



## City of Palos Verdes Estates Wireless Telecommunications Facilities Questions and Answers

Palos Verdes Estates Municipal Code (PVEMC) [Chapter 18.55](#) regulates Personal Wireless Service Facilities and Commercial Antennas. General design guidelines are provided regulating the location, design, and aesthetics of wireless facilities or commercial antennas. The location of wireless facilities may be located on private property (e.g. commercial and residential properties), publically-owned property (Parklands, City Hall or School sites), or within the public rights-of-way (parkways or medians). There are currently several existing sites throughout the City in Parklands, on commercial property, within the City right-of-way, and on residential property. When feasible, wireless facilities should be located at the same site as existing similar facilities (known as “collocation”), or on City owned poles (e.g. stop signs) or utility poles. The City’s design guidelines require that facilities be designed to be as visually unobtrusive as possible, and the process for their approval strives to minimize the number of installations.

The Public Works Director may approve an application for a wireless facility or may refer the application to the Planning Commission for a decision on the permit pursuant to PVEMC Section 18.55.030(B). The decision of the Director may be appealed to the Planning Commission and the decision of the Planning Commission may be appealed to the City Council within 15 days after the determination.

### **Q1. Can the City regulate radio-frequency emissions levels from wireless antennas?**

No. Congress gave the Federal Communications Commission (“FCC”) sole authority to set a national standard for human exposure to RF (radio frequency) emissions. The FCC allows local governments to require applicants to demonstrate compliance with the national standard, but preempts all local standards. The City can—and does—require all applicants to show that their sites are compliant with the FCC’s standard. You can learn more about these issues at the FCC’s website (<https://www.fcc.gov/general/radio-frequency-safety-0>).



Above photo is a mock up across from 2325 Via Olivera

**Q2. Can the City prohibit wireless facilities in the Right-of-Way?**

No. State law grants wireless carriers certain rights to use the rights-of-way (ROW), and federal law prohibits any flat or effective bans on wireless facilities.

**Q3. Can the City require a wireless facility proposed in the public rights-of-way be moved to other publically-owned or private property?**

No. A local government cannot force a telephone corporation (also known as a “wireless carrier”) proposing a wireless site in the public rights-of-way to move the site out of the public rights-of-way. Cities are pre-empted by State and Federal laws in regard to licensing wireless carriers. Wireless carriers are franchised by, and have authorities under, the State of California, Public Utilities Commission and the FCC. Cities may consider reasonable alternative locations in the public rights-of-way if appropriate to lessen visual impacts.

**Q4. Can the City require wireless carriers to use different equipment?**

No. The City cannot specify the equipment and thus the technology a carrier uses for providing wireless services. Thus, the City cannot control the transmission methods of the wireless carrier’s service and deployment nor can the City require multiple wireless carriers to be on the same pole if collocation would be technically impossible. However, the City can regulate how the equipment looks (i.e., its aesthetic appearance) but not what it is, or what frequencies the equipment operates on. Federal law grants the FCC sole authority over all technological and engineering issues.

**Q5. Does the City retain any real authority over cell sites?**



Yes. As noted above, the City does have reasonable time, place, and manner controls about how cell sites are installed in the public rights-of-way. Moreover, the City has even more authority and control over cell sites to be installed on publically-owned property (outside of the public right-of-way, such as City Hall and other government locations), as well as for cell sites proposed to be located on private property.

Left photo is a mock up at the intersection of Palos Verdes Drive West & Via Boronada (approved)



Above photo is a mock up at the intersection of Via Fernandez & Paseo La Cresta (approved)

**Q6. Are public notices required for new wireless sites in the City?**

Yes. Prior to any City decision on a proposed new project, a mock-up and a notice board advising that the site is under consideration are first required to be installed. - The mock-up allows the community, staff, and the Planning Commission to assess the aesthetic impacts to the surrounding land uses and rights-of-ways. The mock-up and notice board are generally the first public form of notification provided. The applicant is also required to make contact with immediately surrounding neighbors when the mock-up is being installed.

City regulations also require that public notice be given by First Class U.S. Mail to all property owners within 300 feet of the proposed wireless site when the City is ready to make a decision. Additionally, the City provides public notice of all hearings regarding cell sites by posting at City Hall, the Malaga Cove Library, and PV Golf Club and by posting a public hearing notice board at the proposed location.



The above photos are examples of notice boards informing the public the project in under consideration and the project is scheduled for public hearing.

**Q7. Why does the City’s review process seem to move so quickly?**

The City’s process for reviewing cell sites involves the following:

- Wireless carrier submission of an application.
- Installation of an on-site mock-up of the pole, antennas, equipment and utility box.
- Placement of a “Public Notice” sign at the mock-up site.
- Mailed notice of the scheduled hearing before the Planning Commission to properties within 300-feet of the proposed site (mock-up).
- Planning Commission hearing.
- City Council hearing if there is an appeal of the Planning Commission decision.

With this process for receiving public input, the City is mindful of State and federal laws. State and federal law establish procedural timelines for review, which may be as short as 60 days. If the City fails to make a decision within the applicable timeline, then the law may automatically deem the application approved. The City’s failure to make a decision within the state or federal “shot-clock” deems the application “approved” for installation.

**Q8. Are residents able to submit feedback on proposed cell sites?**

Yes. The City encourages any interested person to submit feedback to the City on a proposed wireless site in writing and / or at the Planning Commission meeting when the application for a site is under consideration. Anyone may review the City’s project file, submit a comment letter, testify at a public hearing, or communicate with the City by email or telephone calls. The public may sign-up for notices of Planning Commission meetings at [www.pvestates.org](http://www.pvestates.org) and click on “e-news” at the bottom of the page.

As noted in A.5, above, federal and state rules limit the time the City may take when considering a proposed cell site, so the City encourages you to get involved earlier in the process rather than waiting until the final hearing on a project. The City also encourages discussions with the applicant.

**Q9. Is there a Master Plan for all cell site locations established by the City or presented by the wireless carrier?**

The City requests wireless carriers to submit all their proposed cell site locations to the City at one time in order that they can be calendared before the Planning Commission mindful that upon submission of each application, the “shot-clock” begins for consideration of each site. The City encourages the use of private property and publically-owned property for installations to minimize their impact in residential areas. However, wireless carriers have automatic authority to locate in the rights-of-way subject to the City’s time, place, and manner controls. Each individual cell site location is evaluated, on a case-by-case basis, for minimizing its visual impact on the neighborhood around it.

**Q10. Is there an appeal process for decisions / approvals of the Planning Commission?**

Any decision of the Planning Commission can be reconsidered by the City Council through an appeal of the case. An application must be submitted for the appeal within 15 days of the Planning Commission's determination. For more information about appeals, please contact the Planning Department at 310-378-0383.

**Q11. What happens if the City denies a cell site location?**

Wireless carriers have authority under federal and state laws to install cell sites in the public rights-of-way and cities are provided with timeframes by which they must approve or deny applications. The City has authority to affect reasonable controls on the "time, place, and manner" related to each installation in the right-of-way. "Time" refers to when the cell site is installed, such as the times during the day the installation may occur, or the days of the week that work can take place. "Place" refers to the specific location in the right-of-way in which the wireless carrier intends to locate its site. "Manner" refers to the aesthetics of the installation and to the means of construction.

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**For questions regarding wireless telecommunications facilities, please contact City Planner Elizabeth Corpuz at (310) 378-0383 or [ecorpuz@pvestates.org](mailto:ecorpuz@pvestates.org)**

***The information presented on this page is believed to be accurate as of the date posted, but does not constitute legal advice. Changes in the law, regulations, and City policies may have occurred since this information was posted on April 28, 2016.***