

MEMORANDUM

To: Mayor Weintraub & City Council Members
From: CTC Commissioners
Date: July 21, 2020
Re: Wireless Telecommunication Facilities Ordinance

Honorable Mayor & Members of the City Council,

A citywide survey that took place from June 28th, 2019—December 15th, 2019 assessed community opinions on the nature and quality of wireless service in Calabasas. With almost 1,000 responses, the survey results have demonstrated the fact that many Calabasas residents are dissatisfied with wireless service in the City with respect to both coverage and reliability, and were especially dissatisfied with wireless service during the Woolsey Fire in November of 2018. Additionally, the survey results showed that the majority of respondents would be accepting of a new wireless facility in their neighborhood in order to facilitate better wireless service. Wireless networks are a critical safety issue that provides access to reliable communication, especially in the event of an emergency such as the Woolsey Fire. Overall, the survey results demonstrated that the City's existing wireless infrastructure is not sufficient to support a satisfactory level of wireless service, which also creates a public safety issue in the event of an emergency where wireless communication is most critical.

The City Council discussed the survey results at a regular meeting on March 11, 2020, and directed staff and the City Attorney to review the survey results with the Communications and Technology Commission (CTC) to analyze the City's existing wireless ordinance and provide feedback to the council regarding how to increase wireless service coverage and reliability in Calabasas. On April 21, 2020, the CTC discussed the survey results, and directed the CTC Wireless Subcommittee to work with Staff, the City Attorney, and Kramer Firm to analyze the current wireless ordinance in order to; a) identify the cause of poor wireless service within the City, and b) create recommendations to amend the wireless ordinance to improve wireless service within the City.

The current Wireless Telecommunication Facilities ordinance was last comprehensively updated in 2012, and has since been modified as required by changes in federal law and FCC Regulations. The intent of the ordinance that was adopted in 2012 was to exert maximum control over the installation of new wireless facilities, as well as over any modifications to existing wireless facilities in the City. Since the adoption of the current ordinance in 2012, only one new wireless facility has been constructed in Calabasas.

ISSUES:

The current Wireless Telecommunication Facilities ordinance expressly prohibits the construction of new wireless facilities in any Residential Zoning District, at parks, and at schools, subject to rarely applicable exceptions required by federal law. This prohibition includes streets within gated neighborhoods, as these areas are privately owned properties located within residential zoning districts. The current ordinance also requires a 1,000 foot setback from residential zones, which effectively excludes most of Calabasas from the construction of new facilities. Additionally, the current ordinance requires all new facilities (except Small Wireless Facilities, per FCC regulations) to undergo a discretionary review process, which adds significant time, cost, and uncertainty on the carrier's end. For these reasons, many carriers have chosen not to expend the resources to deploy new facilities in Calabasas, which has contributed to dissatisfactory wireless service in many areas of the City, as illustrated by the survey results.

RECOMMENDATIONS:

In order to remedy the issues described above, the CTC has developed a list of recommended updates to the existing ordinance for City Council to consider. These recommendations are as follows:

1. Develop a two-tier permit process for the construction of new wireless facilities. A Tier 1 permit would allow for the construction of new stealth facilities, located in areas predetermined by the City to be appropriate. A Tier 1 permit would require an administrative review and would eliminate the need for a public hearing for new facilities that meet these requirements. A Tier 2 permit would be required for any new facility that does not meet these specific requirements, and the process would remain the same as the City's current Wireless Telecommunication Facilities Permit.
2. Allow for stealth facilities in Residential Zoning Districts and Open Space Zoning Districts, specifically on properties that are developed and under HOA ownership. At present, wireless facilities are permitted within public right-of-ways, but HOA-owned streets are private property and thus part of the underlying zoning district. Allowing for stealth facilities in residential zones would allow HOAs the ability to choose whether or not they wish to implement new wireless facilities on HOA-owned parcels in residential zoning districts, such as on HOA owned streets or parks. Property owner consent would still be required.
3. Allow Tier 1 eligible facilities to be constructed within 1,000 feet from residential zones, schools and parks. The 1,000-foot setback would remain applicable to Tier 2 facilities.
4. Reorganize the existing wireless ordinance into its own Chapter in the Municipal Code. This would make the current ordinance more user-friendly, and would allow for easier navigation within the ordinance by dividing the chapter into sections and subsections.

5. Develop design and stealth guidelines for Tier 1 Facilities. The design guidelines would be a supplementary document, meant to act as a visual aid that complements the standards set forth in the ordinance, and would help to clarify any confusion as to what the City is looking for in a stealth facility by providing example photos and additional information.
6. Implement a time limit for the updates to the ordinance. The ordinance's amendments creating the Tier 1 process would initially remain in effect for only 12-18 months after being adopted, for the purpose of encouraging sooner deployment of new facilities to more swiftly address the issues described in this memorandum. Provisions could be added that would allow the ordinance to be reevaluated at a later date, and extended for an additional period of time if necessary and as determined by Council. The reorganization element would remain in effect.

We look forward to discussing these matters in greater detail with City Council members. Should you have any further questions and or need any additional information, do not hesitate to contact us.

Best Regards,
CTC Commissioners