

RESOLUTION NO. 2022-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA REVISING DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY, PURSUANT TO CULVER CITY MUNICIPAL CODE SECTION 11.20.065.E.4, AND FINDING SUCH AMENDMENTS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

WHEREAS, Culver City Municipal Code (CCMC) Section 11.20.065 contains the rules regarding the placement of wireless facilities in the public rights-of-way; and

WHEREAS, pursuant to CCMC Section 11.20.065.E.4, the City Council may establish standards applicable to wireless facilities to be placed in the public rights-of-way; and

WHEREAS, on August 26, 2019, the City Council approved Resolution No. 2019-R066, adopting the current *Design and Development Standards for Wireless Facilities in the Public Rights-of-Way* ("Design Standards"); and

WHEREAS, the City Council wishes to revise the current Design Standards; and

WHEREAS, on February 28, 2022, the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the proposed revisions to the current Design Standards; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City Council determined the amendments to the Design Standards are exempt from CEQA, as set forth in this Resolution; and

1 WHEREAS, all legal prerequisites to the adoption of the Resolution have
2 occurred.

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4 **NOW, THEREFORE**, the City Council of the City of Culver City, California,
5 **DOES HEREBY RESOLVE** as follows:

6 1. The City Council does hereby establish, pursuant to CCMC Section
7 11.20.065.E.4, the revised Design Standards contained in Exhibit A, attached hereto and
8 incorporated by reference as though fully set forth herein.
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10 2. *CEQA Exemption.* Pursuant to the foregoing recitations, the City
11 Council finds the amendments to the Design Standards are exempt from the California
12 Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), as it
13 can be seen with certainty there is no possibility the adoption of the Design Standards will
14 have a significant effect on the environment. The adoption of the Design Standards, by
15 itself, does not result in any direct physical changes in the environment, as it only
16 establishes standards and other conditions that may be applied to a subsequent project.
17 Once an application is filed, that application will be subject to further environmental review.
18 It is likely, however, that any applicable wireless facility installation would also be exempt
19 from CEQA in accordance with State CEQA Guidelines Sections 15302 (replacement or
20 reconstruction), 15303 (new construction or conversion of small structures), and/or 15304
21 (minor alterations to land).
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24 3. *Effective Date.* This Resolution shall become effective upon adoption.

25 a. *Applications submitted after Effective Date.* Any wireless facility
26 application received by the City after the Effective Date shall be subject
27 to the Design Standards contained in Exhibit A of this Resolution.
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b. *Applications submitted on or before Effective Date.* The Design Standards adopted by Resolution No. 2019-R066 shall continue to apply to any wireless facility applications received by the City on or before the Effective Date.

4. The adoption of this Resolution is not intended to abrogate the authority of the Public Works Director/City Engineer, pursuant to CCMC Sections 11.20.065.D.1.b and 11.20.065.D.1.c, to further develop and implement the Design Standards enacted herein.

APPROVED and ADOPTED this _____ day of _____, 2022.

DR. DANIEL LEE, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk



HEATHER S. BAKER, City Attorney

A22-00029



EXHIBIT A
DESIGN AND DEVELOPMENT STANDARDS FOR
WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

*The following Design and Development Standards are subject to change at any time
at the sole discretion of the City of Culver City (City)*

Chapter 11.20.065.D.1 of the Culver City Municipal Code (CCMC) governs the permitting, installation, and regulation of personal wireless services facilities in the City's public rights-of-way (PROW). Chapter 11.20.065.D.1 also authorizes the Public Works Director/City Engineer to develop and publish standards governing the placement and modification of wireless facilities, including regulations governing collocation, resolution of conflicting applications for placement of wireless facilities, and creating acceptable design and development standards for wireless facilities located in the PROW that protect and preserve community aesthetics and zoning districts.

SECTION 1. DEFINITIONS. The definitions set forth in Chapter 11.20.065.B of the CCMC are incorporated herein by reference. The following additional definitions apply to these Design and Development Standards:

A. "Technically Infeasible" means a circumstance in which the applicant has demonstrated that compliance with a specific requirement of these Design and Development Standards is impossible and not merely more difficult or expensive than a non-compliant alternative.

SECTION 2. DESIGN AND DEVELOPMENT STANDARDS. The intent of this section is: to require that wireless facilities and antennas are installed in a manner that will not create adverse aesthetic impacts on abutting and nearby properties; to protect scenic, historic, natural, or cultural resources of the City; to assure land use compatibility with properties adjacent to such wireless facilities; to minimize negative visual, noise and aesthetic impacts; and to protect the general safety, welfare, and quality of life of the community. The following design and development standards shall apply to all wireless facilities in the PROW

A. Visual Criteria

1. Undergrounding of all wireless facilities, except for antennas (and antennas with radios that are manufactured together as one piece of equipment), radios enclosed in a shroud, and structures (e.g., poles, towers and conduit) needed to physically support or connect the antennas, is required in Underground Districts and strongly preferred everywhere else. Where above-ground facilities will be installed, utilization of equipment mounting base plates and equipment enclosures that are no wider than the greater of 18 inches or the

width of the existing pole, and therefore less likely to detract from views of scenic streetscapes, are preferred. Camouflaging and integrating above-ground wireless facilities by using non-reflective materials and colors that blend in with their surroundings is required. When placed above-ground, wireless equipment shall either be completely contained and concealed within the interior of an integrated streetlight, be contained within an above ground pedestal, or when technically feasible attached within a shroud at the top of an existing streetlight or utility pole in a manner where their protrusion is minimized. Above ground pedestal cabinets in the Transit Oriented Development District and Downtown District require photo- wrapping to camouflage them. New pole installations shall be substantially similar in type, height, color and texture as the other poles in the immediate area.

B. Location and Design

1. Traffic Signals: Attaching wireless facilities to City-owned traffic signal poles is permitted under the following conditions:
 - a. Installations on all traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as traffic signals, traffic signs, traffic signal preemption devices, cameras, street light luminaries, hanging flower planters, flags, and/or banners. Installation of small cell facilities on any traffic signal structure shall
 - (i) not obstruct the safe operation of traffic control; and
 - (ii) be encased in a separate conduit than the traffic signal electronics; and
 - (iii) have an electric power connection, that is fully contained within the pole, that is separate from the traffic signal's electric power connection; and
 - (iv) have a separate pull box from the traffic signal; and
 - (v) not interfere with driver or pedestrian sight lines for vehicles or pedestrians.

2. Undergrounding: Except for antennas, antennas and radios that are manufactured together as one piece of equipment, radios enclosed in a shroud, and structures (e.g. poles, towers and conduit) needed to physically support or connect the antennas, undergrounding of wireless facilities in Underground Districts is required.
3. Sharing: Sharing of equipment location by wireless infrastructure providers is preferred within underground vaults, in above-ground pedestal cabinets, integrated streetlights and within integrated Stand-Alone poles. However, to avoid excessive visual clutter, sharing is undesirable on utility-owned poles, except for utility-owned poles located in alleys.
4. Traffic Sign Posts: Attachments to stop sign or other traffic sign posts are prohibited. However, wireless infrastructure providers may propose their removal and replacement with a Stand-Alone Pole pursuant to Section 2.B.5.e of these Design and Development Standards, provided that the new Stand-Alone Pole has the capability of attaching one or more traffic signs or banners to it.
5. Design/Styling Guidelines:
 - a. Pedestal Cabinets: Pedestal Cabinets are prohibited in Underground Districts.

When wireless facilities cannot be placed underground or be integrated into a pole, the radios, meter, batteries, fiber optic cable connections and other equipment shall be contained within the smallest pedestal cabinet available that will accommodate the equipment. In the Transit Oriented Development District and in those City Business Improvement Districts that require it, pedestal cabinets will be camouflaged. This may be in the form of photo- wrapping or other method as established for each Business Improvement District by the City. In those Business Improvement Districts that require photo- wraps such as in Downtown, they shall use photographs of the adjacent physical surroundings to create photo-wraps that minimize the cabinets' visual impact in a manner consistent with Section A.1 of these Design and Development Standards.

Below are examples of appropriately wrapped pedestal cabinets:



b. Utility-Owned Pole Mounts:

- (i) Antennas installed on utility-owned poles or on aerial cables:
 - (A) Antennas shall be attached to the very top of the pole unless the proposed facility is exempt from this requirement to top-mount the antenna pursuant to the provisions of Section 3 (Exemptions).
 - (B) Shall be contained within a shroud of the same color as the pole. When it is technically infeasible to shroud the antennas, they must simulate the same material and color as the existing utility pole and be stacked vertically.
 - (C) Must use conduit, concealing all cables leading to the antenna, which is the same color as the pole their being attached to.
 - (D) Antennas and radios may also be strand-mounted.
 - (E) Antennas and/or radios may also be mounted on a cross-arm, with each antenna unit separated at the minimum required by G.O. 95.

- (ii) Radios must either be:
 - (A) Enclosed within a shroud that matches the color of the utility pole and be mounted at the very top of the utility pole in a manner that minimizes their protrusion;
 - (B) Placed on the side of the pole and enclosed within a vertical shroud the minimum width to safely accommodate radios and cables; or,
 - (C) Strand-mounted on aerial fiber optic cables, which are encouraged in non-residential zones, residential backyard easements and in alleys.
- (1) When it is technically infeasible to shroud the radios, they must simulate the same material and color as the existing utility pole and be stacked vertically.

Below is an example of an acceptable antenna and radio enclosed within a shroud that is attached to the very top of the pole that matches its color:



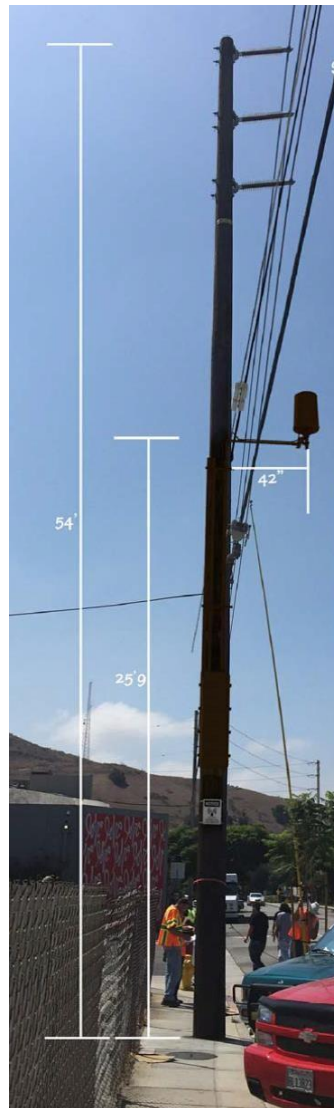


Below is an example of an acceptable radio and antenna strand-mounted on aerial fiber optic cable:



When an applicant can demonstrate that it is i) infeasible to attach their antenna and radio to the top of a utility pole; **and** ii) it is infeasible to attach to or replace a nearby streetlight, then the antenna and radio may be placed mid-pole on the utility pole. If an applicant cannot place their antenna and radio to the top of a utility pole, streetlight or mid-pole, then they may be strand mounted.

Below is an example of an acceptable radio and antenna that are mounted mid-pole on a utility pole containing electric transmission lines:



- c. City-owned streetlights: Radios and antennas may be attached to a City streetlight under the following conditions:
- (i) All equipment shall be attached to the very top of the pole.
 - (ii) All cables, radios and antennas shall be contained within a shroud where technically feasible that simulates the same material and color as the existing pole, with cut-outs required for signal propagation.
 - (A) When it is technically infeasible to shroud the radio and/or antenna, they must simulate the same material and color as the existing streetlight pole and be stacked vertically.
 - (iii) The following is an example of acceptable cable, radio and antenna installations contained within a shroud that simulate the material and color of the existing streetlight pole:



d. Subject to City's approval and execution of a separate agreement, wireless infrastructure providers may remove existing City-owned streetlights and replace them with integrated streetlight poles that contain all of the wireless infrastructure provider's equipment concealed within their interior, so long as the replacement streetlight and pole is substantially similar in type, taper, height, color and texture to the City streetlight being replaced.

(i) Samples of Acceptable Integrated Streetlight Replacement Poles. Though other integrated streetlights may be acceptable to the City, the following are samples of facilities which the City finds to be acceptable:

(A) Cobra Head: Samples of an acceptable cobra head Integrated Streetlight Replacement Pole is the Smart Fusion Line manufactured by American Tower and others are depicted below:



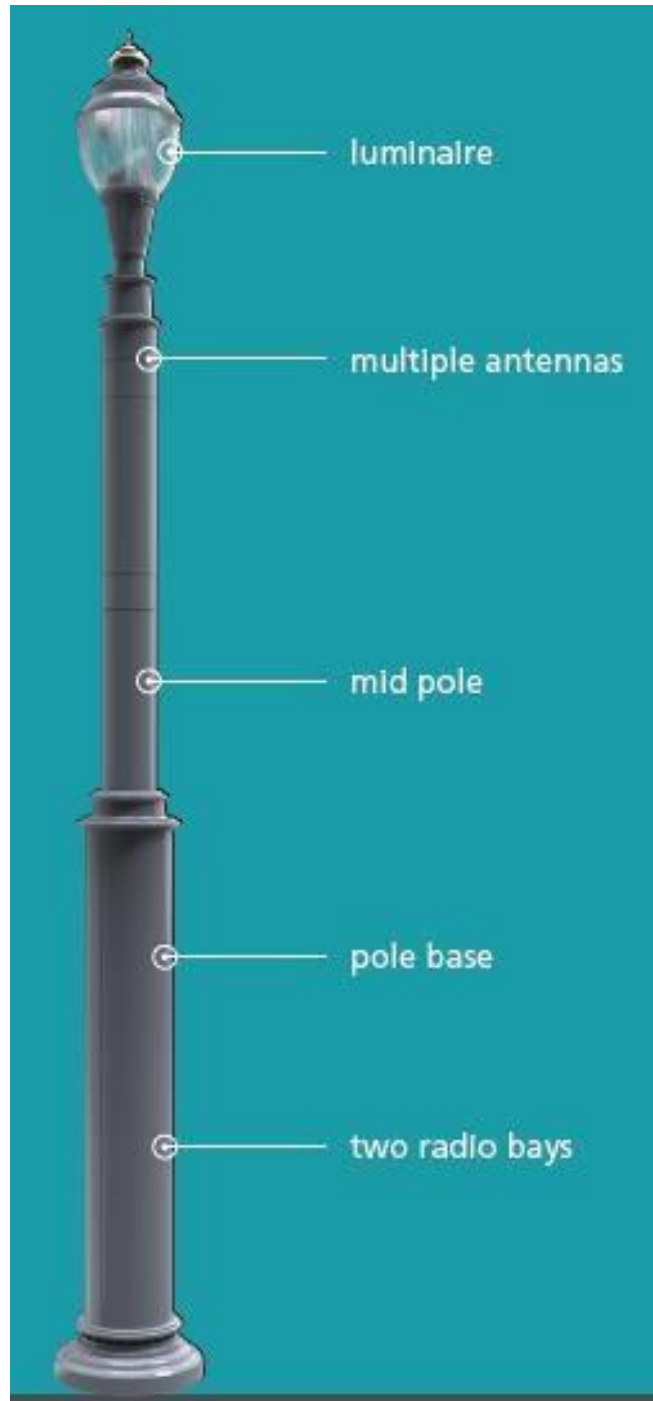




Davit Streetlight: Samples of an acceptable Davit Integrated Streetlight Replacement Pole is the one manufactured by Conceal Fab and others are depicted below:



Single Acorn: An example of an acceptable single acorn Integrated Streetlight Replacement Pole is the Smart Fusion Line manufactured by American Tower, depicted below:



Double Acorn: An example of an acceptable double acorn Integrated Streetlight Replacement Pole is the Concealment Pole Line manufactured by Conceal Fab, depicted below:



(The photograph above is intended to depict the whole pole from top to bottom however, it includes a single acorn luminaire instead of double.)

- e. New Stand-Alone Poles: A Stand-Alone Pole is one that is owned and maintained by the Wireless Infrastructure Provider. Pursuant to CCMC Section 11.20.065.D.k all applications proposing the installation of a Stand-Alone Pole may be referred to the City Council for review and decision, which review is triggered when the Public Works Director / City Engineer determines that the Wireless Infrastructure Provider has failed to adequately demonstrate that all other options are technically infeasible to implement. Stand-Alone Poles must contain all of the wireless infrastructure provider's equipment concealed within their interior and be substantially similar in type, height, color and texture as the other poles located in the immediate area. Any of the integrated streetlight poles identified in Section 2.B.5.d of these Design Standards are available from their manufacturers without their luminaires and may be proposed for use as Stand-Alone Poles. Stand- Alone Poles are not required to be equipped with a luminaire.

C. Placement

Placement preferences are listed below for zones (in Sect. 2.C.1), roadways (in Sect. 2.C.2) and locations (in Sect. 2.C.3). An applicant may use a less-preferred zone, roadway or location only if no preferred option is available and technically feasible.

1. Wireless facilities in the PROW shall be installed in the following order or preference, listed from the most-preferred zone to the least preferred zone:

- i) Non-residential zones, e.g. Industrial, commercial;
- ii) Residential zones, including mixed-use commercial zones that permit residential uses.

The City's Zoning Map adopted by City Council Resolution shall be used to determine the applicable zone for PROW locations and CCMC Section 17.120.010 applies to resolve any uncertainty about the zone applicable for a particular site.

2. Within any particular zone, wireless facilities in the PROW shall be installed on the various roadway types in the following order of preference, listed from the most-preferred roadway type to the least preferred roadway type:

- i) Primary arterials;
- ii) Secondary arterials;
- iii) Neighborhood feeders;
- iv) Collector roads;
- v) Local streets;

3. Within any particular roadway, wireless facilities shall be installed in the following order of preference, listed from most to least preferred location:

- i) At intersections provided it is not directly in front of a window;
- ii) As close as feasible to shared property lines between two adjacent lots;
- iii) At other locations not directly in front of the windows of residences, businesses or occupiable buildings;
- iv) At other locations.

4. In any residential zoning district, no wireless facilities shall be located in the “front yard” or “back yard” meaning locations directly in front of the front side or the back side of residential buildings. Placements shall be as close as feasible to shared property lines between two adjacent lots.

5. Wireless facilities shall not be placed within 600 feet of i) a public or private school that minors attend, ii) a public playground, iii) a public park, and iv) a licensed childcare facility.

6. Wireless facilities shall not be placed at locations that obstruct scenic views within City-designated view preservation zones.

7. No wireless facility may encroach onto or over any private or other property outside the PROW without the property owner’s express written consent.

D. General Requirements

- 1. Conflicting Applications: Where applications to install wireless facilities conflict, colocation is encouraged. If colocation is not feasible, the site will be made available to the first applicant.
- 2. Permitting: An application must be submitted to obtain an Encroachment Permit to install any wireless facility in the PROW pursuant to Chapter 11.20.065.F of the CCMC.

3. Conditions of Approval: All the conditions of approval adopted by Resolution of the City Council pursuant to Chapter 11.20.065.H.1 of the CCMC are incorporated herein by reference.
4. Generators: Electric generators that support wireless facilities are prohibited in the PROW.
5. Electric Service: Above ground electric meter facilities are prohibited in Southern California Edison (SCE) territory. Wireless Infrastructure Providers shall execute a contract with SCE for service under their Wireless Technology Rate (WTR) Schedule. WTR equipment shall be installed below grade. To minimize the amount of above-ground equipment placed in the PROW, installation of electric meters is discouraged in Los Angeles Department of Water and Power (LADWP) territory. When necessary, the City will provide applicants a letter to submit to the LADWP stating that in every case, above-ground meter pedestals are visually intrusive, constrain the space, and are summarily rejected. However, where flat rate service is not offered in LADWP service areas and meters are required, use of the smallest available meter equipment, including smart meters, is desired. A smart meter is a meter that may be read wirelessly, allowing it to be placed at a higher location on the pole. If contained within an above-ground pedestal cabinet, the meter equipment placement shall conform to the requirements contained in Section 2.B.5.a of these Design and Development Standards.
6. Security: Installation designs shall prevent creating an attractive nuisance and shall deter incidents of graffiti, vandalism and unauthorized access such as climbing.
7. Safety: Wireless facilities cannot endanger public/property, impede the flow of vehicle or pedestrian traffic, obstruct clear sight lines for vehicle or non-vehicular traffic, impair the use of poles, traffic signs, traffic signals, outdoor dining areas, emergency facilities or result in a failure to comply with the Americans with Disabilities Act.
8. Signs: Except for signs or decals containing safety warnings, indicating ownership of equipment or required by federal, state or local law, installation of signs, including but not limited to advertising signs, is prohibited.

9. Landscaping: Wireless infrastructure providers are required to replace, in a manner consistent with surrounding landscaping or vegetation, any existing landscaping that is adversely impacted by installation of the providers' wireless facilities.
10. Modifications: Modifications to existing wireless facilities such as equipment replacements and collocations cannot have the effect of defeating the camouflaging and aesthetic objectives of the existing installation.
11. Noise: Operation of wireless facilities shall not create a nuisance as defined by Chapter 9.04 of the CCMC and shall comply with all noise regulations established in Chapter 9.07 of the CCMC.
12. Lighting:
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration (FAA) or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally-required lightning arresters and beacons shall be included when calculating the height of facilities.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhood.
 - d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and must deflect lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The City may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

SECTION 3. Exemptions:

Any request to be exempted from any of these Design and Development Standards must be made at the time an application is submitted, or when the need for the exemption is first determined after submittal and must include both the specific provision(s) from which the exemption is sought and the basis of the request, including all supporting evidence on which the applicant relies.

1. Exemptions to these Design and Development Standards will be granted only:
 - a. If a wireless infrastructure provider demonstrates that adherence to these standards is technically infeasible or would violate General Order No. 95 of the California Public Utilities Commission or some other pole owner requirement; or
 - b. If a wireless infrastructure provider establishes that a denial of its application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services or otherwise violate applicable laws or regulations; provided, however, that these standards are then waived only to the minimum extent required to avoid the involved prohibition or violation.