

MEETING MINUTES
WIRELESS ANTENNA PUBLIC WORKSHOP #2
MONDAY FEBRUARY 2, 2016 - 7:00 PM

City of Rancho Palos Verdes City Hall Community Room

ATTENDEES: City Residents; Representatives from: Crown Castle, Verizon, AT&T, Southern California Gas; Christy Marie Lopez (City Attorney's Office); Tripp May (Telecom Law Firm); Jerry Duhovic (Councilman), Nicole Jules (RPV), Charles Eder (RPV)

The purpose of the meeting is to publicly discuss the urgency ordinance and to receive additional comments from the public and representatives of the telecom community. The Wireless Telecommunications Ordinance was presented to and adopted by the City Council on Tuesday, January 19, 2016 as an Urgency Ordinance. The Urgency ordinance and draft application, is an initial step to address issues regarding the process of proposing and installing these facilities throughout the City. The revised draft ordinance introduces additional problematic requirements that conflict with federal and state law. These conflicts are exacerbated in the revised ordinance. The process of notification and public involvement is also pertinent in this discussion. The comments received at this meeting will be incorporated and presented to the City Council as a regular ordinance.

Assistant City Attorney Lopez provided introductions and opening remarks then proceeded with receiving comments from the public.

COMMUNITY COMMENTS:

General

- Mr. Jeff Calvagna stated that the new ordinance, adopted on 1/19/16, is a direct response to decades of abusive tactics by the telecommunications industry. It is better than what was in place before. The new ordinance is not perfect but fantastic and comprehensive. There are few things that need tweaking.
- Mr. Jay Thomas questioned the specifics of the ordinance and wanted to know what was included. He wanted to ensure that residents had an opportunity to challenge the proposal before a mock-up is constructed. He also wanted to make sure the ordinance provides for public comments prior to the permanent site being installed.
- Assistant City Attorney Christy Lopez confirmed the elements of the Ordinance and emphasized the Planning Commission's role in the approval process. She

also confirmed that there will be an appeal's process for administratively approved applications.

- Mr. John Freeman expressed a desire for the ordinance to have provisions for the process to stop before a final decision is made on an application. Mr. Louis Fraix stated that the ordinance is a good ordinance. Crown Castle has completed a lot of work. He was informed by the City Inspector that Crown Castle would be replacing the street light. Residents were alarmed in December when they were asked to sign an acknowledgement sheet. The Public Works Inspector conducted this outreach during the Holiday break when City Hall was closed. Residents did not get responses immediately from the City during this time, as City Hall was closed.
- There is concern about the physical distance between antennas. Some are concerned that some sites are located too close together. There should be a way to regulate "density" of these antennas. Minimum distance between antenna sites should be specifically shown in the ordinance. Question the need for two antennas 200 yards apart and new poles looking different. There are still new poles that no one in the neighborhood knew about. Residents want to ensure that the process includes provisions for aesthetic compatibility and that all associated utility boxes go underground.
- Assistant City Attorney Lopez remarked that Carriers are allowed to be in the public right of way and that the City is limited in our regulatory position due to topography and terrain.
- Mr. John Freeman questioned when the meeting minutes from this meeting will be available. He would like the minutes available in two days. Further, Mr. Freeman expressed that the information currently on the Cell Site webpage needs updating and he requests staff to perform weekly updates. Deputy Director Jules responded that the City will complete and publish the meeting minutes on the City's website by early next week. She also committed to ensuring that the cell site webpage will be updated regularly with all known information. For example, the spreadsheet was placed on the website as another step to inform the public of all the proposed cell sites in the City. Residents are able to view them once a proposed site is added to the list.
- Residents commented that they want to see more detail on the initial draft of the spreadsheet. The notes should be more detailed and straightforward (i.e. expound on the term "Resident Outreach Pending"). All the photo simulations should also be included in each sight. The industry's comments should also be included in the website. Deputy Director Jules committed to posting all relevant

information regarding a proposed site to the website. She also committed to sending out a Listserve Notification when an application is received.

- Assistant City Attorney Lopez reiterated that City is limited to federal regulations. City can regulate only “time, place, and manner” in which antennas are installed. Collocation is the preferred method. City can review how it looks.
- Assistant City Attorney Lopez stated, the applicant can suggest that there is a significant gap in coverage, but this is hard to quantify. City can rely on the aspect of “least intrusive means (to close the gap).” City can force a better alternative, as long as it is technically feasible. A resident expressed concerns regarding Crown Castle splitting up applications and constructing the fiber-portion of the work first without informing the City that a proposed cell site would follow. This is what occurred on Valley View Road. The residents were very upset. How do we prevent this from happening again and how are we coordinating with our neighboring Cities?
- Assistant City Attorney Lopez stated in terms of recent installations, splitting applications between fiber installation and cell sites will be discontinued. Applicant must disclose if fiber installation is part of a proposed cell site. The process will now involve placing the proposed sites on the City Website once they are initially submitted. Prior to mock-up, the notice will go out to everyone subscribed on the Listserve, and mailed (within 5 days) to residents within 500 feet of the proposed site. Mock-Up will last for 30 days.
- Residents asked about the City revenue made from cell sites. Crown Castle pays about \$500 per cell site on City infrastructure plus 5% of the gross revenue for that site to the City, a voluntary agreement in place by NextG (the company that was bought-out by Crown Castle).
- Ms. Marita Daly expressed that aesthetics is important and that the residents want something that looks good. She asked who will decide on the aesthetics. Better aesthetic review process was requested. Residents would like a consistent look.
- Assistant City Attorney Lopez responded that one opinion from one resident may be completely different from another's. It is a very subjective opinion.
- Residents also want to know about RF signals coming from outside the City. They are requesting that neighboring Cities coordinate with each other so that all affected residents, no matter the municipal boundary is notified.
- Neighbors want everything underground, no big boxes on the sidewalk.

- Residents opposed to the idea of “permanent mock-ups.” The idea that something is built, even if it is a mock-up, feels like it’s a done deal. The City is no longer allowing this practice.

COMMENTS FROM VERIZON (Leslie Daigle):

- Representative hopes to also relay or echo communication from AT&T, whose representative left the workshop early on.
- Verizon agrees that no notification fuels anxiety.
- Upfront notification is reasonable.
- All industry companies are challenged by the unique geography of the City and the hilly terrain presents difficulty on minimizing sites.
- Main points to consider:
 - State Law authorized telecommunication companies to put facilities in Public Right-of-Way;
 - Local jurisdiction can only control “Time, Place, and Manner.” Verizon does not believe that Cities can stop State and Federal Laws; Nor does Verizon feel that the Cities can force telecoms to protect views.
 - Similar to other utilities, Verizon would like telecommunications applications to be regulated by the Public Works department and not the Planning Commission;
 - Verizon Wireless does not need to demonstrate the need for a right-of-way facility. State law authorizes Verizon Wireless’s use of the right-of-way for placement of telephone equipment. The City must strike new requirements to provide evidence regarding coverage and/or capacity gaps. (§12.18.050(B)(6), §12.18.050(B)(19))
 - The City is limited to reasonable “time, place and manner” regulation of the right-of-way and may not require evaluation of alternatives outside of the right-of-way (§12.18.050(B)(6)) or protect private views (§12.18.080(A)(1)(c)).
 - Finding regarding “least intrusive means” exceeds City’s authority. “Least intrusive means” is only relevant when a wireless carrier claims a prohibition of service by a local jurisdiction in federal court, and it should not be required for approval if a proposed facility meets reasonable ordinance criteria. Wireless carriers cannot be held to this standard where other public utilities using the right-of-way are not and such discrimination would violate state law. (§12.18.90(E))
 - Placement of right-of-way wireless facilities, like any other utility, should be regulated through the Department of Public Works, not by the Planning Commission, as provided in the initial draft ordinance. (§12.18.040(A)) Neither the Director of Public Works nor the Planning Commission should be placed in the judicial role of evaluating federal court concepts of significant gap and least intrusive means. (§12.18.190)

COMMENTS FROM CROWN CASTLE (Attorney Paul O'Boyle):

- Crown Castle (Crown) always tries to go to Utility Right-of-Way. It is a cleaner option and they have the right to do it.
- Crown is following the agreement entered into by their former NextG (\$500/ city pole).
- There WILL be a proliferation of cell sites. It's coming and everyone needs to work together. State rights grant the companies the use of Right-of-Way.
- The City can't stop it, the industry and the public will just need to work together and Crown will work with the public. They want to be less obstructive.
- Crown knows that "Visual Blight" is the big issue. The intent is to try to collocate within the Right-of-Way.
- Crown is using micro-cells which takes 12-14 sites in relation to one big monopole.
- Crown requests that the City tell them what is an acceptable design (pre-approved installation configuration). Crown is willing to show options, and see how they look like.
- CPUC says Electric companies can do whatever they want. City and Public are limited as to what they can do. Telecommunications companies are at a disadvantage, but are willing to work with the public.
- Crown has legal objections to the code and has communicated them with the City through the City Attorney's Office.

OPEN DIALOGUE SESSION:

- Residents asked that companies come in with concepts more reasonable, no steamrolling the City and public.
- Residents are not happy about telecom companies laying fiber without telling the City the intent.
- Residents still want to see these antennas on private property. But it will entail acquiring landlord rights and industry will lean on state and federal regulations to install in the public right-of-way.
- One resident doesn't like the eye-level propagation of a proposed site in his neighborhood. Is Crown Castle willing to modify this site, for one resident?
- The process still needs to be refined.
- The next City Council meeting is February 16th. An update to the Ordinance, based on the comments received tonight will be presented then.
- Assistant City Attorney Lopez provided closing remarks and outlined the next steps:
 - **City will look at legal objections to the proposed ordinance from the telecommunications companies**
 - **We will continue to receive public comments**

- **We will be presenting an updated ordinance to the City Council on 2/16/16.**
- **We will also present some antennae configurations to the City Council for consideration.**
- **Staff will provide a link to sample antennae configurations**
- **Staff will update the cell site status spreadsheet on the City's website.**