

# Wireless Facility Ordinances

Title 16 (Highways)

Title 22 (Planning and Zoning)

Department of Public Works  
Department of Regional Planning

LA COUNTY DEPARTMENT OF REGIONAL PLANNING



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## Wireless Facility Ordinances

### Introduction:

Regional Planning and Public Works are preparing amendments to the Los Angeles County Code to establish uniform land use regulations, development standards, and application procedures for wireless facilities on private property and in the public right of way.

The ordinances will codify existing policies and procedures for the permitting of wireless facilities and establish new development standards that are consistent with federal and state laws.

Why are we introducing these ordinances?

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# Wireless Facility Ordinances

## Introduction:

### Board Motions

- 3/9/2019 – Directive to Regional Planning to develop a Wireless Ordinance
- 10/13/2020 – Directive to various County departments to explore strategies that will bridge the “digital divide” for broadband access

### Ordinance Development Team

- Regional Planning – Title 22 for private and public properties
- Public Works – Title 16 for highways and public rights-of-way
- County Counsel

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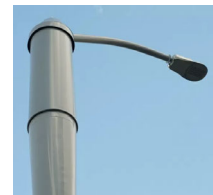


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# Wireless Facility Ordinances

## Project Goals:

- Codify elements of 2010 Regional Planning Policy Memo
- Update standards and procedures to be consistent with FCC Orders, other federal and state regulations and case law
- Require more streamlined designs and encourage camouflaging or stealthing as much as possible
- Encourage redesign of 1<sup>st</sup> Generation Facilities (from 1990s, 2000s).
- Simplify application and implementation procedures
- Establish procedures that result in consistency and predictability
- Facilitate broadband infrastructure build-out per Board’s directive
- Promote and enhance public safety (navigation, emergency response, etc.)



Small Cell Facility in Title 16



Macro Facility in Title 22

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## Wireless Facility Ordinances

### Mobile Broadband Vocabulary:

- **Small Cell Facility (SCF):** Antennas and associated equipment that are not larger than 28 cubic feet. They are mounted on a support structure (i.e. streetlight or utility pole)
- **Macro Facility:** Antennas and associated equipment that may be larger than 28 cubic feet. They can be ground-mounted, roof-mounted, or structure-mounted.
- **Eligible Facility Request (EFR):** Minor modifications to an existing wireless facility that does not increase more than 10% of the existing dimensions
- **FCC:** Federal Communications Commission – An independent federal agency that has regulatory authority over wireless and broadband infrastructure
- **Public right of way:** An access corridor used by the public (i.e. streets, highways, alleys)



SCF



Macro Facility

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## Wireless Facility Ordinances

### Legal Parameters:

Authority of Local Jurisdictions to regulate wireless facilities are dictated by federal, state and case law:

- Telecommunications Act of 1996: found at 47 U.S.C. Chapter 5.
- Spectrum Act of 2012: found at 47 U.S.C. § 1455(a)
- Report and Order FCC 14-153 (2014)
- Report and Order FCC 18-133 (2018)
- California Public Utility Code § 7901
- California Government Code § 65964 (AB 57)

[https://planning.lacounty.gov/assets/upl/data/wcf\\_local-auth-limits.pdf](https://planning.lacounty.gov/assets/upl/data/wcf_local-auth-limits.pdf)



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## Legal Parameters:

- Per federal and case law, Local Jurisdictions **cannot** regulate facilities based on environmental and health impacts, radiofrequency emission limits, and coverage, or impose restrictions or prohibitions that effectively prevent wireless service.
- Local Jurisdictions **can** regulate “time, place, and manner” for wireless facilities, and **can** regulate on aesthetics (design) and visual impacts.
  - Placement / Location / Zone
  - Height\*
  - Design – appearance/dimensions\*
  - Land use regulation procedures that comply with FCC Orders



\*Except for SCF& EFR

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## Current Procedures:

- 2010 Regional Planning Policy Memo – all wireless facilities (both on property and in rights-of-way) require a conditional use permit (CUP) in all zones. The Policy Memo gives guidance for staff to review wireless applications in the absence of an ordinance.
- Development standards include height, setbacks, roof coverage, design, undergrounding of equipment, co-location, security, screening, and lighting, etc. All wireless facilities shall use camouflage techniques to minimize visual impacts wherever possible.
- Policy Memo does not address SCF. A separate memo from County Counsel addresses ministerial review for SCF based on FCC Orders.

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## Current Procedures:

- Recent FCC Orders require streamlined review for Small Cell Facilities (SCF) and Eligible Facility Requests (EFR) to upgrade existing facilities
- No public hearing on SCF and EFRs
- Imposes time limits for review of all wireless applications to maximum 60 days for ministerial on SCF and EFR, 150 days for CUP on wireless
- SCF currently require review by both Regional Planning and Public Works and approved within 60 days

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## Ordinances - As proposed:

- SCF in the Public Right-of-Way will be processed by Public Works (Title 16)
- SCF on private/public property will be processed ministerially by Regional Planning (Title 22)
- All Macros regardless of location will be reviewed by Regional Planning. Macros in the Public Right-of-Way will then go to Public Works for an encroachment permit.
- Existing Macros with streamlined designs that meet all development standards for height, aesthetics, dimensions etc., will be processed ministerially
- All New Macros, and Existing Macros that do not meet all standards will continue to require a Conditional Use Permit
- Eligible Facility Requests (for upgrades) are to be processed ministerially, per FCC Order



Small Cell Facility in Title 16



Macro Facility in Title 22

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## Special Considerations:

Existing regulations in the County Code that may differ and/or special considerations for additional review will apply for facilities within:

- Community Standards Districts (CSD's)
- Local Implementation Program (Coastal Zone)
- Sensitive Ecological Areas (SEA's)
- Near Significant Ridgelines
- Scenic Highways
- Specific Plans
- Historic resources

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## Existing Regulations in the Santa Monica Mountains:

In the Coastal Zone:

- New Wireless Facilities will require a Minor Coastal Development Permit (CDP). Standards in LIP takes precedence.
- Existing Wireless Facilities with minor to no changes will require a CDP Exemption.
- SCF will only require a CDP Exemption.
- Those facilities that get a CDP Exemption must comply with the Wireless Ordinance.

Santa Monica Mountains North Area CSD (22.336.060.A.7):

- In S1 Habitat Category – placement on utility poles in the public right of way only
- In S2 Habitat Category – Avoid/minimize impacts to habitat

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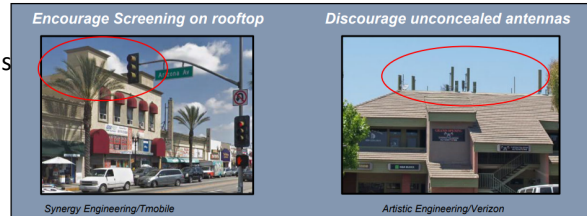


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# Wireless Facility Ordinances

**Design Guidelines** are proposed that help County staff and applicants implement the ordinance. They establish preferred design and location considerations and specify application requirements:

- Preferred aesthetics (camouflage/stealth, screens, shrouding)
- Order of preference for facility types (existing facility is preferred over new)
- Facility type (Macro, SCF, etc.) determines which application is required
- Timetable for application review per FCC Order 14-153 (60, 90, 150 days)



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# Wireless Facility Ordinances

- Public Hearing with Regional Planning Commission:  
**March 23, 2022**
- Public Hearing Before the Board of Supervisors:  
**Early Summer 2022**

To learn more, visit: <https://www.planning.lacounty.gov/wireless>

For questions or to send comments to the Regional Planning Commission, email:  
[ordinance@planning.lacounty.gov](mailto:ordinance@planning.lacounty.gov)

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