

RESOLUTION NO. [REDACTED]

**A RESOLUTION OF THE CITY OF HERMOSA BEACH,
CALIFORNIA ESTABLISHING DESIGN AND
DEVELOPMENT STANDARDS FOR WIRELESS
FACILITIES IN THE PUBLIC RIGHT OF WAY, AS
AUTHORIZED BY HBMC CHAPTER 12.18**

SECTION 1. RECITALS.

1. Chapter 12.18 of the Hermosa Beach Municipal Code governs the permitting, installation, and regulation of wireless facilities in the City's public right of way (ROW).
2. Chapter 12.18 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.
5. On February 26, 2018, the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the design and development standards.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH
DOES RESOLVE AS FOLLOWS:**

SECTION 2. APPLICATIONS.

- A. **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 Hermosa Beach Municipal Code (HBMC) Chapter 12.18 and this Resolution and any potential impacts of the proposed facility. 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.

SECTION 3. DEFINITIONS. The definitions set forth in Chapter 12.18 of the HBMC 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.

SECTION 4. 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.
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.
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.

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.
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. When locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings.
 - 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. 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.
4. Artificial Trees. Installation of monopalms or other artificial trees or plants in the ROW are prohibited.
5. Prohibited Locations/Zones include The Strand as defined in HBMC 12.20 and the Pier Plaza.
6. Strand-Mounted Facilities are prohibited.

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 Chapter 8.24 of the HBMC 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.
- J. 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.
- K. **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.

SECTION 5. DESIGN AND DEVELOPMENT STANDARDS FOR POLE-MOUNTED FACILITIES. In addition to the generally applicable standards set forth in Section 4 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. Installations on traffic poles are prohibited.
 2. **Placement.** A minimum five (5) foot horizontal radius from the base of the pole and a minimum 8 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 (Title 15) 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. Accessory Equipment shall also be installed in the same pole-top shroud or

underground if technically feasible. Where not technically feasible, the Accessory Equipment may be attached to the pole. The streetlight pole shall be equipped with top-of-pole mounting bracket to accommodate the wireless facility and 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:

1. Placement. The replacement shall be in the same location as the street light or pole being replaced; unless the replacement will not meet pole owner safety-related requirements or all applicable location and placement standards herein, then 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.

1. In the event that a waiver is issued under HBMC Section 12.18.060(b), a new pole may be authorized in accordance with the following standards:
 - a. Design. The design must match the dimensions and design of existing and similar types of poles in the surrounding ROW.

SECTION 6. The Director of Public Works is authorized to make interpretations of this Resolution and to promulgate regulations to implement HBMC Chapter 12.18 and this Resolution.

SECTION 7. This Resolution is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Most of the terms and scope of City discretion are guided by existing State and Federal law. The City’s Ordinance (Chapter 12.18) creates an administrative process to process requests for wireless facilities in the ROW and the City’s discretion with these applications is limited. This resolution sets forth the design standards for those wireless facilities to protect the aesthetic interests and ensure a safe and accessible right of way. These standards do not authorize any specific development or installation on any specific piece of property within the City’s boundaries, most of which will be placed on existing infrastructure. Alternatively, even if the Resolution is a “project” within the meaning of State CEQA Guidelines Section 15378, the Resolution is exempt from CEQA on multiple grounds. First, the Resolution is exempt from CEQA because the City Council’s adoption of the Resolution is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). This Resolution creates design standards for wireless carriers to place facilities in the ROW, often on existing infrastructure. Moreover, in the event that the Resolution is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the ROW and subject to these various siting and design preferences to prevent aesthetic impact to the extent feasible.

SECTION 8. 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 9. 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.

SECTION 10. This Resolution shall take effect immediately. The City Clerk shall

certify to the passage and adoption of this Resolution, shall cause the original of the same to be entered among the original resolutions of the City Council, and shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2019

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney