



## MEMORANDUM

**TO:** OCTAVIO SILVA, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT *O.S.*

**FROM:** WHITNEY BERRY, ASSOCIATE PLANNER

**DATE:** AUGUST 4, 2023

**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 Interim 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.

On November 15, 2022, pursuant to Government Code § 65858 which 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, the City Council adopted Urgency Ordinance No. 670U, which extended the moratorium period for Urgency Ordinance No. 665U for an additional 10 months and 15 days. Please click [here](#) for the Staff Report.

Government Code § 65858 allows the moratorium to be subsequently extended for one additional year. As required by Government Code § 65858(d), the City must also produce a report 10 days prior to the City 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 (FCC) regulations, and other federal and state requirements.
2. The City continues to build the technical and legal team 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 state and federal law and the needs of the wireless industry.
4. City Staff continues to research and analyze the various antennas, antenna configurations, related equipment and FCC licensing and rules to establish an ordinance carefully crafted to comply with all laws and regulations while recognizing the City's unique coastal aesthetic quality.
5. City Staff has coordinated two meetings of the Planning Commission's Zoning Subcommittee to obtain feedback on developing the code amendment(s).
6. 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 except to the extent required by law as provided for in the moratorium.
7. The adoption of a comprehensive update to RPVMC § 17.76.020 continues to take time with careful consideration as well as input from various interested parties. Thus far, there has been insufficient time since enacting Ordinance No. 665U to complete the necessary updates.

## **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 September 30, 2023. Extending the moratorium will provide Staff with the 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 by an additional year, will be presented before the City Council at its August 15, 2023 meeting.