

Wireless Facilities



CITY *of* CALABASAS

Review of Federal/State
regulations regarding cell sites.



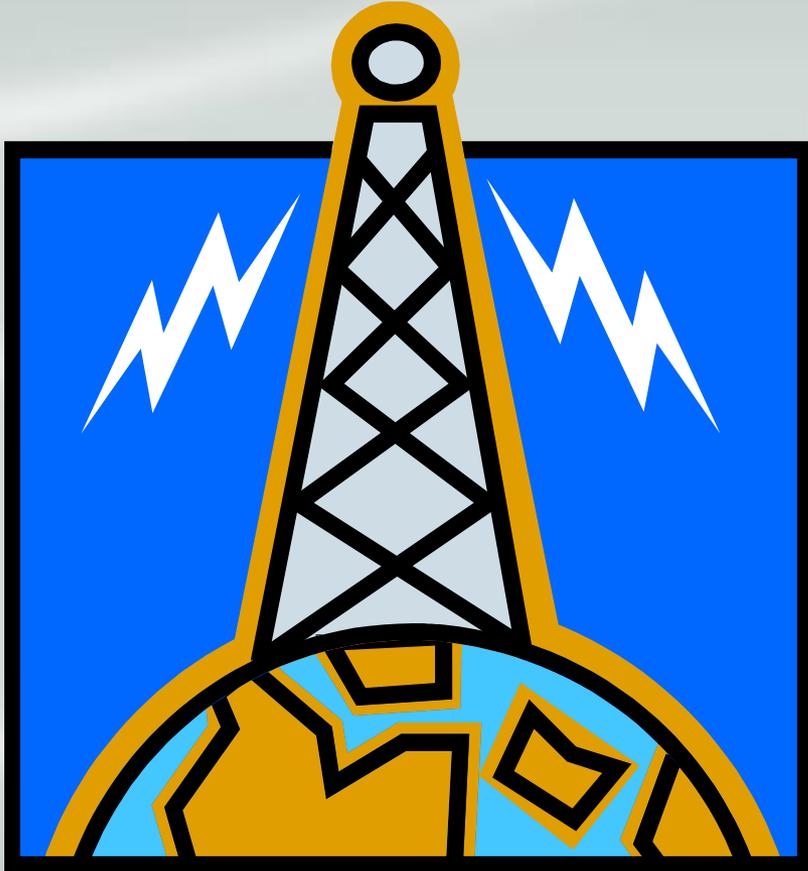
The Concept



The original 'high-tech' solution.



The basic idea today:



Review of Federal/State regulations regarding cell sites.

City Council
April 4, 2007

That's why it's called a mobile phone!



Consumer Expectations

- Reliable service
- Indoor (home/office) use
- More features: e-mail, music, internet, etc.
- Competitive prices



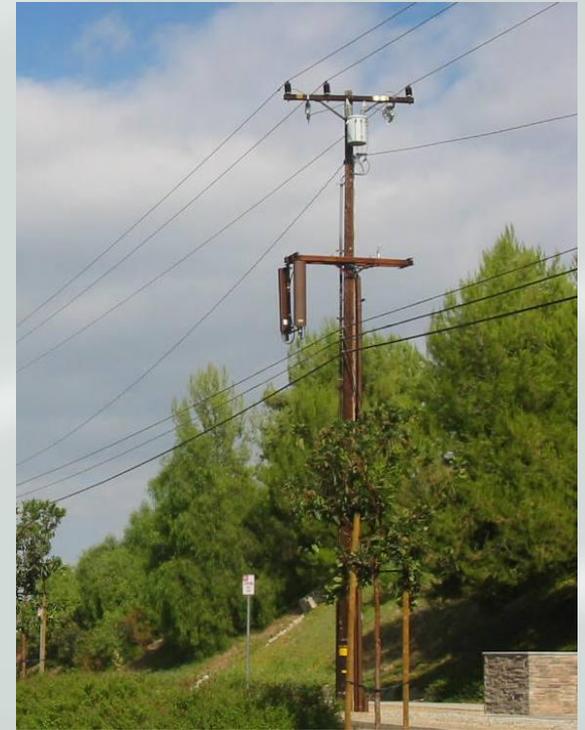
Carriers in Calabasas

- Cingular / AT&T
- Sprint / Nextel
- T-Mobile
- Verizon
- Metro PCS

** The list changes as carriers merge and newcomers enter the market.*



Existing Facilities in Calabasas



Governing Regulations

Federal Regulations

1996 Telecommunications Act

- Legislates national safety, public welfare, and consumer rights with regards to wireless telecommunication.

State Regulations

Public Utilities Code

- Grants telephone companies the right to install facilities in any public right-of-way.



Under Federal and State regulations, Calabasas cannot...

- ... regulate the placement of facilities on the basis of Radio Frequency (RF) emissions.
- ... set our own standards for RF emissions.
- ... prohibit or effectively prohibit cell service (e.g., into gaps or holes) through excessive regulations.
- ... create unreasonable delays in processing applications.
- ... deny use of the public right-of-way (streets and sidewalks) by telephone companies.



Under Federal and State regulations, Calabasas can do the following:

On private property

- Regulate by requiring discretionary permits.
- Regulate based (partially) on aesthetics.
- Require conformance with FCC standards.

In the public right-of-way

- Regulate on the basis of safety.
- Safeguard public travel/use of the right-of-way.
- Require conformance with FCC standards.



Calabasas Regulations

CMC 17.32.050 (dates from 1998)

- Governs facilities located on private property (hard law)
 - 4 items are permit and submittal requirements.
 - 5 items are to be placed as conditions of approval.
 - 9 items are standards/requirements.

Resolution No. 98-527

- Sets criteria for facilities located in the public right-of-way (guidelines)
 - 11 items are regarded as “administrative processing”.
 - 8 items are to be placed as conditions of approval.
 - 5 items are guidelines.



CMC 17.32.050

Addresses facilities on private property:

- All facilities shall be located to minimize their aesthetic/visual impact on the surrounding community.
- No major wireless communication facility shall be placed on or near a ridgeline so that it appears silhouetted against the sky.
- Facilities should be mounted on an existing structure - on the facade, roof, or co-located tower.
- Building-mounted facilities shall be designed and/or screened in a manner compatible with the existing architecture in color, texture and type of material.
- Conditional Use Permit is required to be approved by the Planning Commission.



Resolution No. 98-527

Guidelines for facilities in the public right-of-way:

- Ground-mounted equipment shall not exceed 5ft in height and a total of 15 sq ft.
- Facilities located in the Scenic Corridor shall be located underground.
- Pole-mounted equipment shall not extend 24 inches above an existing utility pole, and must be a minimum of 16 ft above any drive-able road surface.
- Pole-mounted equipment shall not exceed 6 sq ft.
- Ground-mounted facilities shall be appropriately screened.



What does staff do?

- Review submitted applications for conformance with applicable regulations.
- Have Jonathan Kramer conduct a technical review of:
 - Conformance with FCC standards for RF emissions
 - Coverage maps and RF reports
 - Technology of proposed equipment and antennas
 - Conformance with Federal and State regulations
- Present all applications to the Development Review Committee for inter-departmental reviews.
- Determine the level of approval authority:
 - CDD for right-of-way facilities
 - Planning Commission or CTC for right-of-way facilities that fail to meet all the guidelines in Resolution 98-527
 - Planning Commission for facilities on private property



Can Calabasas do more to regulate cell site placement and aesthetics?



Summary of Recent Case Law

- *Sprint PCS Access v. City of La Canada Flintridge* (2 federal cases)
- *Sprint PCS Assets v. City of Palos Verdes Estates* (federal case)
- *MetroPCS INC. v. City and County of San Francisco* (federal case)
- *Sprint Telephony PCS, L.P. v. County of San Diego* (federal and state cases)



Going forward, the City should...

- ...amend the Development Code to bring it up-to-date with recent case law;
- ...continue to negotiate with wireless carriers to accomplish our objectives;
- ...avoid denials of permits in the ROW based only on view impairment or aesthetics; and,
- ...establish a solid record to support decisions where compromise is not possible.

