

Transportation and Infrastructure Committee

Wednesday, November 11, 2020

Wireless Telecommunication Facilities Location Selection



What are Small Cell Wireless Telecommunication Facilities?

- Limited telecommunication equipment in the form of antennas and radios.
- The equipment is attached to existing infrastructure such as streetlights, traffic signal or utility poles. Some streetlights need to be replaced in order to support the weight of the equipment.
- Small Cells can transmit a large amount of data at high speed over a small area.
- Small Cells provide data capacity relief for densely populated areas.
- Small Cells help amplify macro cell towers.

Installed 4G Facilities



Installed 5G Facilities



Core Principles: Limited Regulatory Authority

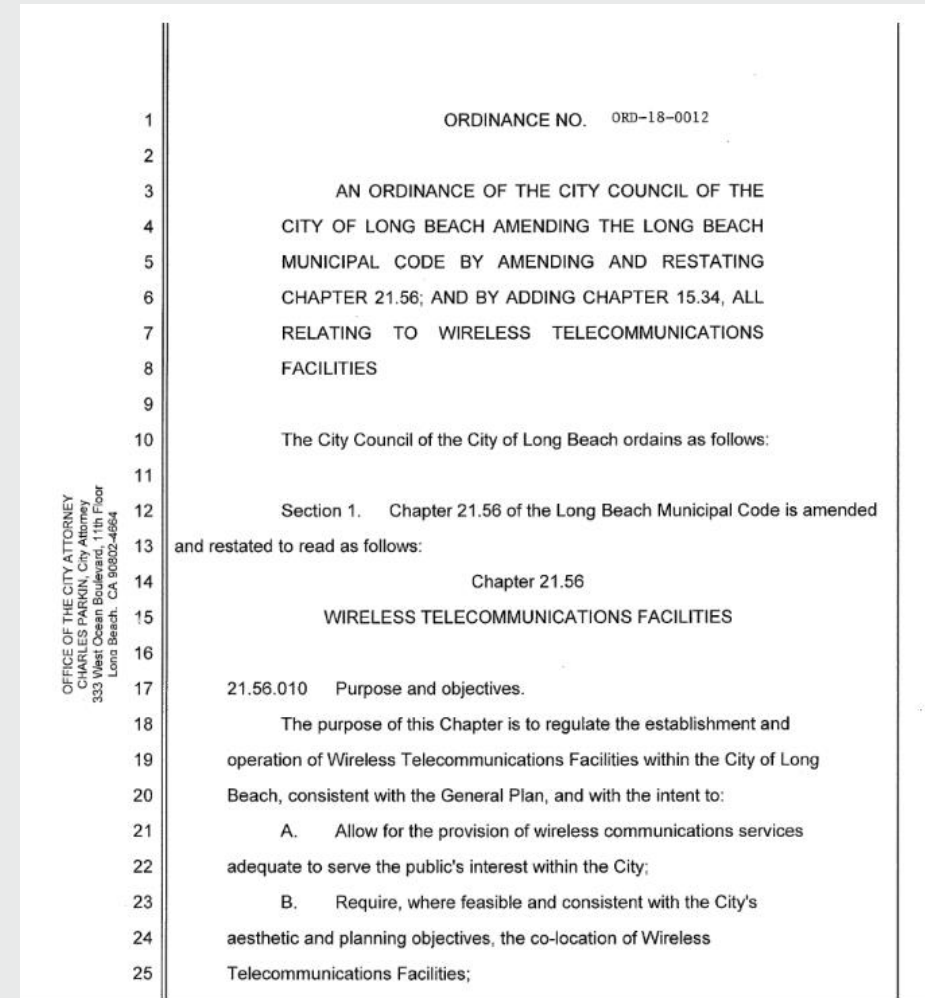
Federal Restrictions on Local Authority	State Restrictions on Local Authority
✓ Federal Telecommunications Act	✓ Public Utilities Code sections 7901 and 7901.1
✓ Middle Class Tax Relief and Jobs Creation Act of 2012	✓ California Telecommunications Infrastructure Development Act (Gov. Code section 50030)
✓ FCC Shot Clock and Small Cell Orders	✓ Rules, Orders, and Certificates of the CPUC
✓ Federal Court Decisions (e.g., <i>Portland</i>)	✓ State Court Decisions (e.g., <i>T-Mobile v. San Francisco</i>)

Core Principles: Limited Regulatory Authority

Federal Limitations	State Limitations
✓ Shall Not Effectively Prohibit Telecommunications Services	✓ Shall Respect Statewide Franchise
✓ Shall Not Discriminate Among Functionally Equivalent Services	✓ Shall not Discriminate
✓ Shall Not Consider Radio Frequency Emissions	✓ Shall Regulate to Avoid “Incommoding” Use of Rights of Way
✓ Shall Act Promptly (Within Shot Clock Periods)	✓ Shall Act Promptly (Within Permit Streamlining Act Timelines)
✓ Shall Base Decisions on Substantial Evidence	✓ Shall Not Charge More Than Costs of Providing Access
✓ Shall Not Charge More Than Costs of Providing Access	

Core Principles: Limited Regulatory Authority

- What's Left?
 - Long Beach Municipal Code Chapter 15.34
 - Public Participation and Input
 - Planning Commission Review on February 15, 2018
 - City Council Consideration on April 17, 2018
 - Adopted May 1, 2018



Core Principles: Limited Regulatory Authority

- Application Requirements
- Comprehensive Set of Objective Standards
- Layer of Additional Protections for Residential Zones
 - Appeal Rights
- Expedited Approval Process

	1	ORDINANCE NO. ORD-18-0012
	2	
	3	AN ORDINANCE OF THE CITY COUNCIL OF THE
	4	CITY OF LONG BEACH AMENDING THE LONG BEACH
	5	MUNICIPAL CODE BY AMENDING AND RESTATING
	6	CHAPTER 21.56; AND BY ADDING CHAPTER 15.34, ALL
	7	RELATING TO WIRELESS TELECOMMUNICATIONS
	8	FACILITIES
	9	
	10	The City Council of the City of Long Beach ordains as follows:
	11	
	12	Section 1. Chapter 21.56 of the Long Beach Municipal Code is amended
	13	and restated to read as follows:
	14	Chapter 21.56
	15	WIRELESS TELECOMMUNICATIONS FACILITIES
	16	
	17	21.56.010 Purpose and objectives.
	18	The purpose of this Chapter is to regulate the establishment and
	19	operation of Wireless Telecommunications Facilities within the City of Long
	20	Beach, consistent with the General Plan, and with the intent to:
	21	A. Allow for the provision of wireless communications services
	22	adequate to serve the public's interest within the City;
	23	B. Require, where feasible and consistent with the City's
	24	aesthetic and planning objectives, the co-location of Wireless
	25	Telecommunications Facilities;

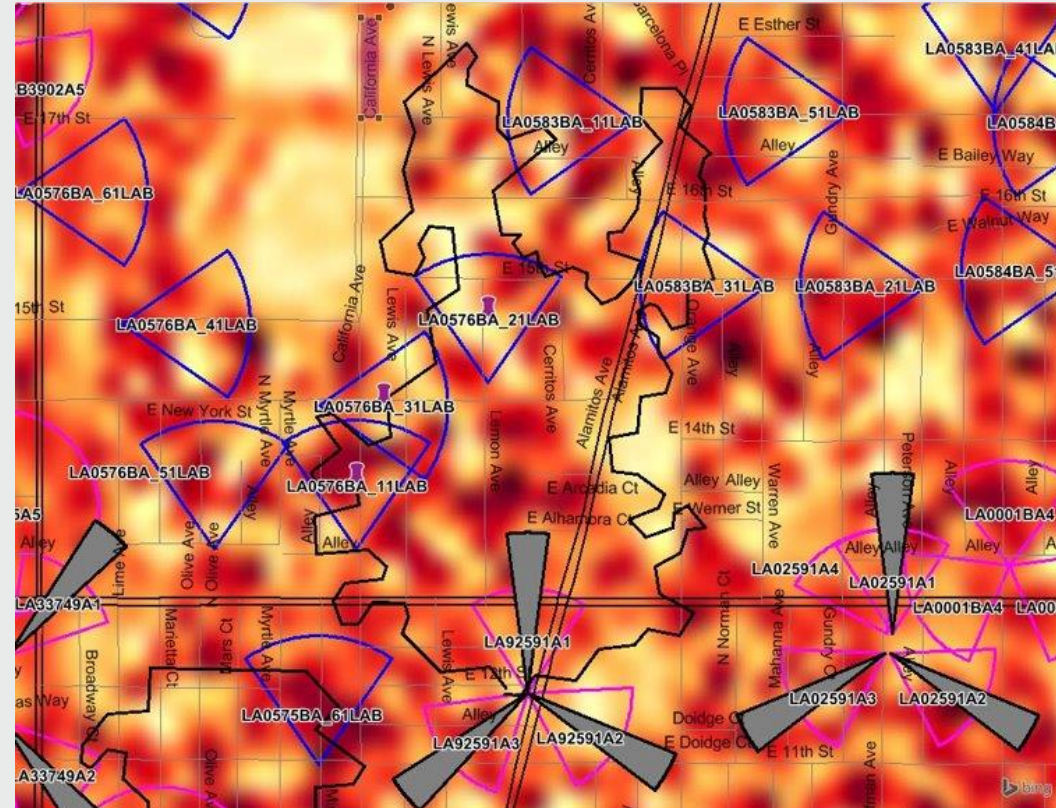
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Long Beach, CA 90802-4654

Selection of Small Cell Sites

- Site Selection is done by the Carrier and not by the City
- Carriers take several factors into consideration when selecting sites
 - Existing Coverage and User density
 - Propagation Obstructions such as trees and buildings
 - Zoning (Tier A vs. Tier B Sites) and available existing infrastructure
- The Cities top 3 preferences for attachment are:
 - Existing streetlight poles
 - Replacement streetlight poles
 - On an existing structure other than a streetlight pole or utility pole, such as a traffic signal

T-Mobile Heat Map (4G)

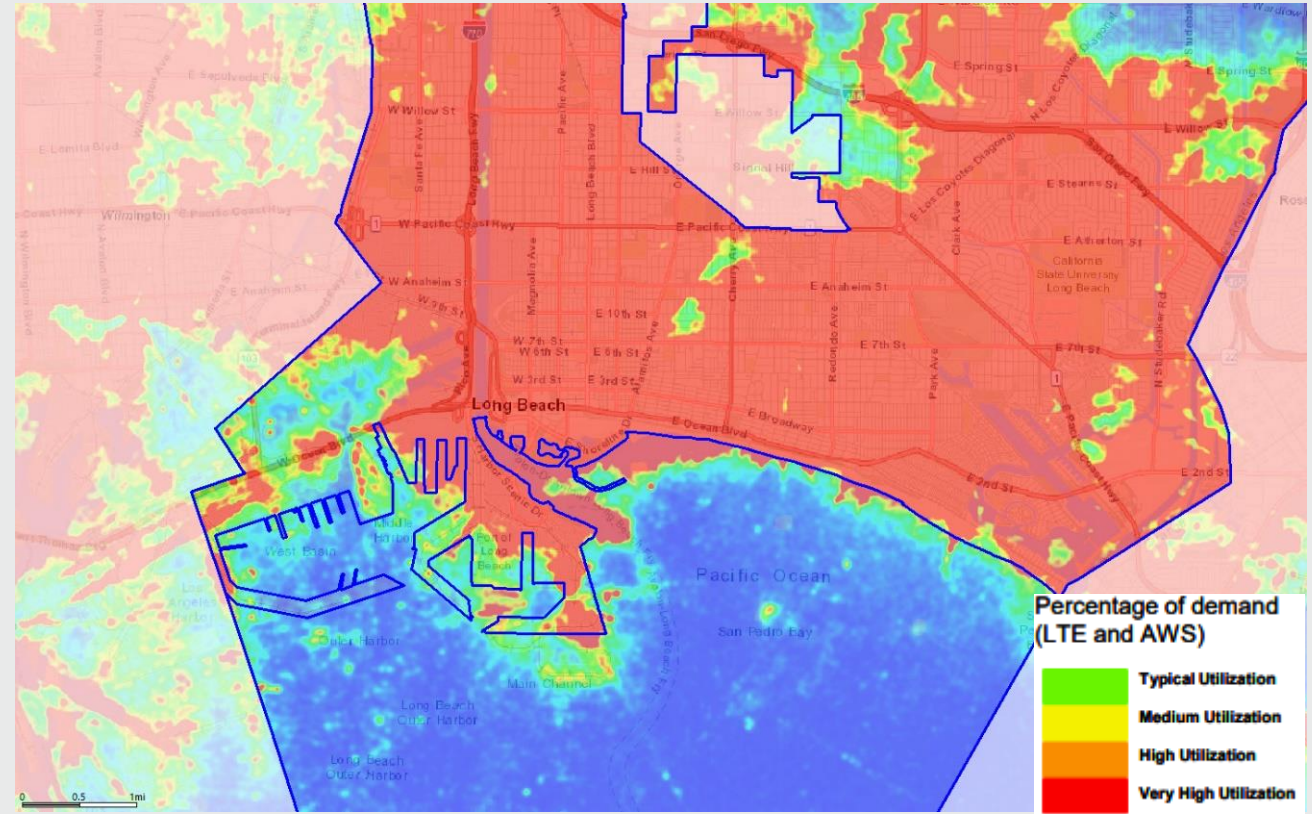
- Carriers show a need for Small Cell 4G Facilities
- Heat Maps show user density and proposed equipment



No. of Users	
10240	
5420	
640	
320	
160	
20	
0	

Verizon Heat Map (5G)

- There is a 100% Need for 5G Small Cell as it is only beginning to be rolled out in the City.



Tier A vs. Tier B

- There are two Small Cell Site Tiers: Tier A and Tier B
 - Tier A sites are in Unprotected Locations such Commercial and Mixed-Use Zoned Areas and Certain Planned Development Districts
 - Tier B sites are in Planning Protected Locations such as Residential Zoned Neighborhoods, Historic Districts, Certain Planned Development Districts and Coastal Zone areas.
- Tier B sites must meet a Planning Protected Location Compatibility Standard
- Tier B sites may be appealed by Appellants who have standing to appeal
 - Applicants must mail a Public Notice with information about the installation and appeal process to the adjacent property owners and residents as well as post a Public Notice at the proposed Site.

Appeal Process

- The applicant for a Tier B Wireless Telecommunication Facilities Permit, and/or any person owning or residing at property that is adjacent to or across the street to the location may appeal an approval or denial of an application.
- An appeal must be in writing and must be submitted to the City Clerk within ten (10) business days of the date the notice was mailed and posted.
- The appellant must submit proof of residency to validate their appeal. Once the appeal is validated, a \$106.20 Appeal Fee is assessed.

Appeal Process Cont.

- Once the Appeal Fee is paid, an Appeal Hearing will be held by an Impartial Administrative Hearing Officer at least fifteen (15) business days, but no more than sixty (60) business days, after the City Clerk's receipt of the appeal, unless the applicant and any person submitting an appeal agree to a later hearing date.
- The Hearing Officer shall issue a written resolution containing its determination within fourteen (14) business days following the close of evidence at the conclusion of the public hearing on the appeal.
- The resolution shall include a summary of the evidence and the ultimate determination whether to grant, grant with modifications, or deny the appeal.