

## MEMORANDUM

**TO:** OCTAVIO SILVA, DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT/ PLANNING MANAGER *O.S.*

**FROM:** JAEHEE YOON, SENIOR PLANNER *J*

**DATE:** OCTOBER 31, 2022

**SUBJECT:** 10-DAY REPORT ON THE CITY OF RANCHO PALOS VERDES MORATORIUM ON THE ENTITLEMENT, ESTABLISHMENT, EXPANSION, OR MODIFICATION OF ANTENNAS GOVERNED PURSUANT TO §17.76.020 (ANTENNAS) OF TITLE 17 (ZONING) OF THE RANCHO PALOS VERDES MUNICIPAL CODE AS REQUIRED BY GOVERNMENT CODE §65858(d).

### BACKGROUND

On October 4, 2022, pursuant to Government Code §§ 65858 and 36937, the City Council adopted Urgency Ordinance No. 665U, which imposed a temporary 45-day moratorium on the entitlement, establishment, expansion, or modification of antennas governed pursuant to § 17.76.020 (Antennas) of Title 17 (Zoning) of the Rancho Palos Verdes Municipal Code (RPVMC) in order to proceed with a comprehensive code update to the aforementioned section with new regulations governing antennas on private property based on current federal telecommunication laws. Please click [here](#) for the Staff Report.

Government Code § 65858 allows an initial 45-day moratorium to be extended for up to 10 months and 15 days after a duly noticed public hearing is held. As required by Government Code § 65858(d), the City must also produce a report 10 days prior to the Council's public consideration whether to extend the moratorium that describes the measures taken since enacting the urgency ordinance.

### MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF THE URGENCY ORDINANCE

1. City Staff has been working on a community engagement plan to receive input from stakeholders, including neighborhood Homeowners Associations, residents, and service providers, on appropriate amendment(s) to RPVMC § 17.76.020 (Antennas) with consideration to both commercial and noncommercial antennas, aesthetic and view impacts on neighboring properties, compliance with Federal

Communications Commission regulations, and other federal and state requirements.

2. The City is assembling a technical and legal team that will be needed to analyze and develop appropriate amendment(s) to RPVMC § 17.76.020.
3. City Staff has commenced the process to amend RPVMC § 17.76.020, including researching the potential impacts of the same on residential and commercial properties taking into consideration the requirements of law and the needs of the industry.
4. A draft code amendment will then need to be presented to the Planning Commission at a duly noticed Planning Commission meeting at the earliest opportunity.
5. The City has notified applicants of pending or potential applications regarding the enacted moratorium on antennas on private properties as the City will temporarily suspend or not accept new applications during the moratorium period.
6. The adoption of a comprehensive update to RPVMC § 17.76.020 will take time and careful consideration as well as input from various interested parties. Thus far, there has been insufficient time since enacting Ordinance No. 665U to complete this process in a timely manner to amend the code language.

### **CONTINUED NEED FOR THE MORATORIUM**

Despite Staffs' efforts, the conditions which necessitated adoption of the moratorium continue to exist at the present time and the moratorium is set to expire on November 18, 2022. Extending the moratorium will provide City Staff with necessary time to complete its analysis and research to develop appropriate regulations and ensure the protection of the public health, safety, and welfare. Therefore, a request to extend the moratorium period, will be presented before the City Council at its November 15, 2022 meeting.