

MEETING MINUTES
WIRELESS ANTENNA PUBLIC WORKSHOP
MONDAY DECEMBER 7, 2015 - 7:00 PM

City of Rancho Palos Verdes City Hall Community Room

ATTENDEES: Jeff Calvagna, Q. Sean Huang, John Freeman, Frank Yan, Connie Senoo, Marita Daly, Justina Krakowski, Brian Campbell (City Council), Shaun Baptiste (SoCalGas), Faviola Ochoa (SoCalGas), Albert Garcia (SoCalGas), Stephen Garcia (Crown Castle), Christy Marie Lopez (City Attorney's Office), Tripp May (Telecom Law Firm), Nicole Jules (RPV), Charles Eder (RPV)

The purpose of the meeting is to share and receive public comments on the draft Wireless Telecommunications Ordinance to be presented to City Council for adoption. The ordinance is an attempt to address issues that residents, city staff and wireless telecommunications applicants have experienced during the process of proposing and placing new facilities, including existing facility upgrades throughout the City. Utilities are entitled to install facilities within the public rights of way. The City, through its permit process, is entitled to impose "time, place, and manner" restrictions upon each applicant, within a timely manner. .

COMMUNITY COMMENTS:

General

- The regulations have been written very well. The draft ordinance is thorough and covers everything and is very detailed.
- Process is problematic: the process needs to include more public involvement. Anything that is unprecedented should go forward to the Planning Commission.
- Initial Decision should be from an aesthetics standpoint (location and appropriateness). The Planning Commission should be the front end of the process and decide this. Public Works would finish the process.
- The notification process should be revised. It needs to be clear. Residences want transparency. The ordinance should avoid the word "discretion" in any context.
- Planning Commission should review the sites in the context of Planning and Zoning. It should not be in the hands of the Traffic Safety Committee. Planning Commission hearings are televised as opposed to Traffic Safety Committee, which are not. It needs resident input. They should follow the process similar to the City of Palos Verdes Estates (PVE).
- Council Member Brian Campbell believes that the Planning Commission is not as busy and would be able to handle the extra responsibility.
- There should be a uniform policy on the "look" of the sites. Palos Verdes Estates has a uniform policy and the City should be following the same aesthetics as

PVE. PVE has a good checklist. City should adopt the best practices of other cities. Process should take no more than three rounds of checks from all entities.

- It was reiterated that Federal Law regulates the work and may not allow the City to interfere. The City's hands are tied by federal regulations.
- The City, however, can do something about illegal installations.
- Mr. Calvagna believes that the right tools are in the ordinance. The ordinance is great, but it needs to be "aggressively enforced." Otherwise, it is not as strong as it can be.
- Current non-conforming sites have a 10-year limit (when permit expires)
- The process should include retroactive beautification
- Residents want: RF Radiation questions answered, have a health study done, a report on the long-term effects, a way to keep facility to remain in compliance.
- Existing installations should have RF studies done every two years. Could this be added in the ordinance for compliance?
- Mr. Garcia (Crown Castle) stated that he could provide ambient tests for their existing facilities. Crown Castle offered independent studies.
- The Federal Communications Commission (FCC) only regulates thermal effects, so City may not regulate non-thermal effects.
- The proposed process currently would be to go to Public Works, then be reviewed by the telecom law firm (make suggestions), and back to Public Works.
- Public Works should decide on the need and Planning should decide on the aesthetics
- The process is weak on enforcement. Enforcement is critical.
- The language in the draft ordinance provides too much discretion.
- Residents want to require a 3rd Party Review, and make this a requirement, not a judgement call
- Try to create a General classification system (Tier 1, Tier 2, Tier 3,...) Tier 1 would be an objective criteria, Tier 2 would be subject to a public hearing. Here should be a provision also to speed up the process (perhaps "skip" Planning Commission review, if not necessarily needed)
- Ordinance should have a way to incentivize residents to propose locations of the sites, drawing a clear line on where to add these sites.
- Mr. Garcia added that Crown Castle always looks for the easier, least intrusive option. Mr. Garcia also stated that they have a License Agreement (Right of Way Use Agreement) with the City (originally under NextG)

COMMENTS REGARDING SOCAL GAS:

- Southern California Gas (SCG) has 18 total sites proposed (have installed these sites in over 200 cities)
- SCG has a Franchise Agreement (running from 2005-2030) to install their appurtenances and are covered under the CPUC. They are not subject to Rule

7901, or any telecommunications regulations. But they will comply with “Time, Place, and Manner” restrictions and not have “surprises” in the city.

- Council Member Campbell stated that he was at the meeting when Southern California Gas presented the sites, but have not heard about it since. Ms. Ochoa proposed that they can present to the City Council about the new proposals.
- SCG’s concerns about the new ordinance include:
 - Would they need to follow the landscaping requirement;
 - Are they held to the 10-year limitation?;
 - There was no recognition of the Franchise Agreement in the ordinance, will this ordinance threaten the agreement?;
 - Is the ordinance intended to address both Crown Castle and SCG?
- SCG intends to send written comments about new ordinance
- Residences surprised to see that new poles are part of the proposal. Original proposal did not mention the new poles.

ADDITIONAL COMMENTS:

- Mr. Calvagna does not want to derail the process , but wants a full-fledged effort and an incentive-based ordinance
- Councilman Campbell asked City to go look for a process that works and use it. Crown Castle offered to give a process that helps.
- Residences asked about view regulations and wanted it in the design guidelines. Could there be a Preferred Sites vs. Unpreferred Sites. City Attorney stated that this is not legally allowed.
- In terms of mock-ups, Crown Castle wants the mock-ups to be tangible, which means doing construction. Residences countered that there is no “real” notice, making the actual installation a surprise.
- The process needs to account for aesthetics prior to mock-up and it must pass a level of scrutiny before the mock up goes up.
- Public wants someone (possibly the telecom law firm)to “kill” any plan before it even goes to the public is it’s just a “crazy” proposal
- City should have informal guidelines (not needed in the ordinance and can be created by Staff)
- Residents wants standardization and a clear understanding of: underground vs. above-ground; inside/outside wires need to be distinguished in/on the poles depending on material (wood vs. other material); define the streets clearer.
- Resident had a question of the noise level. 7-11 cell towers have a decibel level of 60 dBA. Is the City now reducing it?

- Mr. Freeman's comments:
 - Can there be an executive summary between the old ordinance and new ordinance? (There was no previous ordinance)
 - An updated procedure to the document dated 2/19/13 (City stated that an updated application is coming)
 - Wants oversight of what's going on – Public needs to be involved
 - A status document for everyone to see. If there are 15 steps to the process, each proposed site should show which step it is currently in.
Wants to see all the complaints and other info.
- Residents asked if there was a separate ordinance now for amateur radio, antennas, tv antennas, etc...
- City Attorney explained the “shot clock” principle.
- City stated that Code Enforcement Division can go after the illegal installations.
- A GIS coded map is in the works. The City is still identifying the sites.
- A requested “future” map would be difficult to supply as site locations are dynamic, and would be very hard to predict future usage. Location is consumer driven.
- City invites comments and will review other entities.