

# City of Monrovia

## Wireless Telecommunications Facilities Ordinance Update

Ordinance 2021-09  
Ordinance 2021-10



November 2, 2021



# Evolution of Wireless Technology



1980s  
1<sup>st</sup> Generation



5<sup>th</sup>  
Present  
Generation

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1980s  
1<sup>st</sup> Generation

Present  
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# Limited Regulatory Authority

## Federal Restrictions

- Telecommunications Act of 1996
- Middle Class Tax Relief and Jobs Creation Act of 2012
- FCC Shot Clock and Small Cell Orders
- Federal Court Decisions

## State Law

- Public Utilities Code sections 7901 and 7901.1
- California Telecommunications Infrastructure Development Act
- Rules, Orders, and Certificates of the CPUC
- State Court Decisions



# Limited Regulatory Authority

## State and Local Agencies..

- Shall not Effectively Prohibit Telecommunication Service
- Shall not Discriminate among Providers
- Shall not Consider Radio Frequency (RF) Emissions
- Shall Act Promptly within “Shot Clock Periods”
- Shall base decisions on substantial evidence



# Purpose of Update

## To make sure Monrovia standards

- Are in compliance with current Federal and State regulations,
  - *City Ordinance last amended in 2011*
- Address advances in technology,
- Facilitate comprehensive coverage, and
- Minimize aesthetic impacts to extent permitted by law.



# Monrovia Wireless Ordinance Update

- **Ordinance No. 2021-09** addresses proposals within the public rights-of-way (streets, alleys, and sidewalks) Title 12
- **Ordinance No. 2021-10** addresses proposals on private property and public property outside of the public rights-of-way. Title 17
- **Key Changes**
  - New and Updated Terminology
  - Application Requirements
  - Design Standards
  - Expedited Approval Process



# New Definitions and Terminology

- **Major Wireless Facilities or MWFs**
  - Typically installed on private property on large structures.
    - Building Mounted, Pole Mounted, Stealth or other Concealment Structures.
  - Provide low frequency coverage for miles.





# New Definitions and Terminology

- **Small Wireless Facilities or SWFs**
  - Primarily located on existing or replacement utility poles in the public ROW.
  - Smaller in size (Less than 50 feet tall, antenna panels not more than 3 cubic feet, all other equipment not more than 28 cubic feet.)
  - Provide high frequency coverage over about 200 - 500 feet.



# New Definitions and Terminology

- **Major/Small Collocation Wireless Facilities**
  - Generally occur on or adjacent to existing Major Wireless Facility
  - Allows more than one carrier on a facility.



# New Definitions and Terminology

- **Emergency Standby Generators (Cal Gov. Code Section 65850.75)**
  - Shall be allowed by right on Major Wireless Facilities if it meets certain requirements:
    - Rated below 50 horsepower,
    - Compliant with Air Quality standards,
    - Double wall storage tank not to exceed 300 gallons, and
    - Tank and Generator cannot exceed 250 cubic feet.

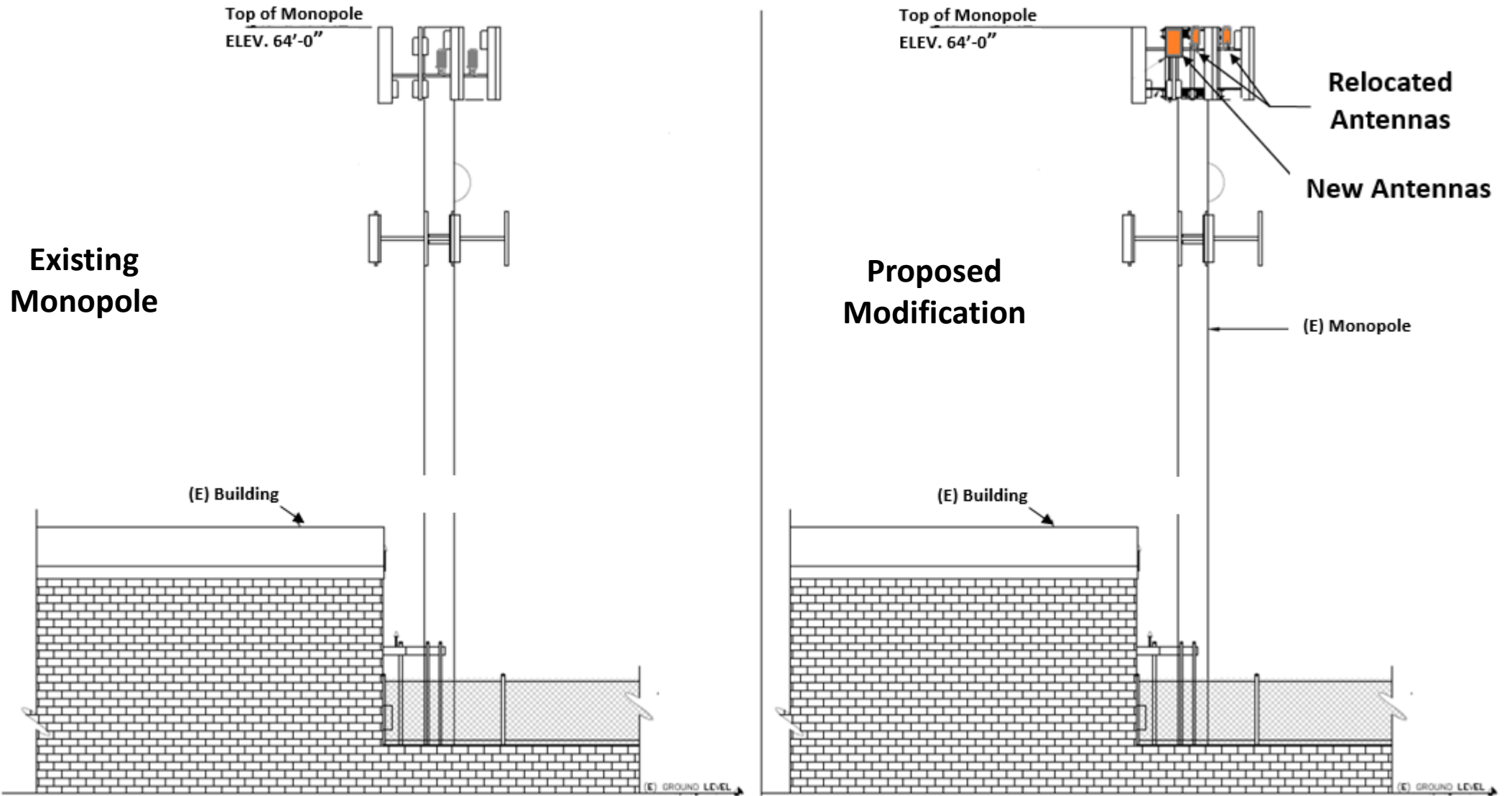


# New Definitions and Terminology

- **Eligible Facilities Requests (*6409(a) of Spectrum Act*)**
  - Modifications to existing facilities that are not considered a *substantial change* to original approval. Therefore, must be approved administratively within 60 days.
  - Parameters: not to exceed 10% of overall height, or height of one additional antenna array with a separation of not more than 20 feet, installation of not more than 4 additional equipment cabinets, etc.



# Example: Eligible Facilities Request



# Shot Clocks

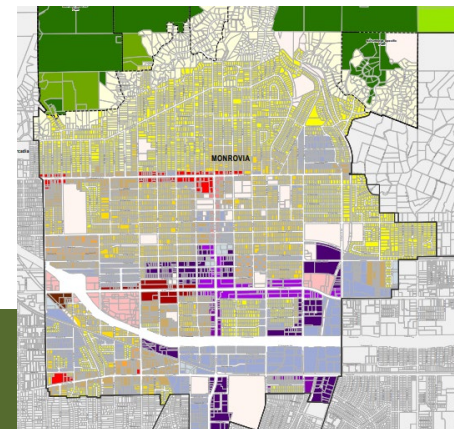


- “Shot Clock” rules establish timeframes for which a City has to act on an application.
  - Range from 60 days to 150 days depending on application type.
  - Include time limits to complete first review and subsequent reviews.
  - Defines when Clock can be “reset” or “tolled”



# Location Preference Requirements

- **“Preferred Locations”** listed by zones in order of City preference.
  - All of the City’s Commercial, Manufacturing, Industrial, and Public/Quasi Public zones
- **“Discouraged Locations”** (Not “Prohibited Locations”)
  - Residential and Hillside zones
  - Public property abutting Residential areas
  - Non-residential developed with residential use(s)
  - Any property that property that is a local, state, or national historic landmark or district.



Private and Public Property outside  
the Public R.O.W Installations





# Development & Design Standards

## Title 17 (Zoning)

- Shall be designed to minimize visual, auditory, olfactory, circulation, traffic, and aesthetic impacts on surrounding community.
  - Camouflaging / Screening / Architectural Compatibility
- Maximum Height when tower mounted
  - 60 feet in Preferred Locations
  - 45 feet in Discouraged Locations
  - Shall not be located within two times its height from the public ROW
- Removal of Required Parking not permitted





# ROW Location Preference Requirements

- **“Preferred Locations”** – existing infrastructure such as utility poles or street lights (without signals)
- **“Prohibited Locations”**
  - On decorative lighting or pole surrounded by or adjacent to Historic Commercial Downtown.
  - In PROW that abuts a historic landmark or district



# Development & Design Standards

Title 12 (Streets,  
Sidewalks, and  
Other Public  
Places)

- Shall be designed to minimize visual clutter, reduce noise impacts, and other impacts on surrounding community.
  - Designed to occupy the least amount of area feasible.
  - Incorporate concealment or stealth elements
  - Non-antenna equipment shall be installed underground to extent technologically feasible.
  - Placement shall not impede pedestrian or vehicular traffic.



# Application Requirements (Title 17)

	Residential and Hillside Zones	Commercial, Industrial, Public Quasi Public	Historic Commercial Downtown
Small Wireless Facility	CUP /Exception	Administrative Review	CUP /Exception
Major Wireless Facility	CUP /Exception	CUP	CUP /Exception
Small Wireless Collocation	CUP /Exception	Administrative Review	CUP /Exception
Major Wireless Collocation	CUP /Exception	CUP	CUP /Exception
Eligible Facilities Request	Administrative Review	Administrative Review	Administrative Review
Emergency Power Generator (AB 2421)	Administrative Review	Administrative Review	Administrative Review
Emergency Power Generator (NON AB 2421)	mCUP	mCUP	mCUP



# Application Requirements (Title 12)

- No public hearing or notice required.
  - All applications subject to review and approval by the Director of Community Development or Public Works.
- Less design purview
- Very short Approval Periods apply.



# Procedures for Exceptions

- **Findings for Approval of Exceptions**
  - Compliance with a particular requirement is technologically infeasible.
  - Due to unique circumstances the strict application of the requirements would deprive the applicant of privileges enjoyed by other permittees in the vicinity operating a similar wireless telecommunications facility.
  - Denial of the facility as proposed would violate federal law, state law, or both.
  - A provision of this Chapter, as applied to applicant, would deprive the applicant of its rights under state and/or federal law.



# Public Comments

- September 23, 2021 Draft Ordinances Routed to Wireless Providers
- Comments received from:
  - T-Mobile
  - AT&T
  - Crown Castle
  - Verizon



# City of Monrovia

## Questions

