

ORDINANCE NO. 174132

An ordinance amending Sections 11.5.7, 12.04.05, 12.04.09 12.12.1, 12.12.1.5, 12.17.6, 12.21, and 12.24 of the Los Angeles Municipal Code to establish development standards for the placement of Wireless Telecommunication Facilities either by right or through discretionary review, in all zones and specific plan areas, except for those in scenic corridors and scenic parkway specific plans.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO HEREBY ORDAIN AS FOLLOWS:

Section 1. A new paragraph (f) is added to Subdivision 1 of Subsection F of Section 11.5.7 of the Los Angeles Municipal Code to read:

(f) Wireless Telecommunications Facilities. Any application involving the use, height, installation or maintenance of wireless telecommunication facilities located within specific plan areas shall be filed pursuant to Section 12.24 W 49 of this Code and considered by the Zoning Administrator as the initial decision-maker; except applications located within a scenic parkway specific plan, scenic corridor specific plan, or a roadway designated as a scenic highway within a specific plan area shall be subject to a specific plan exception.

Sec. 2. Subdivision 2 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is amended to read:

2. Conditional uses as allowed pursuant to Section 12.24 U 19 and Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of the applicable section.

Sec. 3. Subdivision 10 of Subsection B of Section 12.04.09 of the Los Angeles Municipal Code is amended to read:

10. Conditional uses as allowed pursuant to Section 12.24 U 21 and Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of the applicable section.

Sec. 4. Subsection A of Section 12.12.1 is amended by adding a new Subdivision 7 to read:

7. Conditional uses as allowed pursuant to Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of that section.

Sec. 5. Subsection A of Section 12.12.1.5 is amended by adding a new Subdivision 4 to read:

4. Conditional uses as allowed pursuant to Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of that section.

Sec. 6. Subsection A of Section 12.17.6 is amended by adding a new Subdivision 11 to read:

11. Wireless telecommunication facilities, including radio and television transmitters, which meet all the requirements of the wireless telecommunication facilities standards set forth in Section 12.21 A 20 of this Code, except when located across the street from, abutting, or adjoining a residential use or A or R Zone, including the RA zone.

Sec. 7. Subsection A of Section 12.21 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 20 to read:

20. Wireless Telecommunication Facilities (WTF) Standards - Notwithstanding any provision of this Code to the contrary, the following standards shall apply to the placement of all wireless telecommunication facilities. These standards shall not apply to satellite dish antennae, radio and television transmitters and antennae incidental to residential use.

(a) General Requirements

(1) Antenna Requirements. The antenna on any monopole or support structure must meet the minimum siting distances to habitable structures required for compliance with Federal Communications Commission (FCC) regulations and standards governing the environmental effects of radio frequency emissions. The grouping of WTF on a site is encouraged where technically feasible. The footing of the antenna shall be structurally designed to support a monopole which is at least 15 feet higher than the monopole under review, while being within the applicable requirements of the height district, in order to allow a future wireless network to replace an existing monopole with a new monopole capable of supporting co-location.

If it is determined that additional height is necessary to support co-location, the Zoning Administrator is authorized to consider reasonable modifications to pole height, and the co-location of additional equipment within the 15 feet extension limit pursuant to Section 12.24 W 49 of this Code.

Monopoles, dishes and other antenna equipment not regulated by the Federal Aviation Administration (FAA) shall have a non-reflective finish to minimize the visibility of the structure and not be illuminated, unless required by the FAA.

(2) Antenna Setback

(i) Monopole setback. Monopoles shall be designed at the minimum functional height. All monopoles shall be set back a distance equal to 20 percent of the height of the monopole, from all abutting streets, residential uses, and in all zones, or areas with access to the public, unless a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

The monopole shall be certified by a professional structural engineer licensed in the State of California to meet any structural standards for steel antenna towers and structures set in the Electronic Industries Association/Telecommunications Industries Association Standards referenced as EIA/TIA-222-E and as amended. Monopoles shall meet the main building setback requirements of the underlying zone. The setback shall be sufficient to:

- a. provide for an adequate vegetative, topographic or other buffer as set forth in Subparagraph (5) (Screening) and (6) (Landscaping) of Paragraph (a) of this subsection;
- b. preserve the privacy of adjoining residential property; and
- c. protect adjoining property from the potential impact of pole failure.

(ii) Attached or Roof Mounted Antenna Setback. Roof mounted antennas shall be located at the greatest feasible distance from the edge of the building. Equipment facilities and antennas shall not extend more than ten feet above the highest point of the roof top, unless mounted on the walls of a penthouse.

(3) Locating Antenna at Existing Sites. An effort shall be made to locate new WTF on existing approved structures or sites, when feasible.

(4) Visual impact. The WTF shall be designed to have the least possible visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Antennas clustered at the same site shall be of the same general height and facilities of the same design.

(5) Screening

(i) Ground, roof and pole mounted antennas shall be screened by fencing, buildings or parapets that appear to be an integral part of the building or landscaping so that not more than 25 percent of the combined tower structure and antenna height is visible from grade level of adjoining property and adjoining public rights-of-way.

(ii) Dish antennas shall not be light reflective or have any sign copy on them nor shall they be illuminated, unless required by the FAA.

(iii) Building mounted antennas shall be screened from view under most circumstances, if the antennas would otherwise be visible to adjacent properties and adjacent public rights-of-way.

Omni-directional antennas may not be required to be screened if it is demonstrated that the screening device would create a greater visual impact than the unscreened antennas.

The screening shall include parapets, walls or similar architectural elements provided that it is painted and textured to integrate with the architecture of the building.

As an alternative screening method, landscaping positioned on the premises to screen antennas from adjacent properties may be proposed in lieu of, or in combination with, architectural screening. Antennas shall be mounted on the parapet, penthouse wall or facade, building mounted antennas shall be painted and textured or otherwise architecturally integrated to match the existing building.

(iv) Support structure antennas shall be placed on premises to minimize visual impacts to adjacent non-industrial properties and adjacent public rights-of-way. Landscaping shall be positioned on the premises to minimize the visual impacts to adjacent non-industrial properties and adjacent public rights-of-way.

(v) Accessory equipment and associated equipment facilities shall be located either in an interior space in the existing building or in an attached or detached exterior building. Exterior equipment buildings constructed on premises shall be architecturally similar to the existing building or otherwise architecturally integrated.

(vi) Monopoles shall be of tapered design (e.g., three foot base to 1.5 foot top) with no climbing spikes. Whenever possible, existing light standards in parking lots should be used with antennas above electroliers.

(6) Landscaping and Maintenance. Landscaping shall be required at the perimeter of the property which abuts streets, residential uses, and in all zones, or areas with access to the public as follows:

(i) For monopoles, a landscaped buffer area to soften the visual impact shall commence at the property line. At least one row of shrubs shall be spaced not more than three feet apart. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of trees or shrubs, not less than four feet in height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Appropriate irrigation and maintenance to sustain any required landscaping shall be required.

(ii) Pursuant to Section 12.24 W 49 of this Code, the decision-maker may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The antenna and supporting structure or monopole shall be of a design and treated with an architectural material so that it is camouflaged to resemble a tree with a single trunk and branches on its upper part, or shall be designed using other similar sleath techniques.

(7) Signal Interference. Claims of interference with the operations of any business or residential use due to the operations of the facility shall be subject to correction by the permittee. Any claim shall be reviewed by a qualified, mutually agreeable third party who will test actual site conditions and propose mitigation of any interference determined to be due to the operation of the facility.

(8) Time Limits. All wireless telecommunication facilities shall be removed within 90 days of discontinuance of use.

(b) Application Requirements Checklist For Discretionary Actions. In addition to the submittal requirements prescribed for conditional use permits pursuant to Section 12.24 W 49 of this Code, an application for approval of a new, modified or additional wireless telecommunication facilities shall contain all of the following information:

(1) Site Plan. Site Plans or plot plans, drawn to scale, and elevation drawings, including "before" and "after" photographs specifying the location of antennas, support structures, power poles, utility boxes, transmission building and/or other accessory uses, access, parking, fences, signs, landscaped areas and adjacent land uses. A listing of the applicant's existing wireless telecommunication facilities shall also be included. Plans and drawings shall demonstrate compliance with the siting distances of Subparagraph (1) (Antenna Requirements) and Subparagraph (2) (Antenna Setback) of Paragraph (a) of this subdivision.

(2) Landscape and Irrigation Plan. A Landscaping and Irrigation Plan, drawn to scale, and elevation drawings including "before" and "after" photographs indicating size, spacing and type of plantings required in Subparagraph (6) of Paragraph (a) (Landscaping), and indicating steps to be taken to provide screening as required in Subparagraph (5) of Paragraph (a) (Screening) to meet the visual impact standard of Subparagraph (4) of Paragraph (a) (Visual Impact) of this subdivision.

(3) Structural Integrity Report. A Structural Integrity Report from a professional engineer licensed in the State of California documenting the following:

(i) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;

(ii) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

(iii) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and

(iv) Specific design and reconstruction plans to allow shared use. (This submission is required only in the event that the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the WTF.)

(4) FAA and FCC Coordination. Statements regarding the regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), respectively, that:

(i) (required only if the WTF is near an airfield) the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation, Federal Aviation Regulations, or a statement from the applicant that no compliance with Part 77 is required, and the reasons therefor; and/or

(ii) (required of all WTF applicants) the application complies with the regulations of the Federal Communications Commission, or a statement from the applicant that compliance is not necessary, and the reasons therefor.

(5) Evidence of Co-location Efforts. Evidence submitted to the Department of City Planning on those requiring discretionary review pursuant to Section 12.24 W 49 of this Code or to the Department of Building and Safety for those that are permitted by right prior to the issuance of a building permit, that an effort was made to locate on an existing WTF site including coverage/interference analysis and capacity analysis and a brief statement as to other reasons for success or no success, including a listing of alternative sites that were examined, as set forth in Subparagraph (3) Locating Antenna at Existing Sites) and Subparagraph (5) (Screening) of Paragraph (a) of this subdivision.

(6) Existing Facilities Information. A listing of addresses and type (i.e., monopole, antenna) of all WTF's within the City of Los Angeles which are operated by the applicant.

(7) Coverage/Capacity Report (Propagation Study). A coverage/interference analysis and capacity analysis (also known as a propagation study) that the location and height of the antennas as proposed is necessary to meet the frequency re-use and spacing needs of the system and to provide adequate wireless telecommunication coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive zone or that an effort was made to locate on existing sites or towers, with no success.

(c) Approval Criteria. In addition to the findings for approval required pursuant to Section 12.24 W 49 of this Code, a Zoning Administrator may allow a new, modified or additional wireless telecommunication antenna or facility use based on additional findings that the following criteria are met:

(1) The site is of a size and shape sufficient to provide the following setbacks:

(i) For a monopole or tower, the tower setback requirements of Subparagraph (2) (Antenna Setback) of Paragraph (a) of this subdivision are met as to those portions of the property abutting the residential or public uses.

(ii) For all other towers or monopoles, the site shall be of sufficient size to provide the setback required in the underlying zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.

(2) The required setbacks shall be improved to meet the screening and landscaping standards of Subparagraph (5) (Screening) and Subparagraph (6) (Landscaping) of Paragraph (a) of this subdivision to the extent possible within the area provided.

(3) The visual impact standard of Subparagraph (4) of Paragraph (a) of this subdivision is met; and

(4) An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Subparagraph (3) (Locating Antenna at Existing Sites) of Paragraph (a) of this subdivision.

(d) Variations From The Citywide Wireless Telecommunication Standards. The Zoning Administrator shall have the authority to consider requests to vary from these standards pursuant to Section 12.24 W 49 of this Code.

Sec. 8. Subdivision 49 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is hereby amended to read:

49. Wireless telecommunication facilities, including radio and television transmitters citywide:

(a) In all zones, and in the M1, M2, or M3 zones only when the facility is located across the street from, abutting, or adjoining a residential use or A or R zone, including the RA zone.

(b) In the M1, M2, or M3 zones if the applicant cannot meet the WTF standards; and

(c) In specific plan areas, except for those located within scenic corridors, scenic parkway specific plans areas and upon a roadway designated as a scenic highway within a specific plans areas.

(d) **Findings.** In making the findings in Section 12.24 E of this Code, to allow any variations from the Wireless Telecommunication Facilities Standards, the Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors. In addition to the findings otherwise required by this section, in approving a conditional use a Zoning Administrator shall also make the following findings:

(1) that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21A 20 of this Code; and

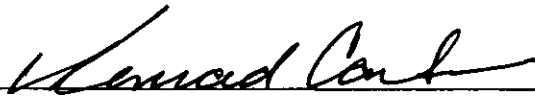
(2) that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.

(59510)

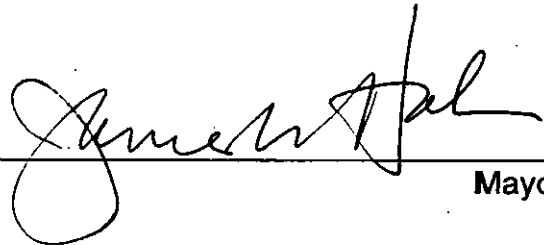
Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in a daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 17 2001.

J. MICHAEL CAREY, City Clerk

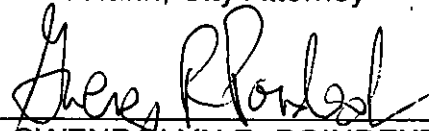
By 
Deputy

Approved JUL 30 2001


Mayor

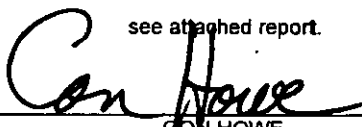
Approved as to Form and Legality

July 17, 2001
James K. Hahn, City Attorney

By 
GWENDOLYN R. POINDEXTER
Assistant City Attorney

Pursuant to Charter Section 559, I disapprove this ordinance and do not recommend its adoption on behalf of the City Planning Commission

June 14, 2001

see attached report.

DON HOWE
Director of Planning

File No. CF 99-0296 / CPC 99-0198