

RESOLUTION NO. 19-0044

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ESTABLISHING DESIGN, LOCATION AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHT OF WAY, AS AUTHORIZED BY MUNICIPAL CODE CHAPTER 13.04

**RECITALS**

1. Manhattan Beach Municipal Code Chapter 13.04 governs the permitting, installation, and regulation of wireless facilities in the City's public right of way (ROW);

2. Chapter 13.04 authorizes the City to develop and implement acceptable design, location and development standards for wireless facilities in the ROW, taking into account the zoning districts bounding the ROW;

3. The City's ROW is a uniquely valuable public resource, closely linked with the City's character, making the regulation of wireless installations in the ROW necessary to protect and preserve the aesthetics in the community;

4. Being authorized to do so, the City wishes to establish design and development standards applicable to wireless installations in the ROW; and

5. On April 16, 2019, the City Council conducted a duly noticed public meeting and received comments from all interested parties regarding the design and development standards.

**NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council hereby adopts the following design, location and development standards for wireless facilities in the ROW:

1. **DEFINITIONS.** The definitions set forth in Municipal Code Chapter 13.04 are incorporated by reference into this Resolution. For purposes of this Resolution, the term "pole-mounted facility" means a wireless facility that is, or is proposed to be, attached to, contained in or on, or otherwise mounted to, in, or on a pole.

2. **PRE-APPLICATION MEETING.** Prior to filing an application for a wireless encroachment permit, an applicant is strongly encouraged to schedule a pre-application meeting with the Director to discuss the proposed facility, the requirements of Municipal Code Chapter 13.04 and applicable resolutions and any potential impacts of the proposed facility. This voluntary, pre-submittal meeting does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion. Following the meeting, City staff may provide the applicant with a list of items/changes needed, or accept the application for processing. All other application submittals shall be made by appointment only.

### **3. DESIGN AND DEVELOPMENT STANDARDS FOR ALL FACILITIES.**

The following design and development standards shall apply to all wireless facilities in the ROW except for eligible facilities requests:

#### **A. Visual Criteria.**

1. Generally. Wireless facilities shall be designed in the least visible means possible and to be compatible with support structure/surroundings, such as color, materials, size, scale. If this is not possible, the applicant may be required to replace other poles in the area in order to create a uniform look. Replacement requirements shall be within the reasonable discretion of the Director.
2. Height. Wireless facilities shall be located no higher than 10% or 10 feet, whichever is greater, than the height otherwise permitted in the immediately adjacent zoning district, except as necessary to comply with CPUC General Order 95.
3. Concealment. To avoid additional visual clutter particularly in underground utility districts, the preferred method of concealment for wireless facilities is placement of equipment underground to the maximum extent feasible. The wireless facility and pole-mounted accessory equipment shall be camouflaged with use of one or more concealment elements to blend the facility with surrounding materials and colors of the adjacent street light or utility pole to which it is mounted. Concealment elements include:
  - a. Radio frequency transparent screening;
  - b. Approved, specific colors;
  - c. Use of non-reflective material(s);
  - d. Minimizing the size of the site;
  - e. Integrating the installation into existing or replacement utility infrastructure;
  - f. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site;
  - g. Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent structure;
  - h. Paint shall be of durable quality;

- i. Planting landscaping materials, or installing a hardscape or other material that will blend the facility with the existing utility components and/or adjoining area.
4. Materials. Materials shall be non-flammable and non-reflective.
5. Any modifications to existing facilities or collocations shall not defeat the concealment elements of the existing structure/facility.
6. Planting of additional street trees or landscaping may be required to screen views of wireless telecommunication facilities. The specific types of trees landscaping shall be subject to the approval of the City.

## **B. Location and Placement.**

1. Generally. All wireless facilities in the ROW, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW. The placement and installation of any new support structure pole shall comply with all applicable ADA accessibility standards and Public Works Department standards.
2. Allowable Locations.
  - a. Allowable locations for wireless facilities, including distributed antenna system (DAS) nodes, are on existing or replacement infrastructure such as street lights and utility poles.
  - b. When locating in an alley, the wireless facility shall be placed at a height above the roof line of adjacent buildings to avoid being placed adjacent to a window.
  - c. When choosing locations, choose locations in between occupiable buildings rather than immediately adjacent to occupiable buildings, and not adjacent to a window.
  - d. If the wireless facility is not able to be placed on existing infrastructure, the applicant shall provide a map of existing infrastructure in the applicant's target service area and describe why each such site was not feasible.
3. Preferred Locations.

Right of way locations in commercial areas shall be preferred and must be considered before other locations in the City. Right of way locations in residential areas are subject to the following order of descending preference:

- a. Signalized intersections.
  - b. Non-signalized intersections with existing “cobra head” street lamps.
  - c. Streets with existing “cobra head” street lamps.
  - d. All other residential areas.
4. Wireless facilities are prohibited in the following locations:
- a. Within 200 feet of any public or private school.
  - b. In any median.
5. Facilities on Walk Streets and The Strand. No wireless encroachment permit shall be issued for a wireless facility to be placed within the right of way of a walk street or The Strand unless the findings in Municipal Code Section 13.02.030.E can be made.
6. When all other allowable infrastructure sites such as street lights or utility poles have been exhausted and new infrastructure is not feasible, the applicant may request the installation of a new pole, camouflaged by City approved methods as set forth in this resolution. If a new support structure pole is proposed, the structure must include an operable streetlight or traffic signal pole. New support structures must be reasonably located according to the existing pattern of streetlights or traffic signal poles.
7. Artificial Trees. Installation of monopalms or other artificial trees or plants in the ROW are prohibited.
8. Security Measures. Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism. The Director shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures.

**C. Generators and Batteries.**

1. Generators and Batteries. Generators are prohibited in the ROW. If backup batteries are proposed, they must be located underground where technically feasible.

**D. Electric Service.**

1. Utilize unmetered (flat rate) electric service, if allowed by the utility

company, or use the narrowest electric meter and disconnect available. Ensure meter and other enclosures are well maintained, including regular painting, and the use of a graffiti-resistant paint. Stack the disconnect switch above/below the meter, instead of attached to the side of the meter.

2. Electrical meters, vaults and fans shall be located in the least visually obtrusive location such as underground where technically feasible.

- E. Safety.** The facility shall not interfere with the use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW.
- F. Noise.** All wireless facilities shall be designed to be compliant with the City Noise Ordinance pursuant to Municipal Code Chapter 5.48 and all other applicable laws.
- G. Lighting.** Lighting is prohibited unless required by the Federal Aviation Administration or other applicable law.
- H. Signs.**
1. The facility shall contain a site identification sticker provided on the base station or pole with a valid wireless encroachment permit number.
  2. The facility shall not bear any signs or advertising devices other than the site identification sticker with a valid wireless encroachment permit number, certification, public safety warning, or other required seals or required signage.
  3. Remove or paint over unnecessary equipment manufacturer decals and fill-in any visibly depressed manufacturer logos on equipment.
  4. Utilize the smallest and lowest visibility stickers required by government or electric utility regulations. Use sticker colors that are more muted.
  5. Signage shall be maintained in legible condition and the carrier will be required to replace any faded signage within 30 days of receiving written notification from the City that it is in need of replacing.
- I. Landscaping.** Any existing landscaping proposed to be removed must be replaced with like kind/size or better in a ROW location deemed acceptable by the Director. If there is ground mounted equipment surrounded by permeable surface, it is strongly encouraged that the permeable surfaces be landscaped to the maximum extent feasible, including associated irrigation systems, in a manner that screens the facility/equipment.

- J. Cabling.** Cabling and wiring shall be run internally within all poles to the maximum extent feasible. Where it is not feasible to run cabling and wiring internally, then all cabling and wiring shall be contained in conduit, affixed directly to the face of the pole, for as long as it is technically feasible. Exposed slack or extra cable is prohibited, and any existing exposed slack or extra cable shall be concealed or eliminated, where feasible.

**4. DESIGN AND DEVELOPMENT STANDARDS FOR POLE-MOUNTED FACILITIES.** In addition to the generally applicable standards set forth in section 3 of this Resolution, the design and development standards for pole-mounted facilities in the ROW, except for eligible facilities requests are as follows:

**A. Poles, Generally.** For facilities installed on any pole:

1. Certain Types Prohibited. No historic resource or decorative and/or unique street lights or decorative structures are eligible for wireless facility installations.
2. Placement. A minimum five-foot horizontal radius from the base of the pole and a minimum eight foot vertical clearance from the ground shall remain clear of obstructions to maintain pedestrian passage.
3. Wind and seismic load requirements shall comply with applicable sections of the City's Building Code, other applicable codes and Public Works standards, and any applicable California Public Utilities Commission (CPUC) General Orders.

**B. Street Light Poles.**

1. Where technically feasible, Antennas shall be installed in a pole-top shroud and shall be of a tubular/cylindrical form factor no wider than the pole. Associated equipment shall also be installed in the same pole-top shroud or underground if technically feasible. Where not technically feasible, the accessory equipment must be attached to the pole. The streetlight pole shall be equipped with top-of-pole mounting bracket to accommodate the wireless facility; base shrouds and shrouds mounted to the side of the pole are prohibited.

**C. Utility Poles.**

1. Joint-Use Poles. No antenna owner or operator shall install an antenna or any related facility on a joint-use pole unless such installation is designed and constructed to comply with the current edition of CPUC General Order 95 rules and regulation, and is installed and designed in accordance with these standards.

2. Accessory Equipment.

- a. Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent pole. Paint shall be of durable quality.
- b. The use of equipment and enclosures that are nearly the same width as the pole, even if they need to be slightly longer as a result, is required where technically feasible. Narrow enclosures that are less likely to impair views of buildings and scenic resources or to detract from streetscapes are required. Utilize equipment mounting base plates that are no wider than the pole.
- c. While equipment orientation may be limited due to operating requirements, utility, or State rules, depending on pole type, orienting equipment facing away from the nearest residential windows, and/or the primary travel direction, is required.
- d. Stack equipment close together and on the same side of the pole. If a long rectangular disconnect switch is used, rotate the enclosure so the elements can be stacked closer together on the pole. Wide offsets (more than 4 inches) of equipment enclosure brackets from the pole are prohibited.

**D. Replacement Poles and Street Lights.** If an applicant proposes a replacement pole or street light to accommodate the facility the replacement shall be in the same location as the street light or pole being replaced. If the replacement will not meet pole owner safety-related requirements or all applicable location and placement standards herein, replacement may be located in an alternative location as close to the original location as possible that complies with the requirements herein.

**E. New Poles.** In addition to the requirements of Municipal Code Section 13.04.060(b), if a new pole is authorized the design must match the dimensions and design of existing and similar types of poles in the surrounding ROW.

**SECTION 2.** The Director of Public Works is authorized to make interpretations of this Resolution and to promulgate regulations to implement Municipal Code Chapter 13.04 and this Resolution.

**SECTION 3.** If any provision of this Resolution or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Resolution that can be given effect without the invalid provision or application, and to this extent, the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

**SECTION 4.** The Mayor shall sign and the City Clerk shall attest to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution will become effective immediately upon adoption.

ADOPTED on April 16, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

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STEVEN A. NAPOLITANO  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk