

**Los Angeles County
Department of Regional Planning
Wireless Facility Ordinances**

FREQUENTLY ASKED QUESTIONS

What are the Wireless Facility Ordinances? Why are there two ordinances?

The ordinances are two separate amendments to Title 16 (Highways) and Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations, development standards, and review procedures for wireless facilities. Title 16 regulates the public right of way, which include streets, sidewalks, alleys, and highways, but are summarily referred to as highways. Title 22 regulates private and public property outside the public right of way. Both ordinances will establish regulations for different types of wireless facilities based on their locations. Title 16 will address small cell facilities (“SCF”) located on existing or proposed vertical infrastructure – such as streetlights, utility poles, and traffic signal poles – in the public right of way. Title 22 will address macro towers in the public right of way and SCF and all other wireless facilities on private and public property.

Why are these Ordinances necessary? Doesn’t the County already have a wireless ordinance?

The County is one of the few jurisdictions remaining in California that do not have ordinances for wireless facilities. Most cities within the County and other counties in California already have regulations in their codes specifically for wireless facilities. In the absence of an ordinance, the County has been managing wireless facilities similarly to “radio and TV stations and towers,” a use listed in Title 22. However, there are no development standards for radio and TV stations and towers, resulting in inconsistent designs and standards for wireless facilities across the County. Internal policies the County relies on to process applications for wireless facilities are now obsolete as wireless technology and mandates from the Federal Communications Commission (“FCC”) continue to evolve. An ordinance specific to wireless facilities for the County Code will result in more consistent designs and enforceable regulations and differentiate wireless facilities from radio and TV stations and towers.

What will change with these Ordinances for wireless facility applications?

Currently, the Department of Regional Planning (“DRP”) reviews applications and issues approvals for all wireless facilities, including SCFs in the public right of way. In the past, all wireless facilities required a Conditional Use Permit (“CUP”) consistent with radio and TV stations and towers, but recent FCC orders require that certain types of wireless applications be processed with very short deadlines (“shotclocks”).

The ordinances will expediate certain types of wireless facilities to meet FCC’s shotclock requirements. SCFs, co-locations on existing wireless facilities, and existing macro towers that meet all development standards or contain only minor modifications that do not substantially

change the facility, will be expediated for approval with a ministerial review. All other types of wireless facilities, including existing macro facilities that do not meet development standards or that require waivers from standards, and all new macro facilities will continue to require CUPs.

Applications for SCFs in the public right of way will be reviewed by the Department of Public Works (“DPW”). DPW is responsible for issuing road encroachment permits to install, modify, or remove SCF on poles in the right of way. These types of applications will not be reviewed by DRP, except when new poles to support SCFs are proposed in environmentally sensitive areas (Coastal Zone, Significant Ecological Areas, Scenic Highways, and Significant Ridgelines).

Which County department will review wireless facility applications?

DPW will be the review body for most applications for SCF in the public right of way regulated by Title 16. DPW will also check for macros in the public right of way after DRP completes its review to ensure that it complies with Title 16 prior to issuance of a road encroachment permit. All approvals will be ministerial.

DRP will be the review body for all other wireless facilities regulated by Title 22, including SCF on private property and macro facilities on private and public property and in the public right of way. Depending on the type of wireless facility, DRP may issue a Zoning Conformance Review, Ministerial Site Plan Review, or Revised Exhibit “A” which are ministerial actions, or a CUP which is a discretionary action.

What is the “public right of way”?

The “public right of way” is a path or corridor that is accessible by the public, whether pedestrian, vehicular, or transit. Alleys, sidewalks, streets, highways, freeways, center medians, and rail tracks are considered public rights-of-way. Streetlights, utility poles, and traffic signals are almost always located within the public rights-of-way. For purposes of Title 16, these public paths and corridors are referred to as highways.

What is a “small cell facility (SCF)”?

A SCF contains antennas, typically less than six (6) cubic feet per antenna, that are mounted on top or side of a pole, such as a streetlight or utility pole, and supported by an equipment cabinet. Radiofrequency (RF) waves using 5G wireless technology will be transmitted across very short distances and facilitated through SCF antennas mounted on multiple poles that are typically part of a streetscape, thus reducing the need to erect more tall macro towers that are used to transmit RF waves over long distances for larger coverage. Multiple SCF in close proximity will ensure better coverage and deliver faster internet speeds for smartphone, tablet, and laptop use. The maximum dimensions of a SCF are established by the FCC.

What is a “macro facility”?

The FCC defines a macro facility as anything larger than the maximum dimensions of a SCF. Previous generations of wireless technology (3G and 4G LTE) depended on very tall single-purpose towers and roof-mounted antennas with multiple antennas to transmit cellular waves across long distances. A tall tower with triangular extensions supporting multiple antennas is a very common example of a macro facility. A faux palm tree or pine tree is an example of a camouflaged macro facility.

What is a “Co-location”?

A co-location is a wireless facility that is mounted on an existing structure, or on a tower that already contains another wireless facility. Some macro towers may contain two or more wireless facilities serviced by two or more different wireless carriers.

What is an “Eligible Facility Request (“EFR”)”?

An EFR is a request by a wireless carrier to modify the wireless facility – which may include co-locating, replacing, or removing a portion or all of the wireless facility, that does not substantially change the physical dimensions of the structure or tower. What is considered a non-substantial change is described in a [FCC fact sheet](#) how to implement [Section 6409\(a\) of the Spectrum Act of 2012](#).

What is the FCC shotclock?

FCC issued a [Declaratory Ruling in 2009](#), which required applications for wireless facilities to be fast-tracked and created shotclocks, or deadlines, for processing applications for various types of wireless facilities to ensure that all applications are completed within a set amount of time. If a local agency fails to act on an application when the shotclock expires, the applicant for the wireless facility may have a legal remedy to sue the local government for effectively prohibiting wireless services. Furthermore, [State law \(AB 57, 2015\)](#) codified the FCC shotclocks and grants a “deemed approved” status to co-locations and other wireless facilities, except for Eligible Facilities Requests, that are not acted on by the local agency when the shotclock expires. In 2018, the FCC issued a [Report and Order](#) establishing a new shotclock for SCF. These FCC mandates establish the shotclocks for the following types of wireless facilities:

Types of Application	Shot Clock Time Frame	Types of Review
SCF on existing structures	60 days	Ministerial
Eligible Facility Request	60 days	Ministerial
SCF on new structures	90 days	Ministerial
Co-location on macro facilities	90 days	Ministerial
New macro facilities	150 days	Discretionary

Will all wireless facilities have public hearings?

Only certain types of wireless facilities will require public hearings. Newly proposed macro towers and any towers that are not redesigned to meet more “streamlined” development standards or height restrictions will require a CUP, which is a discretionary action that requires a public hearing. The Hearing Officer has the discretion to approve or deny an application at the hearing. The Hearing Officer also has the discretion to impose additional standards or conditions. Public comments may be submitted and considered during the hearing.

Why do certain wireless facilities not need public hearings?

FCC shotclocks do not accommodate the time required for discretionary action on SCFs and co-locations. A typical application for a CUP, which includes a public hearing, requires several months to process, and only newly proposed macro facilities can be processed within the FCC-imposed time frame of 150 days for a CUP. SCFs and co-locations need to be processed within the short turnaround time of 60 to 90 days as set by the FCC. Development standards are necessary so that the County has some control the overall design of the facility while complying with these FCC mandates.

What are the criteria for the County to approve a wireless facility application? Can the County deny an application?

The approval depends on whether the wireless facility meets all required development standards (size, height, placement, color, concealment, and fencing) for the facility type and application type. There are different standards for co-locations and newly proposed macro towers, and there are different standards for ministerial versus discretionary reviews. If the proposed design of the wireless facility does not meet the new development standards, County staff usually request corrections, or work with the applicant to come to an agreeable solution prior to approving the application. The only time the County may deny an application is if the proposed design does not meet all development standards and no waiver has been requested and granted. The County cannot deny an application based on health or environmental concerns.

Why can't the County regulate facilities on health and environmental impacts?

It is acknowledged that people may have concerns about possible health and environmental impacts associated with wireless facilities. However, FCC has restricted local governments' authority to consider health and environmental issues in taking action on an application for a wireless facility. The local government may only consider whether a facility meets development standards and that the facility provides a critical need to close a coverage gap for wireless services in a particular location. FCC has determined, through thousands of studies and consultations with experts and other government entities, that the RF emissions are well below safety limits, and that no clear evidence has been found linking RF emissions to adverse health conditions. Furthermore, the Telecommunications Act of 1996 authorizes FCC to assume federal jurisdiction to regulate human RF emissions from certain transmitting devices. Section 704 of the Act states

that “No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emission.” FCC’s policy for Tower and Antenna Siting is available from the FCC’s [Wireless Telecommunications Bureau](#) and in the [Local Government Official’s Guide to Transmitting Antenna RF Emission Safety](#).

Nonetheless, for all wireless facility applications, including SCF, the County still requires that the applicant provides a RF transmission report for each facility.

Additional Resources

Shotclocks:

- 2009 Declaratory Ruling: <https://docs.fcc.gov/public/attachments/FCC-09-99A1.pdf>
- 2018 Report and Order: <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>
- California AB 57 (2015):
https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201520160AB57&version=20150AB5792CHP

FCC Guidelines on Radio Frequency Emissions for Cellular Towers:

- <https://www.fcc.gov/consumers/guides/human-exposure-radio-frequency-fields-guidelines-cellular-and-pcs-sites>
- <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/fag/rf-safety>

Federal regulations and fact sheets:

- <https://www.law.cornell.edu/uscode/text/47/1455>
- <https://www.law.cornell.edu/uscode/text/47/332>
- <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
- <https://docs.fcc.gov/public/attachments/DOC-364459A1.pdf> Spectrum Act EFRs

Other federal resources regarding wireless towers and sitings:

- <https://www.fcc.gov/wireless-infrastructure>
- <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting>
- https://wia.org/wp-content/uploads/Advocacy_Docs/6409a_Siting_Checklist.pdf
- <https://fas.org/sgp/crs/misc/R45485.pdf>