



February 1, 2016

City of Rancho Palos Verdes
30940 Hawthorne Blvd
Rancho Palos Verdes, CA 90275

Re: ROW Wireless Telecommunications Ordinance

To Whom It May Concern:

The California Wireless Association (CalWA) has been given the opportunity to provide feedback on the urgency ordinance relating to the installation of wireless telecommunications facilities in the public right-of-way (ROW). We at CalWA appreciate this opportunity and would like to add the following comments.

As a general matter, the referenced ordinance discourages deployment of wireless infrastructure in the ROW. This is in contrast to the growing trend in most municipalities, as well as at the federal level and at the state level in California. As Section 12.18.190(A) of the RPV ordinance indicates, federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services. Recognizing that new Wireless Telecommunication Facilities (WTF) must receive approval in some form, the trend in recent ordinances throughout California is to encourage deployment in the ROW. This is done through streamlined processes and a reduction in application requirements. The RPV ordinance, however, enacts significant restrictions and hurdles to deployments in the ROW, as well as uncertainty as to whether an application will be processed administratively or through planning commission approval.

Specifically, the most difficult and burdensome portions of the ordinance which are unnecessarily restrictive to the deployment of new wireless facilities include the following:

12.18.040(B)(1)(c), 12.18.040(B)(2)- By requiring that a that a proposed WTF be processed administratively only if it complies with all chapters of the ordinance while also allowing discretion to refer the same application to the Planning Commission, the City is harming the industry's ability to plan proposed facilities as to timelines and certainty. The more typical ordinance which encourages WTF deployments in the ROW will allow for more certain deployment through an administrative process so long as a few key factors, such as size and aesthetics, are adhered to.

12.18.040(F)- Prohibiting speculative equipment does not seem to advance any City objectives, while removing an option for a quicker installation of wireless facilities. Speculative equipment can be made to go through the same approval process as a carrier specific deployment, so the City's interests can be protected during the application and review. An approved site without a carrier, however, offers a significantly more certain and quicker method for wireless companies to enhance their network.

12.18.050(B)(6)- The requirement for a justification study increases the burden on the applicant while serving little City or public interest. It is well known, and generally agreed upon, that changes in technology and consumer behavior are driving a demand for more WTF's. New WTF's are generally aimed not at coverage gaps but to solve the demand for capacity that increased data consumption is driving. Put simply, a network with great coverage will still fail in a situation where too many individuals are attempting to use it. This has serious public safety implications, as even emergency calls can be disrupted by a network experiencing a lack of capacity.

12.18.050(B)(19)- Very similar to the requirement for a justification study, the written description regarding geographic service area and propagation maps increases costs and timelines for wireless carriers, but serves little purpose in helping the City make a decision as to approve or deny a proposed facility. This requirement does not properly envision the technological needs of the public over the next decade, and is instead a manner to unnecessarily delay new facilities. CalWA instead recommends the City implement measures to protect their aesthetic concerns, while allowing for more facility deployments in a quicker timeline. Constantly changing technology needs also results in great difficulty in forecasting the facility needs over the next couple years at time of application. This is especially difficult when a carrier can not reasonably forecast whether the WTF they are applying for will be approved.

12.18.050(B)(22)- Given the lengthy and comprehensive general application requirements of 12.18.050(B)(1-23), a 30 day mock up of the facility on site is additionally burdensome. The City will already have detailed engineering plans, photographs, equipment specifications, site plans, elevation plans, and visual impact analysis to help make such a decision.

Respectfully Submitted,

/s/ Sean Maddox

Sean Maddox
Regulatory Committee Co-Chair
California Wireless Association