

COMMUNICATIONS & TECHNOLOGY COMMISSION
WIRELESS ORDINANCE CELL TOWER REVIEW
November 9, 2010

The Communications & Technology Commission (CTC) was directed by the City Council to review the City's current wireless ordinance. The specific purpose of the review was to identify areas of the wireless ordinance that may be strengthened to address recent community concern and changes in state and federal law. The CTC held two commission meetings, one on October 19, 2010 and one on November 9, 2010. In addition, a wireless subcommittee was established. The information contained within this document is the result of CTC's work on this matter. The following recommendations are meant to provide general guidance on areas of the existing wireless ordinance that should be evaluated. It is important to note, none of the following recommendations have been discussed with the City's legal staff, so any recommendations that are deemed actionable by the City Council should be reviewed by the City attorney.

1. Compliance

- a. Check all existing sites for compliance
 - i. Verify angle of antennas
 - ii. Verify equipment installed was approved
 - iii. Verify height
- b. Check all cell sites after installation
- c. Check all cell sites every 3 years

2. Studies

- a. Cumulative RF study on existing cell towers
- b. Mapping of existing cell sites
 - i. One map by provider
 - ii. One map showing all providers
- c. Study on all existing sites which impact:
 - i. Schools
 - ii. Parks
 - iii. Public gathering areas

3. Legal

- a. Retain specialized attorney (if required) to assist City Attorney:
 - i. Draft revised wireless ordinance
 - ii. Review future applications
 - iii. Assist City Attorney with any challenges to wireless ordinance
 - iv. Attend city approval meetings

4. Fees

- a. Can fees be assessed to cover some of the additional anticipated City expenses?

5. City letters to encourage state and federal changes in current law:

- a. Governor's office
- b. League of Cities
- c. Assembly members
- d. Senate

6. Notification

- a. Extend radius map notification from 500 feet to 1500 feet
- b. Supplemental notification to all parents and or legal guardians if cell tower is located with 1500 feet of affected school.
- c. Supplemental 30 day notification if the cell tower is located within 1500 feet of any school, park or gathering area via:
 - i. Acorn
 - ii. Daily News
 - iii. Los Angeles Times
 - iv. 30 day onsite posting
- d. 10 day Public Notice to extend to maximum number of days (30 days?)
- e. E-mail notification through City website
 - i. Pre notification on wireless application submission
 - ii. Update e-mails as necessary
 - iii. All application information to be posted online in real time

7. Setbacks

- a. Provide minimum setback criteria to sensitive structures, other cell towers, etc

8. Hearings & Approvals

- a. All public meetings to be held after 6:00pm
- b. Application to be reviewed by CTC for:
 - i. Gap in coverage
 - ii. RF matters
 - iii. Technical matters
- c. Applications to be reviewed by Planning Commission for:
 - i. Zoning matters
 - ii. Final Planning Commission approval
- d. No Director level approvals

9. Applications

- a. Require complete application upon submission.
- b. Applicant must include all documents day one or shot clock (federal mandated timeline to process the application) starts again upon receiving any missing information.
- c. Any cell tower must be absolutely necessary and the Applicant must prove a significant gap in coverage before the application is considered for approval.
 - i. Discuss criteria for proof
- d. Require Applicant to provide the most information possible upon submission to ensure the Applicant has chosen the means that are the least intrusive to the community to close the significant gap in coverage.
- e. Require Applicant to provide a 3 year plan on future cell tower installations
- f. Require Applicant to complete a cumulative RF study for new cell tower

10. Installation Conditions & Restrictions

- a. All equipment must be underground to the fullest extent possible
- b. All above ground equipment is to be heavily screened with landscape and hidden from public view to the fullest extent possible
- c. Antennas to be located on street lights as first option
- d. Antennas to be located on Mono poles as second option
 - i. Discuss type of poles

11. Location Restrictions

- a. No cell towers in residential areas unless a proven significant gap in coverage
- b. No cell towers to be located on any City owned Park or Library property
- c. No cell tower to be installed in front on any home

12. Technology Review

- a. GSM versus CDMA
- b. E-911 and coverage by carrier
 - i. Requirement by Federal or State government?
 - ii. Does and or should the City require this build out?

13. Zoning Review

- a. A full zoning review by the City's Planning Commission

14. Miscellaneous

- a. Contain language within the City's wireless ordinance that mandates a periodic review of the wireless ordinance by City Council, appropriate city commission(s) and City Attorney

The Communications and Technology Commission understands the need for wireless technology and does not want to stand in the way of technology advances. However, in light of recent public testimony regarding the health, safety and welfare of our community, recent legal precedent and the proliferation of mobile phone cell towers within the City of Calabasas, the Communications & Technology Commission is recommending that City Council consider an immediate minimum 90 day moratorium on the approval and installation of mobile phone towers. If adopted, this moratorium would allow the City appropriate time to address public concern, address recent changes within the law and update the existing wireless ordinance. Below are several areas that should be reviewed if the moratorium is considered:

- Should commercial or industrial areas be included?
- What happens to applications in queue?
- Does the City take new applications and process to a certain point?