the terms  
14 or conditions of such approval or in violation of any statute, ordinance, law or  
15 regulation; or

16 3. That the use permitted by the Wireless  
17 Telecommunications Permit is being, or within the recent past has been,  
18 exercised so as to be detrimental to the public health or safety or as to  
19 constitute a nuisance.

20 G. Findings. A Conditional Use Permit, Site Plan Review, or  
21 Modification for a Wireless Telecommunications Facility or Co-location  
22 Facility may be granted only if the following findings are made by the  
23 designated reviewing body or person, in addition to any findings applicable  
24 under Chapter 21.25:

25 1. The proposed Wireless Telecommunications Facility has  
26 been designed to achieve compatibility with the community to the maximum  
27 extent reasonably feasible;

28 2. An alternative configuration will not increase community

1 compatibility or is not reasonably feasible;

2 3. The location of the Wireless Telecommunications  
3 Facility on alternative sites will not increase community compatibility or is not  
4 reasonably feasible;

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

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

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

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

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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Director shall notify the applicant who may revise the application or apply for 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 8. The Long Beach Municipal Code is amended by repealing Sections 21.45.115 and 21.45.210.

Section 9. 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 \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

DRAFT