

1 City of Long Beach;

2 D. Strongly encourage the location of wireless
3 telecommunications facilities in those areas of the City where the adverse
4 impact on the community is minimal;

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

9 F. Enhancing the ability of the providers of telecommunications
10 services to provide such services to the City quickly, effectively, and
11 efficiently; and

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

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14 21.56.020 Definitions.

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

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

21 B. "Co-location" means the placement or installation of wireless
22 telecommunications facilities, including antennas and related equipment on
23 an existing wireless telecommunications facility, in the case of monopoles,
24 or immediately adjacent to a wireless telecommunications facility on the
25 same building or group of buildings, in the case of roof/building-mounted
26 sites.

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

6 D. “Wireless Telecommunications Facility” means equipment
7 installed for the purpose of providing wireless transmission of voice, data,
8 images, or other information including but not limited to, cellular telephone
9 service, personal communications services, and paging services,
10 consisting of equipment, antennas, and network components such as
11 towers, utility poles, transmitters, base stations, and emergency power
12 systems. “Wireless telecommunications facility” does not include radio or
13 television broadcast facilities, nor radio communications systems for
14 government or emergency services agencies.

15 E. “Monopole” means any single freestanding pole structure
16 used to support wireless telecommunications antennas or equipment at a
17 height above the ground. This includes those poles camouflaged to
18 resemble natural objects.

19 F. “Roof/building-mounted site” means any wireless
20 telecommunications facility located on a rooftop or building, having no
21 support structure such as a monopole or other type of tower.

22 G. “Utility Pole” means any pole or tower owned by any utility
23 company that is located in the public right-of-way and primarily used to
24 support wires or cables necessary to the local distribution of electrical or
25 other utility services regulated by the California Public Utilities Commission.
26 This does not include towers for high-voltage electrical power transmission
27 between generating plants and electrical substations.

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1 H. "Residential/Institutional Planned Development (PD) District"
2 means the following Planned Development Districts within the City of Long
3 Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho
4 Estates), PD-17 (Alamitos Land), PD-20 (All Souls), and PD-25 (Atlantic
5 Avenue).

6
7 21.56.030 Permit requirements for new wireless telecommunications
8 facilities that are not co-location facilities.

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

11 A. A Conditional Use Permit shall be required for the initial
12 construction and installation of all new wireless telecommunications
13 facilities in accordance with all Specific Procedures set forth in Chapter
14 21.21 and Chapter 21.25, Division II, of the Zoning Regulations, except as
15 modified by this Chapter.

16 B. Roof/building-mounted Facilities. All new wireless
17 telecommunications facilities that are not co-location facilities, that are
18 roof/building-mounted facilities shall also be subject to Site Plan Review, in
19 addition to the Conditional Use Permit requirement in Section 21.56.030.A.

20
21 21.56.040 Development and design standards for new wireless
22 telecommunications facilities that are not co-location facilities.

23 All new wireless telecommunications facilities shall meet the
24 following minimum standards. Where appropriate, more restrictive
25 requirements may be imposed as a condition of Conditional Use Permit
26 approval.

27 A. Location. New wireless telecommunications facilities shall not
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1 be located in Residential (R) or Institutional (I) zoning districts, or
2 Residential/Institutional Planned Development (PD) Districts (as defined in
3 21.56.020.H), unless the applicant demonstrates, by a preponderance of
4 evidence, that a review has been conducted of other options with less
5 environmental impact, and no other sites or combination of sites allows
6 feasible service or adequate capacity and coverage. This review shall
7 include, but is not limited to, identification of alternative site(s) within two
8 and one-half (2.5) miles of the proposed facility. See Section 21.56.050 for
9 additional application requirements.

10 B. Co-location required where possible. New wireless
11 telecommunications facilities shall not be located in areas where co-
12 location on existing facilities would provide equivalent coverage with less
13 environmental or aesthetic impact.

14 C. Accommodation of Co-location. Except where aesthetically
15 inappropriate, new wireless telecommunications facilities shall be
16 constructed so as to accommodate co-location, and must be made
17 available for co-location unless technologically infeasible. In cases where
18 technological infeasibility is claimed, it shall be the responsibility of the
19 party making such claim to demonstrate, by a preponderance of evidence,
20 that such co-location is, in fact, infeasible.

21 D. Additional Design Standards. Wireless telecommunications
22 facilities also shall be subject to the additional design standards specified
23 in 21.56.100.

24
25 21.56.050 Application requirements for new wireless
26 telecommunications facilities that are not co-location facilities.

27 In addition to the requirements set forth in Section 21.21.201 of the
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1 Zoning Regulations and Chapter 21.25 (Specific Procedures) of the Zoning
2 Regulations, applicants for new wireless telecommunications facilities shall
3 submit the following materials regarding the proposed wireless
4 telecommunications facility:

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

7 B. A maintenance plan detailing the type and frequency of
8 required maintenance activities, including maintenance of landscaping and
9 camouflaging, if applicable;

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

2 D. Identification of existing wireless telecommunications facilities
3 within a two and one-half (2.5) mile radius of the proposed location of the
4 new wireless telecommunications facility, and an explanation of why co-
5 location on these existing facilities, if any, is not feasible. This explanation
6 shall include such technical information and other justifications as are
7 necessary to document the reasons why co-location is not a viable option.
8 The applicant shall provide a list of all existing structures considered as
9 alternatives to the proposed location. The applicant shall also provide a
10 written explanation for why the alternatives considered were either
11 unacceptable or infeasible. If an existing wireless telecommunications
12 facility was listed among the alternatives, the applicant must specifically
13 address why the modification of such wireless telecommunications facility
14 is not a viable option. The written explanation shall also state the radio
15 frequency coverage and capacity needs and objectives of the applicant,
16 and shall include maps of existing coverage and predicted new coverage
17 with the proposed facility.

18 E. A statement that the proposed wireless telecommunications
19 facility is available for co-location, or an explanation of why future co-
20 location is not technically feasible.

21 F. A radio frequency (RF) report describing the emissions of the
22 proposed wireless telecommunications facility and, to the extent
23 reasonably ascertainable, the anticipated increase in emissions associated
24 with future co-location facilities. The report shall demonstrate that the
25 emissions from the proposed equipment as well as the cumulative
26 emissions from future co-location equipment and the existing facility will not
27 exceed the limits established by the Federal Communications Commission
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(FCC).

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

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

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

21.56.060 Entitlement, term, renewal, and expiration.

A. Conditional Use permits and other entitlements for wireless telecommunications facilities, including approval of the ten (10)-year build-out plan as specified in Section 21.56.050.C, shall be valid for ten (10) years following the date of final action. The applicant or operator shall file for a renewal for the entitlement and pay the applicable renewal application fees six months prior to expiration 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

1 telecommunications facility renewal applications shall provide an updated
2 build-out description prepared in accordance with the procedures
3 established by Section 21.56.050.C.

4 B. Where required, renewals for entitlements for existing
5 wireless telecommunications facilities constructed prior to the effective date
6 of this Chapter are subject to the provisions of Sections 21.56.030 through
7 21.56.050. Renewals of entitlements approved after the effective date of
8 this chapter shall only be approved if all conditions of the original
9 entitlement have been satisfied, and the ten (10)-year build-out plan has
10 been provided.

11 C. If the entitlement for an existing wireless telecommunications
12 facility has expired, applications for co-location at that site, as well as after-
13 the-fact renewals of entitlements for the existing wireless
14 telecommunications facilities, shall be subject to the standards and
15 procedures for new wireless telecommunications facilities outlined in
16 Sections 21.56.030 through 21.56.050.

17
18 21.56.070 Permit requirements for co-location facilities.

19 A. Co-location Facilities Requiring a Conditional Use Permit.
20 Applications for co-location will be subject to the standards and procedures
21 outlined for new wireless telecommunications facilities, above (Sections
22 21.56.030 through 21.56.060), if any of the following apply:

23 1. No conditional use permit was issued for the original
24 wireless telecommunications facility;

25 2. The conditional use permit for the original wireless
26 telecommunications facility did not allow for future co-location facilities or
27 the extent of site improvements involved with the co-location project (in this
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1 case, an application for a modification to the approved conditional use
2 permit, subject to Planning Commission review, may be substituted for a
3 new conditional use permit); or

4 3. No environmental review was completed for the
5 location of the original wireless telecommunications facility that addressed
6 the environmental impacts of future co-location facilities.

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

8 1. Roof/building-mounted Facilities. Roof/building-
9 mounted co-location facilities shall be subject to Site Plan Review.

10 2. All Others. Applications for all other co-location
11 facilities shall be subject to a building permit approval. Prior to the issuance
12 of a building permit for co-location, the applicant shall demonstrate
13 compliance with the conditions of approval, if any, of the original
14 conditional use permit, by submitting an application to the Department of
15 Development Services for an administrative review of the original
16 conditional use permit and the proposed co-location facility's compliance
17 therewith, including all information requests and associated application
18 review fees, as established by the Department of Development Services or
19 the City Council. The applicant shall not file an application for a building
20 permit until the applicant receives written notification that this
21 administrative review is complete and the proposed co-location facility is in
22 compliance with said conditional use permit. The applicant shall pay a fee
23 for this administrative review in the amount adopted by the City Council in
24 a resolution.

25
26 21.56.080 Development and design standards for co-location facilities.

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

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

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

8
9 21.56.090 Application requirements for co-location facilities.

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

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

15 B. A maintenance and access plan that identifies any changes
16 to the original maintenance and access plan associated with the existing
17 wireless telecommunications facility and conditional use permit;

18 C. A Radio Frequency (RF) report demonstrating that the
19 emissions from the co-location equipment as well as the cumulative
20 emissions from the co-location equipment and the existing facility will not
21 exceed the limits established by the Federal Communications Commission
22 (FCC) and the conditional use permit for the existing wireless
23 telecommunications facility;

24 D. Prior to the issuance of a building permit, the applicant shall
25 submit color samples, and materials samples if requested, for the co-
26 location equipment and any screening devices. Paint colors and materials
27 shall be subject to the review and approval of the Department of
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1 Development Services. Color verification shall occur in the field after the
2 applicant has painted the equipment the approved color, but before the
3 applicant schedules a final inspection.

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5 21.56.100 Development and design standards for all wireless
6 telecommunications facilities and co-location facilities.

7 The following standards shall apply to new wireless
8 telecommunications facilities and co-location facilities.

9 A. The adverse visual impact of utility structures (such as
10 monopoles) shall be avoided by:

11 1. Siting new wireless telecommunications facilities
12 outside of public viewshed whenever feasible;

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

15 3. Constructing towers no taller than necessary to
16 provide adequate coverage.

17 4. Grouping buildings, shelters, cabinets, ground lease
18 areas, and other equipment together, to avoid spread of these structures
19 across a parcel or lot.

20 B. When visual impacts cannot be avoided, they shall be
21 minimized and mitigated by:

22 1. Screening wireless telecommunications facilities and
23 co-location facilities with landscaping consisting of non-invasive native
24 plant material. All ground lease areas shall be landscaped with climbing ivy
25 on the exterior of the enclosure wall, planted not more than four (4) feet on
26 center. Adequate irrigation systems shall be provided for landscaping. The
27 landscape screening requirement may be modified or waived by the
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1 Director of Development Services in instances where landscaping would
2 not be appropriate;

3 2. Painting all equipment to blend with the surrounding
4 environment as specified in 21.56.100.D (Paint Colors); and

5 3. Designing co-location facilities to blend in with the
6 surrounding environment. Attempts to replicate trees or other natural
7 objects are strongly discouraged and shall be used only as a last resort
8 when all other options have been exhausted.

9 C. Roof/building-mounted Facilities. For roof/building-mounted
10 wireless telecommunications facilities and co-location facilities, the
11 following standards also shall apply:

12 1. Antenna Location.

13 a. Antennas shall be located on the building
14 rooftop, above the ceiling plate of the highest occupied floor.

15 b. Antennas mounted on the façade of a building
16 are prohibited.

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

20 2. Equipment Location

21 a. All equipment appurtenant to a wireless
22 telecommunications site shall be located inside an existing building
23 whenever physically possible.

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

3 3. Screening Required

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

10 b. Where physically possible, antennas and
11 equipment shall be located entirely within an existing architectural feature
12 or screening device. This shall include areas used or occupied by other
13 wireless service providers where feasible.

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

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

3 e. Exemption from screening. At the discretion of
4 the Director of Development Services, part or all of a proposed
5 roof/building-mounted wireless telecommunications facility or co-location
6 facility may be exempted from screening requirements if the best feasible
7 screening design would result in greater negative visual impacts than if part
8 or all of the proposed installation were unscreened.

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

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

23 E. Non-reflective materials. The exteriors of co-location facilities
24 shall be constructed of non-reflective materials.

25 F. Underlying Zone Requirements. Wireless
26 telecommunications facilities and co-location facilities shall comply with all
27 the requirements and development standards of the underlying zoning
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1 district(s), including, but not limited to, setbacks, except as modified by this
2 Chapter.

3 G. Height. Except as otherwise provided below, ground-mounted
4 towers, spires and similar structures subject to the provisions of this
5 Chapter may be built and used to a greater height than the limit established
6 for the zoning district in which the structure is located, provided that no
7 tower, spire, or similar structure subject to the provisions of this Chapter
8 shall ever exceed a maximum height of one hundred twenty feet (120') in
9 any zoning district.

10 1. In any Residential (R) or Institutional (I) zoning district,
11 or Residential/Institutional Planned Development (PD) district (as defined
12 in 21.56.020.H), no monopole or antenna shall exceed a maximum height
13 of fifty-five feet (55') above grade.

14 2. For facilities in the public right-of-way, the height shall
15 not exceed that of the nearest adjacent utility pole. Where no utility poles
16 are present, height shall be limited to forty-five feet (45') above grade.

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

22 4. For facilities to be mounted on towers used for high-
23 voltage electrical power transmission between generating plants and
24 electrical substations (not utility poles), the antennas may be mounted as
25 high as necessary on the tower, provided that the top of the highest
26 antenna is not higher than the top of the existing tower.

27 H. Accessory Buildings. In any Residential (R) or Institutional (I)

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1 zoning district, or Residential/Institutional Planned Development (PD)
2 district (as defined in 21.56.020.H), accessory buildings in support of the
3 operation of the wireless telecommunications facility or co-location facility
4 may be constructed, provided that they comply with the provisions of
5 Section 21.31.245.C. If an accessory building not in support of a wireless
6 telecommunications facility already exists on a parcel, no accessory
7 building in support of a wireless telecommunications facility may be
8 constructed unless the existing accessory building first is removed. If an
9 accessory building(s) in support of a wireless telecommunications facility
10 already is constructed on a parcel, no other accessory buildings not used
11 in support of a wireless telecommunications facility shall be constructed
12 until the accessory building(s) in support of the wireless
13 telecommunications facility is(are) removed.

14 I. Footprint. The following restrictions on footprint shall apply to
15 all wireless telecommunications facilities and co-location facilities:

16 1. Ground-mounted towers, spires, and similar structures
17 may be built and used provided that the overall footprint of the facility shall
18 be as small as possible, and further provided that they shall not cover, in
19 combination with any accessory building(s), shelter(s), or cabinet(s),
20 ground lease area(s), or other above-ground equipment used in support of
21 the operation of the wireless telecommunications facility, more than fifteen
22 percent (15%) in area of the lot nor an area greater than one thousand six
23 hundred (1,600) square feet. The footprints of multiple carriers on a parcel
24 or lot shall be considered in aggregate and the total footprint shall be
25 subject to this size limit.

26 2. For roof/building-mounted facilities, no more than ten
27 percent (10%) of the existing roof area of any building shall be occupied
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1 with wireless telecommunications antennas, equipment, or screening
2 devices. In calculating this area, open-sided enclosures or screening
3 devices shall be considered as if their open side(s) were closed to create a
4 polygon.

5 J. Generators. Diesel generators shall not be installed as an
6 emergency power source unless the use of electricity, natural gas, solar,
7 wind, or other renewable energy sources is not feasible. If a diesel
8 generator is proposed, the applicant shall provide written documentation
9 explaining why the installation of these other options is not feasible.

10 K. Ground Lease Areas. If equipment appurtenant to a facility is
11 to be located in a ground lease area, the lease area shall be surrounded by
12 a CMU block wall of a minimum height of six feet (6')-six inches (6") in
13 residential districts, and eight feet (8') in other districts.

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15 21.56.110 Performance standards for all wireless telecommunications
16 facilities and co-location facilities.

17 No use may be conducted in a manner that, in the determination of
18 the Director of Development Services, does not meet the performance
19 standards below.

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

24 B. Licensing. The applicant or operator shall file, receive, and
25 maintain all necessary licenses and registrations from the Federal
26 Communications Commission (FCC), the California Public Utilities
27 Commission (CPUC) and any other applicable regulatory bodies prior to
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1 initiating the operation of the wireless telecommunications facility. The
2 applicant shall supply the Department of Development Services with
3 evidence of these licenses and registrations prior to approval of a final
4 inspection. If any required license is ever revoked, the operator shall inform
5 the Department of Development Services of the revocation within ten (10)
6 days of receiving notice of such revocation.

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

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

13 E. Removal After End of Use. The wireless telecommunications
14 facility, and/or co-location facility, if present, and all equipment associated
15 therewith shall be removed in its entirety by the operator within ninety (90)
16 days of a FCC or CPUC license or registration revocation or the facility is
17 abandoned (per Section 21.56.020.A) or no longer needed, and the site
18 shall be restored and re-vegetated to blend in with the surrounding area. In
19 the case of roof/building-mounted facilities, all antennas, equipment,
20 screening devices, support structures, cable runs, and other appurtenant
21 equipment shall be removed and the building shall be restored to its
22 original appearance. The owner or operator of the wireless
23 telecommunications site shall notify the Planning Bureau upon
24 abandonment of the facility. Restoration and re-vegetation shall be
25 completed within two (2) months of removal of the facility; hence a
26 maximum of five (5) months from abandonment of the facility to completion
27 of restoration.

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1 F. Maintenance. Wireless telecommunications facilities and co-
2 location facilities shall be maintained by the permittee(s) and subsequent
3 owners in a manner that implements the visual resource protection
4 requirements of Section 21.56.040.B, Section 21.56.080, and Section
5 21.56.100 above (e.g., landscape maintenance and painting), as well as
6 other applicable zoning and development standards, and permit conditions
7 of approval. Landscaping maintenance shall be the responsibility of the
8 owner, who may designate an agent, including the operator, to carry out
9 this maintenance;

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

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

18 I. Government Use of Facilities. If technically practical and
19 without creating any interruption in commercial service caused by
20 electromagnetic interference (EMI), floor space, tower space, array space,
21 and rack space equipment in a wireless telecommunications facility shall
22 be made available to the City of Long Beach or other requesting
23 government agency for public safety communications use, subject to
24 reasonable terms and conditions.

25 J. Within forty-five (45) days of commencement of operations,
26 the applicant for the wireless communications facility shall provide (at the
27 applicant's expense) the Development Services Department with a report,
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1 prepared by a qualified expert, indicating that the actual radio frequency
2 emissions of the operating facility, measured at the property line or nearest
3 point of public access and in the direction of maximum radiation from each
4 antenna, is in compliance with the standards established by the Federal
5 Communications Commission. This report shall include emissions from all
6 co-location facilities, if any, at the site as well. Such report shall be
7 provided by the applicant to the City every three (3) years which period is
8 to be calculated with reference to the date of the initial report.

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10 21.56.120 Additional requirements and standards for wireless
11 telecommunications facilities and co-location facilities in the
12 coastal zone.

13 A. Location. New wireless telecommunications facilities shall not
14 be located between the first public highway and the sea or bay, unless no
15 feasible alternative exists, and the facility is not visible from a public
16 location, or will be attached to an existing structure in a manner that does
17 not significantly alter (in the determination of the Director of Development
18 Services) the exterior appearance of the existing structure.

19 B. Local Coastal Program Requirements. New wireless
20 telecommunications facilities shall comply with all applicable policies,
21 standards, and regulations of the Local Coastal Program (LCP).

22 C. Coastal Permit Required. The necessary Coastal
23 Development Permit or Local Coastal Development Permit shall be
24 obtained.

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26 21.56.130 Additional requirements and standards for wireless
27 telecommunications facilities and co-location facilities in the
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public right-of-way.

A. Department of Development Services Review. The Director of Public Works shall refer all applications for wireless telecommunications facilities and co-location facilities in the public right-of-way to the Department of Development Services for review. Upon Department of Development Services approval of an application, the applicant shall obtain all necessary permits from the Department of Public Works, and comply with all applicable Public Works design standards, prior to commencement of construction.

B. Applicability of Chapter 21.56. All provisions and requirements of Chapter 21.56 shall apply to development of new wireless telecommunications facilities and co-location facilities in the public right-of-way, except those concerning setbacks and other provisions that by their nature do not apply to the public right-of-way.

C. Equipment Location. All equipment appurtenant to a wireless telecommunications facility or co-location facility in the public right-of-way shall either be mounted on a utility pole at least eight feet (8') above grade, or shall be located in an equipment vault below grade. Equipment mounted at grade, such as, but not limited to, meter pedestals and equipment cabinets, shall be prohibited, except that vent stacks shall be allowed at grade, provided that a minimum clearance of six (6) feet is maintained between each vent stack and the nearest property line.

D. Every permittee of a Wireless Telecommunications Facility in the public right of way shall defend, indemnify, and hold harmless the City of Long Beach, its City Council, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage

1 sustained by any person as a result of the installation, use or maintenance
2 of the applicant's Facility subject to this Chapter.

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

15 F. The permittee shall repair, at its sole cost and expense, any
16 damage including, but not limited to subsidence, cracking, erosion,
17 collapse, weakening, or loss of lateral support to the City streets,
18 sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and
19 systems, underground utility line and systems, or sewer systems and
20 sewer lines that result from any activities performed in connection with the
21 installation and/or maintenance of a Wireless Telecommunications Facility
22 in the public right of way. In the event the permittee fails to complete said
23 repair within the number of days stated on a written notice by the Director
24 of Public Works, the Director shall cause said repair to be completed and
25 shall invoice the permittee for all costs incurred by City as a result of such
26 repair.

27 G. The permittee shall modify, remove, or relocate its Wireless
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1 Telecommunications Facility, or portion thereof, without cost or expense to
2 the City, if and when made necessary by any abandonment, change of
3 grade, alignment or width of any street, sidewalk or other public facility,
4 including the construction, maintenance, or operation of any other City
5 underground or aboveground facilities including but not limited to sewers,
6 storm drains, conduits, gas, water, electric or other utility systems, or pipes
7 owned by City or any other public agency. Said modification, removal, or
8 relocation of a wireless telecommunications facility shall be completed
9 within ninety (90) days of notification by City unless exigencies dictate a
10 shorter period for removal or relocation. In the event a wireless
11 telecommunications facility is not modified, removed, or relocated within
12 said period of time, City may cause the same to be done at the sole
13 expense of applicant. Further, in the event of an emergency, the City may
14 modify, remove, or relocate wireless telecommunications facilities without
15 prior notice to applicant provided applicant is notified within a reasonable
16 period thereafter.

17
18 21.56.140 Other provisions.

19 A. Temporary Wireless Telecommunication Facilities.

20 Installation, maintenance, or operation of any temporary wireless
21 telecommunications site is prohibited except as necessary during a special
22 event authorized by Chapter 5.60 of the LBMC, or during a government-
23 declared emergency.

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

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1 C. Nonconforming Facilities. Notwithstanding Section 21.27.090
2 of the Long Beach Municipal Code, a nonconforming wireless
3 telecommunications facility or co-location facility shall have no rights to be
4 repaired or restored to a nonconforming state if the need for repairs or
5 restoration is the result of fire, explosion, earthquake, imminent public
6 hazard, act of terrorism, sabotage, vandalism, warfare or abatement of
7 earthquake hazards in accordance with City regulations. The damaged
8 facility shall be rebuilt in compliance with the provisions of this Chapter, or
9 shall be removed.

10 D. Modifications to Wireless Telecommunications Facilities. Any
11 modification to a wireless telecommunications facility or co-location facility,
12 including but not limited to replacement of antennas, installation of
13 additional antennas, installation of additional equipment cabinets,
14 installation of a backup generator, paint or camouflage changes, and other
15 physical changes to the facility, shall require, at a minimum, a building
16 permit from the Department of Development Services. Prior to issuance of
17 a building permit for modification, the applicant shall submit an application
18 to the Department of Development Services for an administrative review to
19 determine the compliance of the proposed modification to the wireless
20 telecommunication facility or co-location facility with this Chapter and the
21 existing Conditional Use Permit. Applications for modification will be
22 subject to the standards and procedures outlined for new wireless
23 telecommunications facilities, above (Sections 21.56.030 through
24 21.56.060), if any of the following apply:

- 25 1. No conditional use permit was issued for the original
26 wireless telecommunications facility;
- 27 2. The conditional use permit for the original wireless
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1 telecommunications facility did not allow for future modification or the
2 extent of site improvements involved with the modification project (in this
3 case, an application for a modification to the approved conditional use
4 permit, subject to Planning Commission review, may be substituted for a
5 new conditional use permit); or

6 3. No environmental review was completed for the
7 location of the original wireless telecommunications facility that addressed
8 the environmental impacts of future modifications.

9 E. Peer Review.

10 1. The Director of Development Services is authorized to
11 retain on behalf of the City an independent technical expert to peer review
12 any application for a Wireless Telecommunications Facility Permit. The
13 review is intended to be a review of technical aspects of the proposed
14 Wireless Telecommunications Facility and shall address all of the following:

- 15 a. Compliance with applicable radio frequency
16 emission standards;
- 17 b. Whether any requested exception is necessary
18 to close a significant gap in coverage and is the least intrusive means of
19 doing so;
- 20 c. The accuracy and completeness of
21 submissions;
- 22 d. Technical demonstration of the unavailability of
23 alternative sites or configurations and/or coverage analysis;
- 24 e. The applicability of analysis techniques and
25 methodologies;
- 26 f. The validity of conclusions reached;
- 27 g. The compatibility of any required architectural
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1 screening;

2 h. Technical data submitted by the applicant to
3 justify the proposed height of any new installation including monopoles or
4 roof/building mounted sites; and

5 i. Any specific technical issues designated by the
6 City.

7 F. Appeals.

8 1. Appeals from the decision(s) of the Director of
9 Development Services or designee shall be to the Planning Commission;

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

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

14 G. Revocation. The Planning Commission may, after a duly
15 noticed public hearing, revoke, modify or suspend any Wireless
16 Telecommunications Permit on any one or more of the following grounds:

17 1. That the Wireless Telecommunications Permit was
18 obtained by fraud or misrepresentation;

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

23 3. That the use permitted by the Wireless
24 Telecommunications Permit is being, or within the recent past has been,
25 exercised so as to be detrimental to the public health or safety or as to
26 constitute a nuisance.

27 H. Findings. A Wireless Telecommunications Facility Permit may
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1 be granted only if the following findings are made by the designated
2 reviewing body or person:

3 1. The proposed Wireless Telecommunications Facility
4 has been designated to achieve compatibility with the community to the
5 maximum extent reasonably feasible;

6 2. As alternative configuration will not increase
7 community compatibility or is not reasonably feasible;

8 3. Alternative locations on the site will not increase
9 community compatibility or are not reasonably feasible;

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

13 5. The proposed facility is necessary to close a
14 significant gap in coverage and is the least intrusive means of doing so;

15 6. The applicant has submitted a statement of its
16 willingness to allow other carriers to co-locate on the proposed Wireless
17 Telecommunications Facility wherever technically and economically
18 feasible and where co-location would not harm community compatibility;
19 and

20 7. Noise generated by equipment will not be excessive,
21 annoying nor be detrimental to the public health, safety, and welfare.

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

Section 2. 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: _____

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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City Clerk

Approved: _____
(Date)

Mayor

DRAFT