

LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING

AMY J. BODEK, AICP
Director,
Regional Planning

DENNIS SLAVIN
Chief Deputy Director,
Regional Planning

CONNIE CHUNG, AICP
Deputy Director,
Regional Planning

DAVID DE GRAZIA
Deputy Director,
Regional Planning

JON SANABRIA
Deputy Director,
Regional Planning

JOSEPH HORVATH
Administrative Deputy,
Regional Planning

November 15, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON WIRELESS FACILITIES ORDINANCE
PROJECT NO. R2021-002931-(1-5)
ADVANCE PLANNING CASE NO. RPPL2021007939
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The recommended action is to amend Title 16 (Highways) and Title 22 (Planning and Zoning) of the Los Angeles County Code with the Wireless Facilities Ordinance (Ordinance), to establish application requirements and development standards for wireless communication facilities (wireless facilities), including small cell facilities (SCF), on private property and in the public right-of-way for the unincorporated areas of Los Angeles County.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find the adoption of the Ordinance is exempt from the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the project;
2. Indicate its intent to approve the proposed Ordinance (Advance Planning Case No. RPPL2021007939), including the amendments to Title 22 as recommended by the Regional Planning Commission (RPC), and with additional modifications as proposed by the Department of Regional Planning, and to approve the amendments to Title 16; and
3. Introduce, waive reading, and place on a subsequent Board agenda for the adoption of the amendments to Title 16 and Title 22.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On March 5, 2019, the Board approved a motion that directed the Director of Regional Planning to prepare an ordinance that, at a minimum, defines and establishes standards for the location, height, and design of wireless facilities; conduct outreach to residents, wireless service providers, and other interested parties; and present the ordinance and the appropriate environmental document to RPC and the Board for their consideration. Furthermore, recent wildfires and the COVID-19 pandemic have disclosed systemic inequities in digital access across Los Angeles County, and in response, the Board adopted a number of motions in October 2020 and February 2021, directing various County departments to report back on recommendations and strategies to address these inequities, broadly known as the “digital divide.”

Small cell facilities (SCF) are a subset of wireless facilities comprised of smaller equipment that are typically installed on streetlight and utility poles and other structures. Due to a large number of applications submitted for SCF in the public-right-of-way over the past few years, Regional Planning partnered with Public Works to create a new framework that would streamline permitting for wireless facilities, including SCF. Under this framework, Regional Planning will review wireless facilities on private property and in the public right-of-way, and Public Works will now oversee the review of SCF in the public right-of-way. The proposed Ordinance will satisfy a key component of the Chief Information Officer’s Digital Divide Regional Strategy for improving access to broadband services and digital resources. Additionally, the After Action Review (AAR) of the Woolsey Fire Incident, submitted to the Board in November 2019, identified communication services and delivery as an area in need of improvement. The AAR included a recommendation to increase the availability of communication systems for public notifications of evacuations, which may include wireless services.

Currently, Regional Planning processes applications for all types of wireless facilities, including SCF in the public right-of-way, through a Departmental policy memo dated July 26, 2010. The policy memo has not been updated to accommodate the growth of wireless services or advances in wireless technology, nor recent federal and state regulations, orders, and case law. The memo did not include any standards for SCF in the public right-of-way, which is an emerging and prevalent technology in wireless communications. The proposed Ordinance will supplant the policy memo and shift the intake, review, and processing of applications for SCFs in the public right-of-way from Regional Planning to Public Works through the Title 16 amendment and establish new development standards and review of all other wireless facilities by Regional Planning through the Title 22 amendment of the Ordinance.

Key Components

The amendment to Title 16 will add Chapter 16.25 – SCF to establish development standards for SCF in highways and other public rights-of-way, and streamlines the review process with Public Works prior to issuance of a road encroachment permit for the installation, replacement, or maintenance of an SCF. Proposed SCFs on County-owned streetlights and traffic signals shall obtain and comply with additional standards listed in Public Works’ Master Licensing Agreements. No approval from Regional Planning is required unless it is a new SCF located in a Coastal Zone, Significant Ecological Area, or a Scenic Highway. Placement of SCF are given preference in the following order: 1) existing support structures such as streetlights and utility poles; 2) replacement support structures; 3) traffic signal poles; and 4) new towers. SCF shall conform to development standards which include the following: 1) use stealth designs to conceal the SCF; 2) shall not obstruct or interfere with the public use of the highway or County use of its infrastructure on the highway; 3) shall not obstruct any illumination from the support structure; 4) shall maintain the structural integrity of the support structure; 5) be placed at least eight feet above the ground on the support structure; and 6) if placed on a extension arm, be at most six feet from the support structure. SCF that are unpermitted, for which an agreement is revoked, or where relocation is required, are to be removed within 90 days at the owner’s expense.

The Title 22 amendment for wireless facilities establishes application requirements and land use regulations, including zoning and development standards, for wireless facilities subject to review by Regional Planning. Existing standards for wireless facilities in community standards districts or specific plans will take precedence. Additionally, the proposed Ordinance will not apply to areas covered by a local coastal program. The Santa Monica Mountains Local Coastal Program has existing regulations in place specifically for wireless facilities, but the remaining local coastal programs will be amended for wireless facilities at a later time.

The Title 22 amendment proposes to permit wireless facilities in most zones, with development and design standards for each type of wireless facility: structure-mounted (including monopoles and faux trees), ground-mounted, roof-mounted, facade-mounted, architectural towers, temporary facilities, and SCF on private property. The standards require screening, shrouding and/or camouflaging, and encourage streamlined designs to reduce visual impacts to the extent technically feasible. Depending on the type of wireless facility and whether it is a new or existing facility, different applications are required that align with the Federal Communication Commission’s Rules and Orders on the maximum number of days to approve each type of wireless facility. These applications may range from a Ministerial Site Plan Review with a maximum 60-day review period, to a Conditional Use Permit (CUP) with a maximum 150-day review period. Additional regulations apply to wireless facilities in sensitive areas, such as

significant ecological areas, significant ridgelines, scenic highways and on properties containing historical resources. Wireless facilities that require a CUP shall meet additional findings that the facilities comply with additional development standards, is the least visually intrusive as technically feasible, is necessary to meet a coverage gap, and does not create a safety hazard. Waivers from development standards may be provided through the CUP if a development standard effectively prohibits wireless services, results in a design that is technically infeasible, or conflicts with federal and state regulations.

After the RPC made its recommendation on the Title 22 portion of the Ordinance at its hearing on March 23, 2022, non-substantive changes were made to the Title 22 amendments, which are shown as redlines in the attachment. These changes include expansion of the statement for the Ordinance; corrections to spelling, grammar, capitalization, and punctuation; changes to section numbers; changes to references to federal and other laws; replacement of “structure” with “base station or tower;” addition of “qualified architectural historian” to do historic resource assessments; edit to clarify that chimneys and chimney-like textures as concealment are prohibited; and removal of the superfluous Severability section as Title 22 already has such a controlling provision at Section 22.02.100.

General Plan Consistency

The proposed Ordinance is consistent with the General Plan and supportive of its policies, including Policy PS/F (Public Services and Facilities) 6.2: Improve existing wired and wireless telecommunications infrastructure; and Policy PS/F 6.3: Expand access to wireless technology networks, while minimizing visual impacts through colocation and design.

Implementation of Strategic Plan Goals

Adoption of the proposed Ordinance will promote Goal II – Fostering Resilient and Vibrant Communities, through Strategy II.1 – Drive Economic and Workforce Development in the County. Readily available broadband access for County consumers, students, and workers will enhance access to online information, educational opportunities, and web-enabled information systems, which in turn will drive economic vitality for the County’s communities. The proposed Ordinance will also promote Goal III – Realize Tomorrow’s Government Today through Strategy III.3 – Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, in which the County’s assets can be maximized for the delivery of broadband services by all users in the County, and to streamline the County’s review of applications for wireless facilities.

FISCAL IMPACT/FINANCING

Adoption of the proposed Ordinance will not result in additional costs to the County. Applications for wireless facilities will be offset by fees that are to be collected at the time of application submittals. Certain wireless facilities that will be streamlined by ministerial review will have lower fees associated with ministerial applications. Because a safe harbor amount for fees has been established by federal rules for SCF, they will be processed ministerially. Implementation and enforcement of the proposed Ordinance is an ongoing responsibility of Public Works and Regional Planning, and thus covered by both departments' operating budgets.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The amendments contained in the Ordinance are consistent with applicable federal and state law.

In addition to the public hearing conducted by the RPC on March 23, 2022, for the Title 22 amendments, a public hearing before the Board is required pursuant to Section 22.232.040.B.1 of the County Code and Section 65856 of the California Government Code. Required notice was given pursuant to the requirements set forth in Section 22.222.180 of the County Code.

ENVIRONMENTAL DOCUMENTATION

This project (Wireless Facilities Ordinance) is exempt from the California Environmental Quality Act ("CEQA"). The project will establish application requirements and development standards for wireless facilities within the unincorporated County, including authorization for modifications to existing facilities as well as for minor alterations to land with the construction or conversion of small structures. These actions are within a class of projects that have been determined not to have a significant effect on the environment and which meet the criteria set forth in section 15301 and 15303 of the State CEQA Guidelines ("Guidelines") and Class 1 and 3 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. Any wireless facility applications that do not qualify for these exemptions will undergo required environmental review under CEQA.

Upon your Board's approval of the recommended actions, the department will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the California Public Resources Code.

IMPACT ON CURRENT SERVICES OR PROJECTS

Approval of the proposed Ordinance will not significantly impact County services.

For further information on Title 16 amendment of the Ordinance, please contact Barbara Childers, Principal Engineer, Road Encroachment Unit at (626) 458-4995 or bchilders@dpw.lacounty.gov. For further information on Title 22 amendment of the Ordinance, please contact Bruce Durbin, Supervising Regional Planner, Ordinance Studies Section at (213) 974-6432 or bdurbin@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director of Regional Planning

Reviewed by,



Mark Pestrella, PE
Director of Public Works

MP:AJB:CC:BD:AS:ar

Attachments:

1. Project Summary for Title 22
2. Proposed Ordinance for Titles 16 and 22
3. RPC Hearing Proceedings for Title 22 Ordinance
4. RPC Resolution for Title 22 Ordinance
5. Guidelines for Wireless Facilities in Title 22
6. Notice of Exemption

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel