

September 1, 2016

TO: Mayor and City Council
Planning Commission
City Manager

From: Jeffery W. Gibson, Community Development Director

SUBJECT: Community Development Director Action for Following Request(s) for the week of **August 29, 2016 – September 1, 2016.**

EVENT PERMIT:

Applicant: Johanna Johnson-Gilman, representing **APPROVED**
Torrance Memorial Medical Center 08/29/16
Case No.: EVN16-00048
Location: 3330 Lomita Boulevard
Zoning: HMD
Summary: Request for Administrative Approval to allow for an annual employee BBQ with DJ Event on 09/10/16 from 10:00AM-5:30PM on property located in the HMD Zone at 3330 Lomita Boulevard.

Applicant: Jason Steen, representing **APPROVED**
Switzer Learning Center 08/31/16
Case No.: EVN16-00044
Location: 2201 Amapola Court
Zoning: M-2
Summary: Request for Administrative Approval to allow for a 50th Anniversary Fundraiser Event on 09/10/16 from 6:00PM-11:00PM on property located in the M-2 Zone at 2201 Amapola Court.

SPECIAL ANIMAL PERMIT:

Applicant: Judy Lipar **APPROVED**
08/30/16
Case No.: SAP16-00003
Location: 2723 Highcliff Drive
Zoning: R-1
Summary: Request for Administrative Approval to allow the keeping of Hens on property located in the R-1 Zone at 2723 Highcliff Drive.

WIRELESS TELECOM FACILITY:

Applicant: Crown Castle
Case No.: WTC16-00002
Location: 4437 Sepulveda Boulevard (ROW)
Zoning: CR-PP: Restricted Commercial – Precise Plan
Summary: Request for Administrative Approval of a Wireless Telecommunications Facility to allow the installation of a new distributed antenna system node and other ancillary equipment in the public right-of-way adjacent to 4437 Sepulveda Boulevard.

APPROVED
09/01/16

Applicant: Crown Castle
Case No.: WTC16-00003
Location: 22236 Palos Verdes Boulevard (ROW)
Zoning: C-3: Solely Commercial
Summary: Request for Administrative Approval of a Wireless Telecommunications Facility to allow the installation of a new distributed antenna system node and other ancillary equipment in the public right-of-way adjacent to 22236 Palos Verdes Boulevard.

APPROVED
09/01/16

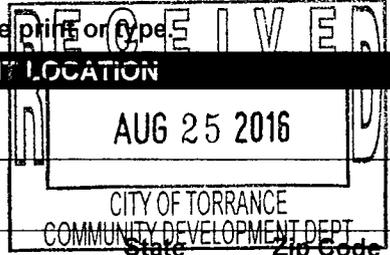
EVN16-00048



City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

TEMPORARY PARKING LOT EVENT PERMIT APPLICATION

Parts I, II, and III to be completed by the Applicant. Please print or type



I. BUSINESS OWNER INFORMATION/PROPOSED EVENT LOCATION

Name of Applicant Johanna Johnson-Gilman, Food Services Director			
Name of Business Torrance Memorial Medical Center			
Property Address (proposed parking lot event location) 3330 Lomita Blvd.		City Torrance	State CA
		Zip Code 90505	
Name of Business Owner Torrance Memorial Medical Center		Contact Phone Number [REDACTED]	Email [REDACTED]
Mailing Address (if different from above)		City [REDACTED]	

II. EVENT AND SITE INFORMATION

Check type of approval requested:

- Promotional Outdoor Event
- Outdoor Gathering Of People
- Includes Amplified Sound
- Pumpkin Sales Lot
- Christmas Tree Sales Lot
- Other (Please Describe): _____
- Security # of Guards _____
- Armed (Y/N) _____

Describe the proposed event: Annual employee BBQ with DJ. Hospital provides security. Catered event.
 No alcohol. No banner advertisement. Tents (provided by Choura Event Rentals. Choura to obtain fire permit).
 No food trucks will be used.

Date(s) and Hours of event:

Date:	From: 9/29/2016	To: 9/29/2016	Hours:	From: 10:00am	To: 5:30pm
Set Up Date(s):	From: 9/26/2016	To: 9/28/2016	Clean Up Date:	9/30/2016	

Site Information			
Zoning HMD	Total Lot Area (in sq. ft) 394,653	Total Number of Parking Spaces On-Site 2060	Number Parking Spaces Displaced by the Event 60

III. STANDARDS AND REQUIREMENTS

By signing this application form, I as the business owner and/or the property owner, hereby acknowledge that I have read and agree to comply with all applicable City standards regulating the proposed temporary use(s) and the following conditions of approval:

- a) No person will use any existing parking lot for a temporary parking lot sales event or a temporary parking lot special event, as defined in Sections 91.2.165 and 91.2.166 respectively, without first obtaining the prior approval of a Temporary Parking Lot Event Permit.
- b) The location of the proposed event is within an existing parking lot area and is being held by a permanent on-site business.
- c) The proposed event will not disrupt circulation of traffic within the parking lot or within the vicinity as determined by consideration of the location and design of on-site driveways; the on-site parking and circulation, including pedestrian movements; and the on-site lighting and traffic signage in relation to the location of the proposed parking lot event.

- d) The proposed event will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity.
- e) The proposed event will not cover more than ten percent of the required parking spaces.
- f) The proposed event will not cause a shortage of parking for or restrict access to the existing uses.
- g) The business establishment proposing the event has not exceeded the maximum allowable number of four events per business establishment per calendar year.
- h) There are no other temporary parking lot sales or special events occurring on the same parking lot and during the same time period.
- i) All temporary structures, equipment and debris will be removed and the parking lot area will be cleaned and restored to its original condition within one calendar day immediately following the last effective date of the approval for the event.
- j) The operation of a pumpkin or a Christmas tree sales lot will conform to the requirements of Subsections c) and d) 2 through d) 5 of Section 92.2.9 regulating pumpkin and Christmas tree sales on vacant property (summarized below).
- k) The Community Development Director may impose additional conditions to the approval of the Temporary Parking Lot Event Permit to insure the preservation of the public peace, safety, health, and general welfare.
- l) Any violations of Section 93.1.7, other applicable Sections of the Torrance Municipal Code, and/or conditions of approval may result in enforcement actions, immediate suspension of the issued Temporary Parking Lot Event Permit and the denial of an application for such future event permits by the operator and/or the property owner.

Additional requirement for pumpkins or Christmas trees sales:

- a) No permit will be issued prior to September 1st for a pumpkin lot and November 1st for Christmas tree lot.
- b) Site preparation and set up for the sales lot will not commence prior to September 20th for a pumpkin sales lot, and November 15th for a Christmas tree sales lot.
- c) Sales operations to the public for a pumpkin lot will begin no earlier than October 10th and end no later than October 31st.
- d) Sales operations to the public for a Christmas tree lot will begin no earlier than the day after Thanksgiving and end no later than December 25th.
- e) The proposed sales operation is conducted between the hours of 9:00 a.m. to 10:00 p.m. daily.

APPLICANT		BUSINESS OWNER AND/OR PROPERTY OWNER	
Print Name of Applicant Johanna Johnson-Gilman		Print Name of Business Owner and/or Property Owner Torrance Memorial Medical Center	
Mailing Address 3330 Lomita Blvd. Torrance, CA	City, State, Zip 90505	Mailing Address 3330 Lomita Blvd. Torrance, CA	City, State, Zip 90505
Contact Phone Number	Email	Contact Phone Number	Email
[Redacted]	[Redacted]	[Redacted]	[Redacted]
Date 8/15/2016		Date 8/15/2016	
Digitally signed by Johanna Johnson-Gilman Date: 2016.08.15 14:28:18 -0700		Digitally signed by Johanna Johnson-Gilman Date: 2016.08.15 14:27:28 -0700	

IV. FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

Plot Plan Attached Other Information Attached: _____

Application/Case No. EVN16-00048	Date of Acceptance 8/25/16	Fee Amount \$ 229	Accepted By: [Redacted]
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Fire	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: 8-29-16
Building	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: 8/29/16
Environmental	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: 8/25/16
Police	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: 8/29/16

REMARKS Please log comments in Permit Plan	
Fire	OBTAIN PERMIT FOR CANOPIES.
Building	- TOWN PERMIT REQ'D. FOR SAFETY INSPECTION - ANY ELEC. GENERATOR USE REQUIRES ELECTRICAL PERMIT
Environmental	1) Obtain approval for amplified sound from the Finance Director. 2) Provide trash/recycle bins in the area of the event 3) Portable or free-standing signs, flags and balloons are prohibited.
Police	Entire event on private property - Utilize hard barricade to separate vehicular and pedestrian traffic. - No food trucks will be used

STAFF ASSESSMENT AND RECOMMENDATION (COMMUNITY DEVELOPMENT DEPARTMENT)

- The applicant has satisfied all the standards and requirements of the Permit. Therefore staff recommends approval of the Temporary Parking Lot Event Permit subject to the Standards and Requirements contained in Section III of this approval.
- The application does not meet the standards and requirements for issuance of a Temporary Parking Lot Event Permit and therefore staff recommends denial. The following standards/requirements were not met:

see attached conditions

Assessment Made By:	
Name [Redacted]	Title <i>Planning Assistant</i>
Recommended By:	
Name [Redacted]	Title <i>Senior Planner</i>

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

This request for a Seasonal Sales Permit is:
 Approved Denied Temporary Parking Lot Permit Number: _____

[Redacted Signature]

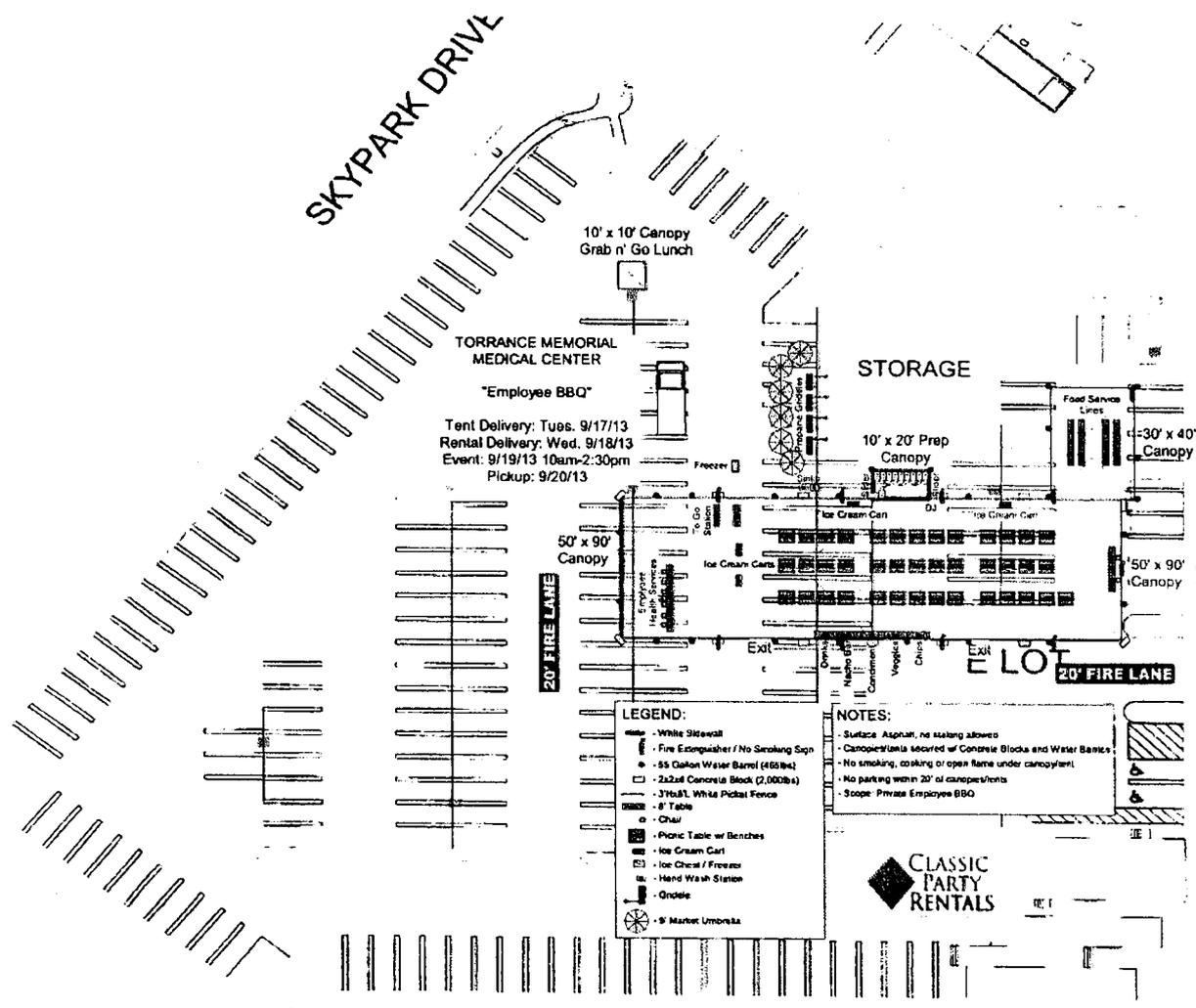
29 Aug 16
Date:

Jeffery W. Gibson
Community Development Director

Decisions by the Community Development Director pertaining to a Temporary Parking Permit Lot Event Permit are appealable to the Planning Commission within five (5) calendar days following the above date of approval or denial.

Planning Conditions:

- No encroachment permitted into public R-O-W, fire lane, or drive aisles/parking areas, other than the area shown on attached plot plan.
- No blocking of any handicap access or parking spaces (other than the area proposed on attached plot plan) is permitted.
- All event activities shall be contained within noted area on attached plot plan.
- Clean up of the site shall take place per date on application and the site shall be returned to its previous state held prior to the event.



TORRANCE MEMORIAL
MEDICAL CENTER
"Employee BBQ"
Tent Delivery: Tues. 9/17/13
Rental Delivery: Wed. 9/18/13
Event: 9/19/13 10am-2:30pm
Pickup: 9/20/13

STORAGE

10' x 20' Prep
Canopy

50' x 90'
Canopy

30' x 40'
Canopy

50' x 90'
Canopy

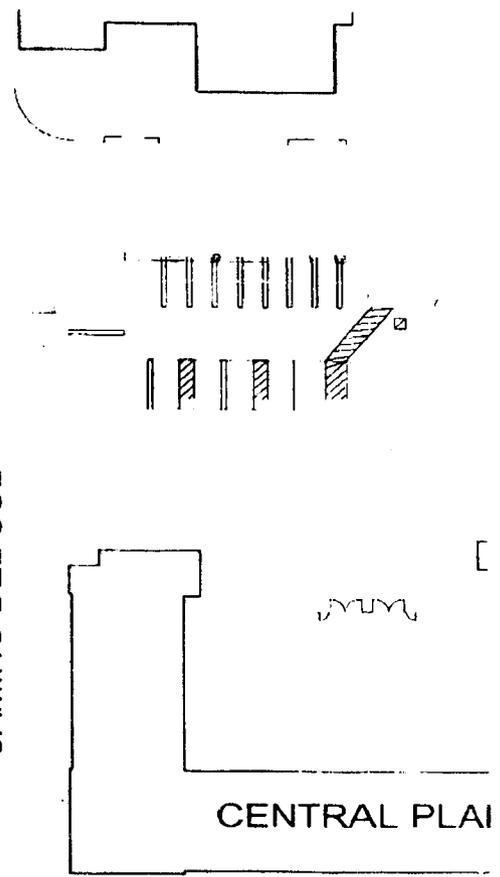
20' FIRE LANE

20' FIRE LANE

- LEGEND:**
- White Stewall
 - Fire Extinguisher / No Smoking Sign
 - 55 Gallon Water Barrel (450lbs)
 - 2x2x8 Concrete Block (2,000lbs)
 - 376x31 White Picket Fence
 - 8' Table
 - Chair
 - Picnic Table w/ Benches
 - Ice Cream Cart
 - Ice Chest / Freezer
 - Hand Wash Station
 - Grate
 - 9' Market Umbrella

- NOTES:**
- Surface: Asphalt, no staking allowed
 - Canopies/tables secured w/ Concrete Blocks and Water Barrels
 - No smoking, cooking or open flame under canopy/tent
 - No parking within 20' of canopies/tables
 - Scope: Private Employee BBQ

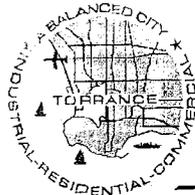
CLASSIC PARTY RENTALS



CAMINO DEL SOL

CENTRAL PLAI

CAMINO DEL SOL



TEMPORARY PARKING LOT EVENT PERMIT APPLICATION

Parts I, II, and III to be completed by the Applicant. Please print or type.

I. BUSINESS OWNER INFORMATION/PROPOSED EVENT LOCATION

Name of Applicant Jason Steen			
Name of Business Switzer Learning Center			
Property Address (proposed parking lot event location) 2201 Amapola Court	City Torrance	State CA	Zip Code 90501
Name of Business Owner Rebecca Foo	Contact Phone Number [REDACTED]	Email [REDACTED]	
Mailing Address (if different from above) 2201 Amapola Court	City Torrance	State CA	Zip Code 90501

II. EVENT AND SITE INFORMATION

Check type of approval requested:

- | | | |
|--|--|---|
| <input type="checkbox"/> Promotional Outdoor Event | <input type="checkbox"/> Pumpkin Sales Lot | <input type="checkbox"/> Security # of Guards _____ |
| <input type="checkbox"/> Outdoor Gathering Of People | <input type="checkbox"/> Christmas Tree Sales Lot | Armed (Y/N) _____ |
| <input checked="" type="checkbox"/> Includes Amplified Sound | <input checked="" type="checkbox"/> Other (Please Describe): | 50th Anniversary Fundraiser Event |

Describe the proposed event: A Taste of Switzer is an evening celebration to include sampling from the South Bay's finer restaurants, open bars with wine and beer tastings, auctions, special guests, dancing, and entertainment.

Date(s) and Hours of event:

Date:	From: 09/10/2016	To: 09/10/2016	Hours:	From: 6:00 P.M.	To: 11:00 P.M.
Set Up Date(s):	From: 09/10/2016	To: 09/10/2016	Clean Up Date:	09/11/2016	

Site Information:

Zoning M-2	Total Lot Area (in sq. ft.) 9,500 sq. ft.	Total Number of Parking Spaces On-Site 60	Number Parking Spaces Displaced by the Event All/ park next door
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- d) Sales operations to the public for a Christmas tree lot will begin no earlier than the day after Thanksgiving and end no later than December 25th.
- e) The proposed sales operation is conducted between the hours of 9:00 a.m. to 10:00 p.m. daily.

APPLICANT		BUSINESS OWNER AND/OR PROPERTY OWNER	
Print Name of Applicant Jason Steen		Print Name of Business Owner and/or Property Owner Rebecca Foo, Executive Director	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
2201 Amapola Court	Torrance, CA 90501	2201 Amapola Court	Torrance, CA 90501
Contact Phone Number	Email	Contact Phone Number	Email
[Redacted]	[Redacted]	[Redacted]	[Redacted]
Signature	Date	Signature	Date
[Redacted]	7/29/16	[Redacted]	7/29/16

IV. FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

Plot Plan Attached Other Information Attached: LOA for use of 406 Amapola for parking

Application/Case No. <u>EVN 16-0014</u>	Date of Acceptance <u>8/15/16</u>	Fee Amount <u>\$ 229</u>	Accepted By: <u>Kevin Joe</u>
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Fire	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: <u>8-16-16</u>
Building	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> See Remarks	By: [Redacted]	Date: _____
Environmental	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: <u>01/21/10</u>
Police	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> See Remarks	By: [Redacted]	Date: <u>8/29/16</u>

REMARKS

Please log comments in Permit Plan

Fire	see agenda ENV16-00044 see attached Please obtain General Use Permit for the event.
Building	- All TENTS LARGER THAN 10'x12' require SAFETY INSPECTION - No OBSTRUCTION ALLOWED @ ANY H.C. PATH.
Environmental	- see attached
Police	Make sure hard barricades are used to separate Vehicular traffic and pedestrian traffic. Have measures in place to ensure that under age drinking does not occur. **

STAFF ASSESSMENT AND RECOMMENDATION (COMMUNITY DEVELOPMENT DEPARTMENT)

- The applicant has satisfied all the standards and requirements of the Permit. Therefore staff recommends approval of the Temporary Parking Lot Event Permit subject to the Standards and Requirements contained in Section III of this approval.
- The application does not meet the standards and requirements for issuance of a Temporary Parking Lot Event Permit and therefore staff recommends denial. The following standards/requirements were not met:

See attached conditions of approval

Assessment Made By:	
Name Kevin Joe	Title Planning Associate
Recommended By:	
Name [Redacted] for Gregg Lodan	Title Associate Civil Engineer

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

This request for a Seasonal Sales Permit is:

- Approved
- Denied

Temporary Parking Lot Permit Number: ENV16-00044

[Redacted Signature]
 Jeffrey W. Gibson
 Community Development Director

[Handwritten Signature]
 Date:

Decisions by the Community Development Director pertaining to a Temporary Parking Permit Lot Event Permit are appealable to the Planning Commission within five (5) calendar days following the above date of approval or denial.

** If a security service will be used please provide

07/01/16 PO w/contact information **

EVN16-00044

Switzer Center 2201 Amapola Court
Taste of Switzer September 10, 2016
Conditions of Approval

Building & Safety

1. All tents larger than 10 feet by 12 feet shall require safety inspection
2. Do not obstruct handicap access or paths

Fire Prevention

Subject to field inspection and the provisions under the California Fire Code.

1. Fire permit will be required for canopies over 400 sq. ft. tents 200 sq. ft. Flame retardant certificate will be required.
2. Provide (1) 2A10BC fire extinguisher for every 75 feet of travel distance. Each fire extinguisher shall be serviced and certified within the past year.
3. Post signs stating, "NO SMOKING".
4. Tent(s)/canopy(s) shall maintain a minimum distance of 20 feet from any building or structure.
5. Parking is not allowed within 20 feet of tent(s)/canopy(s).
6. Any food booths that will be conducting deep fat frying shall maintain a 10 feet distance from the tent(s)/canopy(s) and provide a Class K fire extinguisher with a minimum rating of 40BC.
7. Please obtain and apply for a general use permit at the one stop center.

Environmental

1. Obtain approval for amplified sound from the Finance Division.
2. Portable or freestanding signs, flags, and balloons are prohibited.
3. If a banner will be used obtain a permit. Banner must be attached to the building wall.
4. Provide trash and recycle bins in the area of the event.

Planning

1. All event activities shall be conducted on private property and shall not encroach into the public right-of-way.
2. Provide parking attendants or valet service directing guests to off-site parking.
3. Obtain ABC license for wine and beer tastings.

Police

1. Provide hard barricade to separate vehicular traffic and pedestrian traffic.
2. Implement measures to ensure that underage drinking does not occur.
3. If private security is to be used, provide the Police Department with contact information.

Surf Management Inc.

367 Van Ness Way #100

Torrance, CA 90501

August 3, 2016

Re: Authorization

Surf Management Inc. hereby authorizes Switzer Learning Center to utilize our parking lot at 406 Amapola Ave. Torrance, CA 90501 on Saturday, September 10, 2016 from 5:30 P.M. to 11:30 P.M. for the 50th anniversary fundraising event *A Taste of Switzer*.

Authorized by:



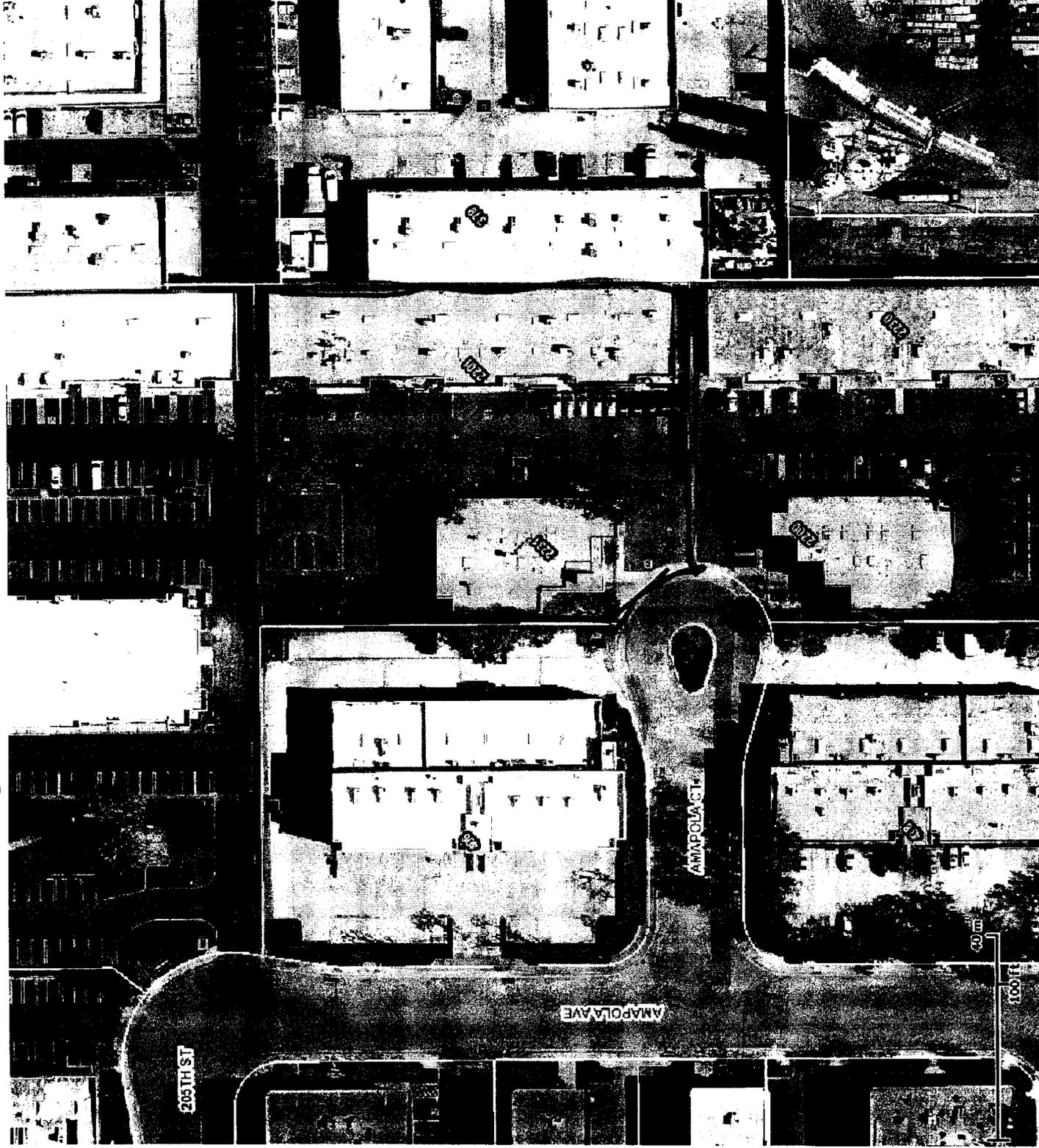
AMAPOLA BUSINESS PARK, LLC,
MANAGER OF LLC

Date:

8/5/16

2201 Amapola

Aerial Photo Viewing



Copyright, City of Torrance, 2011; LARIAC, 2011 Wed Aug 3 2016 07:52:19 AM.

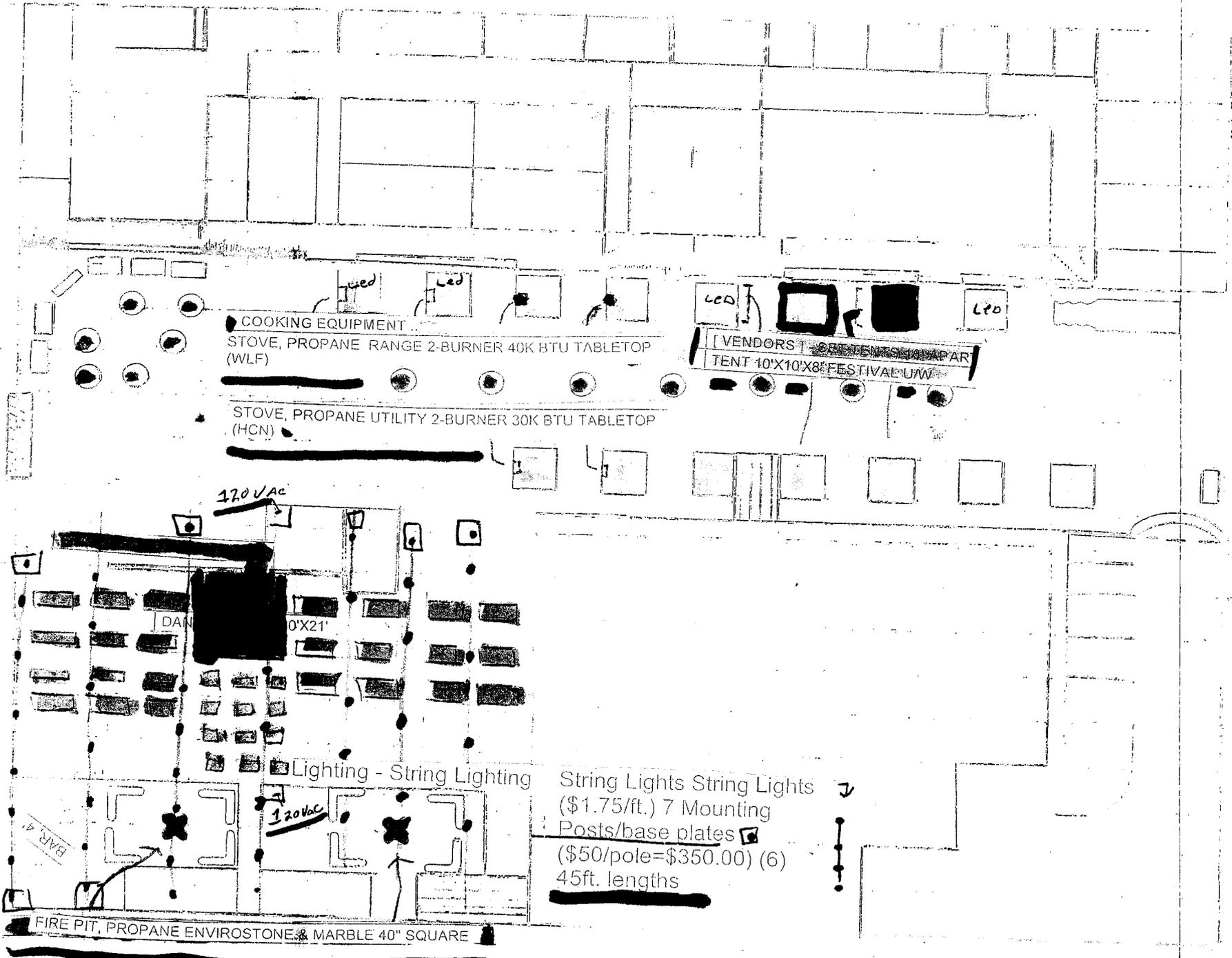
2201 Amapola Ct. Event site

406 Amapola Ave. off-site parking (valet attendants)

Led Lighting is Battery Operated.

4 N

2201 Ampegala Court





City of Torrance, Community Development Department Jeffery W. Gibson, Director
 3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

**Instructions for Filing an Application
 for a Special Animal Permit (Hens)**

Parts I, II and III to be completed by the Applicant/Henkeeper

I. APPLICANT INFORMATION & PROPOSED SAP LOCATION		
NAME OF APPLICANT/HENKEEPER	PHONE NUMBER	E-MAIL
Judy Lipar	[REDACTED]	[REDACTED]
ADDRESS OF PROPOSED SAP HOME [REDACTED]		
MAILING ADDRESS OF APPLICANT (IF DIFFERENT FROM SAP HOME)		
ASSESSOR PARCEL NUMBER (OF SAP HOME) 7536-007-015		

II. SUPPLEMENTAL INFORMATION REQUIRED

Applicant must submit the following items along with this application:

- 8.5" x 11" Scaled Site Plan indicating the location of all existing site improvements, structures, and Coop placement and setbacks.
- 8.5" x 11" Coop Dimension and Size details
- Filing Fee

III. REQUIRED CERTIFICATIONS FOR PROPERTY OWNER & APPLICANT

PROPERTY OWNER CERTIFICATION (Required if location is rental property)

I, Judy Lipar, hereby certify that I am the property owner of the proposed Special Animal Permit home and am consenting to allowing the applicant/henkeeper to file and proceed with keeping of Hens on my property as described in this application.
 (Please print name)

Animal Permit home and am consenting to allowing the applicant/henkeeper to file and proceed with keeping of Hens on my property as described in this application.

[REDACTED] 8-15-2016
 Date

HENKEEPER CERTIFICATION

I, Judy Lipar, as the applicant, will be the henkeeper for this Special Animal Permit
 Please print name

and hereby attest to the following information:

PRINCIPAL RESIDENCE

- The proposed location for the Special Animal Permit is my principal place of residence.

ACKNOWLEDGEMENT OF TORRANCE MUNICIPAL STANDARDS AND REQUIREMENTS

- There will be a maximum of 4 hens, the hens and all related activities will be restricted to the rear yard and that there shall never be Roosters on the property.
- I, the undersigned, acknowledge that I have read the standards and requirements of the Special Animal Permit (as outlined in the Article 14, Chapter 1, Division 4 of the Torrance Municipal Code) and my signature here is certification that I agree to keep and maintain the hens and coop within said criteria, make the property available at all reasonable times for an inspection by the City Manager, or his/her designee, without an inspection warrant to insure compliance with Code and special provisions that may be placed upon the permit, and that, in the event I violate any portion of Article 14, my permit may be revoked.

[REDACTED] 8-15-2016
 Date

Continued on next page

Continued

IV. FOR COMMUNITY DEVELOPMENT DEPARTMENT USE – DO NOT WRITE BELOW THIS LINE

COMMUNITY DEVELOPMENT DEPARTMENT USE:		CITY TREASURER'S USE:	
DATE FILED	CASE NUMBER	FEE:	RECEIPT NUMBER
8/16/16	SAP 16-0003	\$80.00	321137
APPLICATION ACCEPTED BY:		DATE:	ACCEPTED BY:
Kevin Jose		8/16/16	

A. CHECKLIST FOR APPROVAL OF SPECIAL ANIMAL PERMIT (HENS)

1. PERMISSIBLE USE

The proposed location of the Special Animal Permit home is a single-family residence.

Yes No

2. HENKEEPER CERTIFICATION

The applicant has attested to the following information and has signed the application:

- Applicant will be the Henkeeper of the proposed location for the Special Animal Permit home;
- The proposed location of the Special Animal Permit home is the principal residence of the applicant;
- The Applicant/Henkeeper has acknowledged and signed to comply with all development standards related to the keeping of Hens;

3. SITE/PLOT PLAN & COOP DETAILS

Applicant has provided an 8.5" x 11" site/plot plan indicating the following:

- All existing site improvements, structures, and fences;
- Proposed Coop placement and setbacks to all adjacent property lines and fences; and
- Proposed Coop dimensions and size.

(Continued from Left column)

4. DEVELOPMENT STANDARD COMPLIANCE

- The number of Hens is limited to the maximum of 4 Hens, pursuant to TMC Section 41.14.010b;
- The Coops placement is in the rear yard of the property, and no nearer than 15 feet from the rear property line, and no nearer than 10 feet from a side property line, pursuant to TMC Section 41.14.010d;
- That the Coop does not exceed 60 square feet in size, pursuant to TMC Section 41.14.010f;

5. PROCESSING FEE

- A processing fee of \$80.00 has been submitted along with the application. Checks made payable to "City of Torrance".

Continued on next page

The Pawhut outdoor chicken coop is the perfect home for chickens. This house is set directly on the ground so your pets are able to feel the grass between their toes, or claws. The roof can be opened up from above for easy access to your animals. The living area provides a safe and secure place for your pets to sleep in comfort. The nesting box comes with a divider so you can decide if you want one big room or two smaller. With the textured roof, you do not have to worry about your pets being in poor conditions because it will protect from most weather conditions.

With its great combination of durability, style and function, this Pawhut chicken coop is the perfect home for your birds, without having to spend all your money.

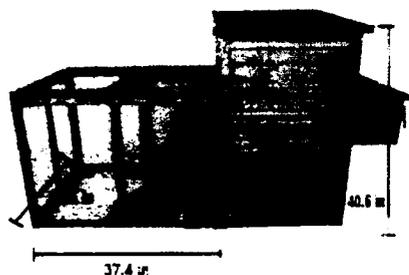
Features:

- Top of living area opens for easy access to pets
- Outer run gives room to roam
- Nesting box has removable divider - Two roosting poles for extra comfort
- Pull out droppings tray for easy cleaning
- Ramp allows animal's entry to inner box
- Textured roof protects animals from most weather conditions
- Includes all necessary parts but assembly is required
- Holds up to 2-4 chickens (depends on breed / size, customers responsibility to determine if available space is adequate to the individual needs)

Specifications:

- Overall size: 75"L x 32"D x 41"H
- Egg box size: 16"H x 28"W x 14"D
- Play cage size: 37"L x 30"D x 28"H
- Nest size: 41"H x 24"L x 32"D
- Net Weight: 60lbs

Note: Our chicken coops are not guaranteed to be weather-tight and may need additional weather-proofing based on your climate / weather conditions



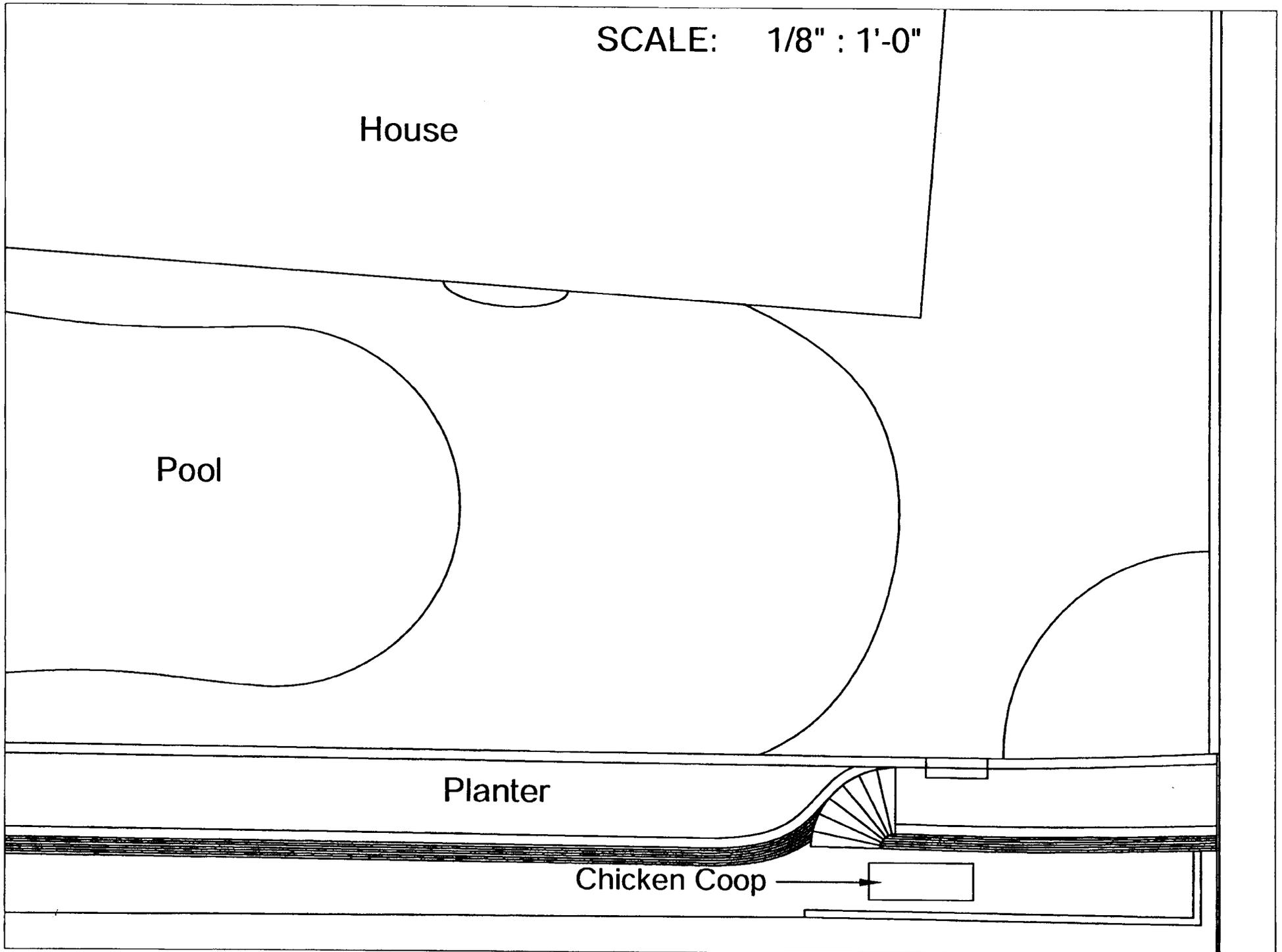
SCALE: 1/8" : 1'-0"

House

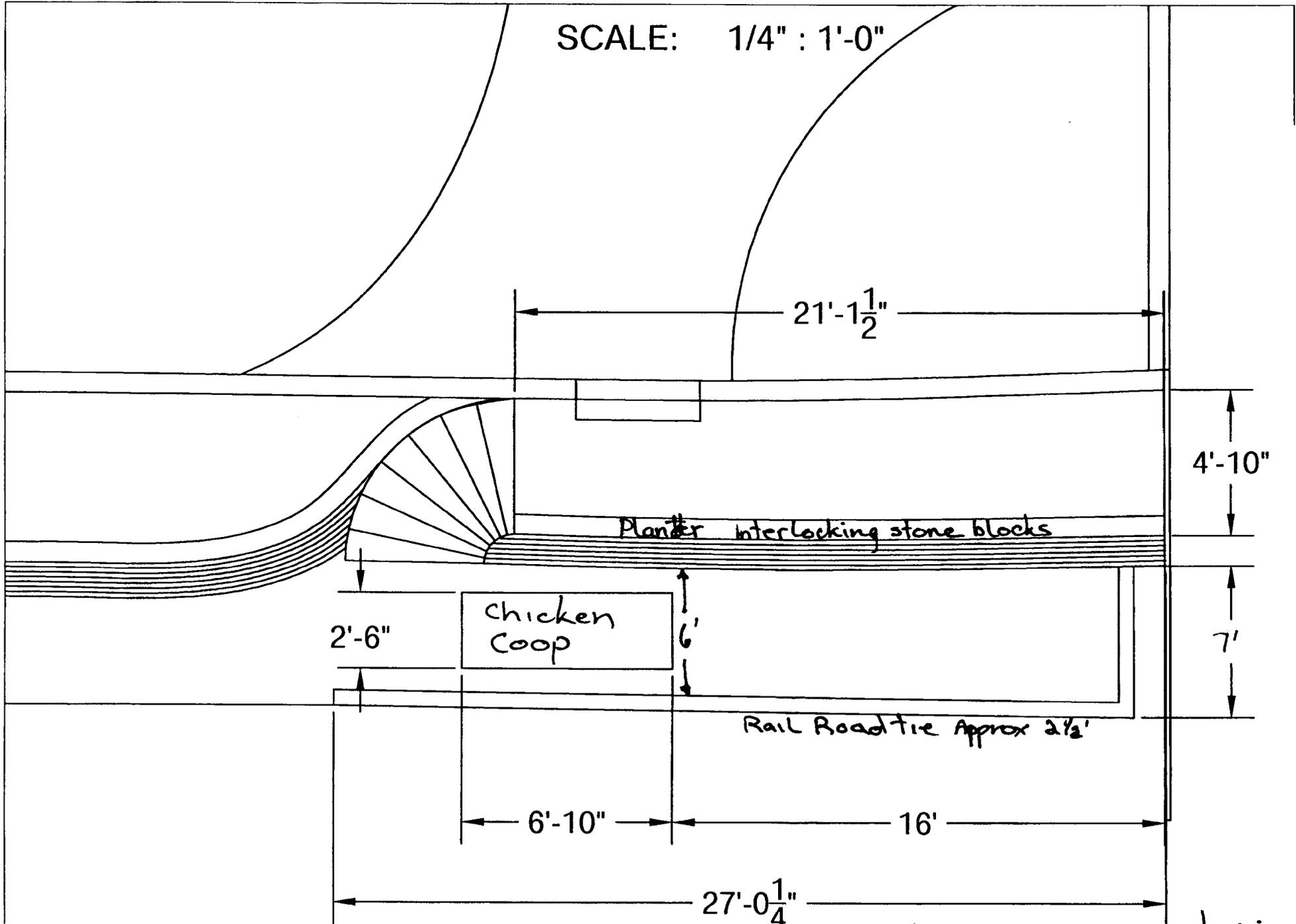
Pool

Planter

Chicken Coop



SCALE: 1/4" : 1'-0"



Coop will be approx. 200 feet from rear property line

DATE: September 1, 2016
TO: Jeffery W. Gibson, Community Development Director
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC16-00002) – CROWN CASTLE
NEXTG WEST, LLC**

A request for approval of a Wireless Telecommunications Facility to allow the installation of a new distributed antenna system node and other ancillary equipment in the public right-of-way adjacent to 4437 Sepulveda Boulevard.

Applicant: Crown Castle
Case No: WTC16-00002
Location: 4437 Sepulveda Blvd (ROW)
Zoning: CR-PP: Restricted Commercial - Precise Plan

The subject request is for the installation of a new outdoor distributed antenna system (DAS) node in the public right-of-way adjacent to 4437 Sepulveda Blvd.

The proposal involves the installation of two (2) 24-inch antenna panels, two (2) remote radio units (RRUs), power disconnect box, low volt converter and an external cable riser for fiber on the pole. A ground-mounted equipment cabinet to support separate power meter and low voltage converter is also proposed approximately 120-feet east of the pole. All pole-mounted equipment is proposed to be painted brown to match the pole and the cabinet would be painted green.

The application was reviewed by the City's telecom consultant, Telecom Law Firm PC, for technical and regulatory issues (Attachment #1). Based on the analysis, the application does not qualify for Section 6409(a) approval as the proposed facility is an entirely new wireless facility and not a collocation or modification of an existing facility. Although the application indicates that this project qualifies for the 90-day shot clock, per the analysis the 150-day shot clock applies because the support structure is not an existing wireless tower or base station.

The proposed small cell facility would provide service to Verizon Wireless customers in the immediate surrounding area of Sepulveda Boulevard and Anza Avenue. The submitted propagation maps show Verizon's current signal strength for the 700MHz LTE frequency band between -85 dBm to -105 dBm and will increase to greater than -75 dBm after the installation of the proposed site.

Per the consultant's analysis, the proposed arm-mounted antennas would be proportional to similar features on other utility poles. All pole-mounted equipment is proposed to be painted brown to match the pole. The consultant recommends that the proposed ground-mounted cabinet not be approved but have the electric meter and low volt converter mounted to the pole instead. Staff is in agreement with the recommendation and has included a condition to that effect.

The consultant further recommends that the applicant/permittee install signage on the pole approximately 10-feet above ground level and that it should comply with FCC OET Bulletin 65 or ANSI C95.7 for color, symbol, and content.

The applicant is advised that the following Code Requirements are applicable to the project:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Sepulveda Boulevard. Engineered plans with design per public standards for this project shall be submitted to the Permits and Records Division.
- No light shall be permitted for the Telecom facility except for security lighting and such lighting shall be shielded so that direct rays do not shine on nearby properties. (92.39.050)
- No signage or identifying logos shall be displayed on the telecommunication facility. (92.39.050)
- Submit a radio frequency compliance and radiation report prepared by a qualified RF engineer with 30 days after installation of the telecom facility. (92.39.070)
- Must comply with TMC Section 92.39.090 regarding discontinued use or abandonment of facility.

Staff finds that the requirements of the Torrance Municipal Code Section 92.39.060 regulating permit review procedures of telecommunications facilities have been satisfied, and recommends approval of the applicant's request, subject to the following conditions:

1. That if this Administrative Approval is not implemented within one year after the approval, it shall expire and become null and void unless extended by the Community Development Director for an additional period, as provided for in Section 92.27.1 of the Torrance Municipal Code; (Planning)
2. That all requirements provided under Ordinance No. 3058, Section 92.2.8, Satellite Antennas, of the Torrance Municipal Code, Division 9, shall be met prior to the issuance of building permits and/or encroachment permits; (Planning)
3. That if the panel antennas and all related equipment cabinets shall be removed if the telecommunications site remains inactive for more than 180 days; (Planning)
4. That the proposed ground-mounted cabinet shall be eliminated and that the electric meter and low volt converter shall be pole-mounted; (Planning)
5. That all pole-mounted antennas/equipment shall be painted brown to match the color of the pole; (Planning)
6. That the permittee shall install and at all times maintain in good condition "RF Notice" and "Network Operation Center Information" signs on the pole at approximately 10-feet above ground level. Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches the pole; (Planning)
7. That the permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. In addition, all such signage shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC; (Planning)

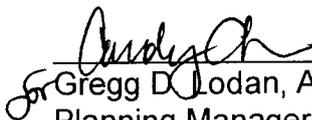
8. That a minimum 10-foot vertical clearance above public sidewalk surface for proposed cabinets/facilities mounted on existing utility pole and a minimum 16-foot vertical clearance above sidewalk surface for proposed cabinets/facilities within 2-feet or less horizontally of the public street shall be maintained; (Engineering)

Prepared by,

Recommended by,



Oscar Martinez
Senior Planning Associate



Gregg D. Dodan, AICP
Planning Manager

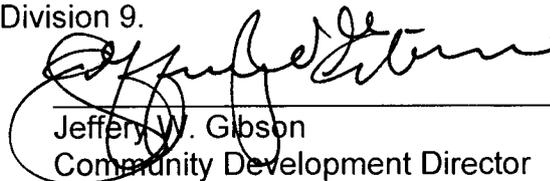
Attachments:

1. Telecom Law Firm Memorandum
2. Development Application (File)
3. Site Plan and Elevations (File)

This request for a Satellite Antenna Administrative Review (WTC16-00002) is
 APPROVED DENIED per Ordinance No. 3561, Section 92.39.060, Satellite
Antennas, of the Torrance Municipal Code, Division 9.



DATE



Jeffery W. Gibson
Community Development Director

Decisions made by the Community Development Director are appealable to the Telecom Committee within 15 calendar days following the above date of approval/denial.

WIRELESS PLANNING MEMORANDUM

TO: Oscar Martinez
FROM: Robert C. May
REVIEWER: Jonathan L. Kramer
DATE: July 25, 2016

RE: **Technical Review for New Wireless Site in the Public Right-of-Way (WTC16-00002)**

Applicant: Crown Castle (for Verizon Wireless)
Site Address: Public Right-of-way near 4437 Sepulveda Boulevard
Site ID: SCL Dudmore B1

The City of Torrance (the “**City**”) requested a review for the proposed Crown Castle NG West, LLC (“**Crown Castle**”) to construct a new wireless facility in the public right-of-way (“**ROW**”) near 4437 Sepulveda Boulevard. This memorandum reviews the application and related materials for technical and regulatory issues specific to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

1. Project Background and Description

On July 12, 2016, Crown Castle submitted project plans dated March 31, 2016 to propose a new wireless outdoor distributed antenna system (“**DAS**”) node in the public ROW abutting commercial zone CR-PP.¹ Crown Castle proposes to center-mount two 24-inch panel antennas at 25 feet above ground level (“**AGL**”) on a guard arm that would be attached to a 66-foot AGL wood utility pole.

On the pole, Crown Castle would install two remote radio units (“**RRUs**”), a power disconnect box, a low volt converter and an external cable riser for fiber. Approximately 120 feet east of the proposed DAS node, Crown Castle proposes a ground-mounted equipment cabinet to support a separate power meter and a low volt converter. All pole-mounted equipment would be painted to match the pole and the equipment cabinet would be painted green.

¹ The City should note the actual date on Crown Castle’s plans reads March 31, 2018. This memorandum assumes Crown Castle intended March 31, 2016.

2. Section 6409 Evaluation

Section 6409(a) requires that State and local governments “may not deny, and shall approve” any “eligible facilities request” for a wireless site collocation or modification so long as it does not cause a “substant[ia]l change in [that site’s] physical dimensions.”² FCC regulations interpret key terms in this statute and impose certain substantive and procedural limitations on local review.³ Localities must review applications submitted for approval pursuant to Section 6409(a), but the applicant bears the burden to show it qualifies for mandatory approval.

Here, the City should not process this application as an eligible facilities request because Crown Castle did not request approval under Section 6409(a). FCC regulations require the applicant to submit a written request for approval pursuant to this specific process.⁴ Even if Crown Castle did request a Section 6409(a) review, Crown Castle proposes an entirely new wireless facility rather than a collocation or modification at an existing facility and the application is not an eligible facilities request that could be subject to mandatory approval.

Accordingly, the City should review the application under the applicable development provisions in the Torrance Municipal Code subject to federal and state law.

3. Shot Clock Considerations

The federal Telecommunications Act of 1996 (the “**Telecom Act**”) requires State and local governments to act on a duly filed wireless permit application within a reasonable time.⁵ FCC regulations interpret a “reasonable” time to mean 60 days for an eligible facilities request, 90 days for a collocation application and 150 days for all other projects.⁶ Under California law, the project may be deemed approved when the local government fails to act within the applicable timeframe and all notices required for the application have been given.⁷

The FCC defines “collocation” to mean the installation of transmission equipment on an existing wireless tower or base station.⁸ Such collocation qualifies as a “collocation

² See 47 U.S.C. § 1455(a).

³ See In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd. 12865 (Oct. 17, 2014) [hereinafter “*Infrastructure Order*”].

⁴ See 47 C.F.R. § 1.40001(c).

⁵ See 47 U.S.C. § 332(c)(7)(B)(ii).

⁶ See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, 24 FCC Rcd 13994, 14012 ¶¶ 45 (Nov. 18, 2009); see also *Infrastructure Order* at ¶ 216.

⁷ See CAL. GOV'T CODE § 65964.1(a).

⁸ See 47 C.F.R. § 1.40001(b)(2).



application” when it meets certain size limitations detailed in the Nationwide Collocation Agreement.

Here, the 150-day shot clock applies because the support structure is not an existing wireless tower or base station. Despite the analysis in Crown Castle’s application that concludes the project qualifies for the 90-day clock, the City should conclude that the proposal is not a collocation application. Given that Crown Castle filed the application on July 12, 2016, the last date to file the first incomplete notice is August 10, 2016, and the earliest possible date on which the shot clock could expire is December 8, 2016 (assuming the clock is never tolled).

4. Significant Gap and Least Intrusive Means Analysis

The Telecom Act prohibits State and local governments from actually or effectively prohibiting the provision of personal wireless services.⁹ In the Ninth Circuit, a single permit denial can cause an effective prohibition when the applicant demonstrates (1) a “significant gap” exists in its own service and (2) that it proposed the “least intrusive means” to mitigate that gap.¹⁰ This rule applies with equal force on private property and the public ROW.¹¹

4.1. California Public Utilities Code Sections 7901 and 7901.1

State and local governments cannot impose stricter requirements on wireless facilities deployment than contained in the Telecom Act, but state and local laws may require different-but-less-restrictive alternatives. California state law somewhat modifies the federal effective-prohibition analysis because it grants certain telephone corporations access rights to the ROW subject to statutory limitations and local time, place and manner control.¹²

Under California Public Utilities Code section 7901, CPUC-regulated telephone corporations hold a “limited right” to use the ROW “only to the extent necessary for the furnishing of services to the public.”¹³ Public Utilities Code section 7901.1 bolsters local authority and requires telephone corporations to conform to reasonable local time, place and manner regulations, which may include aesthetic considerations.¹⁴

⁹ See 47 U.S.C. § 332(c)(7)(B)(i)(II).

¹⁰ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

¹¹ See generally *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716 (9th Cir. 2009) (applying 47 U.S.C. §§ 332(c)(7) *et seq.* to permit denials for wireless sites in the ROW).

¹² See CAL. PUB. UTILS. CODE §§ 7901, 7901.1 (West 2011).

¹³ See *County of Los Angeles v. Southern Cal. Telephone Co.*, 196 P.2d 773, 779 (Cal. 1948).

¹⁴ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 725 (9th Cir. 2009); see also *GTE Mobilnet of Cal. Ltd. P’ship v. City and County of San Francisco*, 440 F. Supp. 2d 1097, 1102–1106 (rejecting claim that § 7901 preempts local regulation as a matter of law).



Taken together, section 7901 effectively obviates the significant gap question because California localities must allow telephone corporations reasonable access to the ROW whether a gap in the provider's service exists or not. But localities can, pursuant to its authority preserved in section 7901.1, require wireless telephone corporations to adopt the least intrusive means.¹⁵ Accordingly, localities cannot deny a site in the ROW on the basis that it does not address a significant gap, but localities may require information about an applicant's gap or other technical objectives to better understand potentially less intrusive alternative solutions.

4.2. Crown Castle's Technical Service Objectives

Crown Castle proposes to deploy this facility in conjunction with other proposed small cell facilities along Sepulveda Boulevard and Camino Real between State Highway 1 and Hawthorne Boulevard. This particular facility would provide service to Verizon Wireless ("**Verizon**") customers in the immediate surrounding commercial area at the intersection of Sepulveda Boulevard and Anza Avenue. In the coverage area, Crown Castle's propagation maps show Verizon's current signal strength for the 700 MHz LTE frequency band between -85 dBm to -105 dBm, and predicts an increase to greater than -75 dBm with the proposed site.

4.3. Least Intrusive Means Evaluation

Even when an applicant demonstrates a significant gap, the Telecom Act does not grant the applicant rights to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the "least intrusive means" to achieve their technical objectives.¹⁶ This balances the national interest in wireless services with the local interest in planned development.

In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.¹⁷ "Local values" typically refer to policies or norms expressed in the local law. A "technically feasible and potentially available alternative" means that the applicant can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.¹⁸

Localities should first evaluate whether or to what degree a proposed wireless site conforms to local law. To the extent that the proposal or some aspect within the proposal conflicts with local law, localities should then look for practical alternatives that either eliminate or reduce the noncompliance.

¹⁵ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 725 (9th Cir. 2009).

¹⁶ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).

¹⁷ See *id.*; see also *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

¹⁸ See *Anacortes*, 572 F.3d at 996–99.



4.3.1. Project Compliance with Applicable Code Provisions

The Torrance Municipal Code (the “Code”) provides that any antenna attached to a utility pole in the public ROW that carries electricity cannot exceed the height of the pole.¹⁹ Existing utility poles are in the second most preferred location category for wireless siting.²⁰ All wireless facilities should blend into the natural or manmade environment, contain screening or concealment elements and be in proportion to surrounding structures.²¹ Lastly, all ground-mounted equipment must comply with the federal Americans with Disabilities Act (“ADA”).²²

Here, Crown Castle’s proposal complies with the City’s land use values in some but not all respects. Crown Castle proposes to install its facility in a preferred siting location at an appropriate height and its equipment cabinet would comply with the ADA sidewalk clearance requirements. To the extent Crown Castle proposes to paint all equipment to match the existing manmade or natural environment, the blending measures would comply with the Code. Moreover, Crown Castle’s guard arm-mounted antennas that extend from the pole would be proportional to similar features found on similar utility poles.

However, the City may wish to disapprove the ground-mounted equipment cabinet and require Crown Castle to install the electric meter and additional low volt converter on the pole. The proposed cabinet typically contains backup power supplies and may also be used to house additional radios. Crown Castle does not explain why it needs to add an additional obstruction in the ROW, and the plans suggest the cabinet serves only to support the electric meter and converter. Given that the City prefers installations on existing structures over new stand-alone deployments, the City should require Crown Castle to relocate the electric meter and low volt converter to the pole and eliminate the proposed ground-mounted cabinet.

4.3.2. Alternative Sites Analysis

The process to determine whether a proposal constitutes the least intrusive means involves “burden-shifting” framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a “meaningful comparative analysis” for why such alternative is not technically feasible or potentially available.²³ This back-

¹⁹ See TORRANCE MUN. CODE § 92.39.040(a)(1)(A).

²⁰ See *id.* § 92.39.040(b)(1)(B).

²¹ See *id.* § 92.39.050(a)(1)-(3).

²² See *id.* § 92.39.050(e)(3).

²³ See *American Tower Corp.*, 763 F.3d at 1056.



and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.²⁴

Applicants cannot rule-out potential alternatives on the ground that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.²⁵ Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.²⁶

Here, Crown Castle submitted an alternative sites analysis that assessed two alternate locations. However, the analysis consists of bare conclusions and fails to provide a meaningful comparative analysis and the factual basis for concluding why each considered alternative would not meet the coverage objectives. Despite this, the City should note that Alternate 2 currently supports a wireless facility and would likely not be a viable candidate for Crown Castle’s proposed DAS node.

Although Crown Castle did not provide a sufficient comparative analysis to properly rule-out Alternate 1, the City should identify the utility pole where Crown Castle proposes to install a ground-mounted equipment cabinet (the “**cabinet pole**”) as a potential alternative. Given that (a) Alternate 1 would allegedly not meet the coverage objectives, (b) Alternate 2 was only ruled-out for structural concerns and (c) the cabinet pole is about the same distance away as Alternate 2, the cabinet pole could feasibly meet Crown Castle’s coverage objectives and provide a greater buffer from the wireless facility on Alternate 2.

To determine the technical feasibility of locating to a potentially less intrusive location, the City should consider requesting that Crown Castle provide additional propagation maps for the cabinet pole in the same format and scale as those provided for the proposed DAS node.

5. Planned Compliance with RF Exposure Regulations

Under the federal Telecommunications Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human

²⁴ *Compare id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), *with Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative sites analyses. Planners should also note that a strong administrative record is essential to this analysis.

²⁵ *See American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

²⁶ *See id.*



exposure to RF emissions (the “**FCC Guidelines**”).²⁷ State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines.²⁸

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.²⁹ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

5.1. FCC Guidelines

FCC Guidelines regulate *exposure* rather than *emissions*.³⁰ Although the FCC establishes a maximum permissible exposure (“**MPE**”) limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between “general population” and “occupational” people. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters.³¹ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.³² The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

Lastly, the FCC “categorically excludes” certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2) the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical exclusion when mounted on a structure built solely or primarily to support FCC-licensed or authorized equipment (*i.e.*, a tower) and such that

²⁷ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 *et seq.*; FCC Office of Engineering and Technology, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin 65, ed. 97-01 (1997).

²⁸ See 47 U.S.C. § 332(c)(7)(B)(iv).

²⁹ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).

³⁰ See generally Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites, *Consumer Guide*, FCC (Oct. 22, 2014), available at <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

³¹ See 47 C.F.R. § 1.1310, Note 2.

³² See *id.*



the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.³³

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

5.2. Planned Compliance Evaluation and Recommendations

The FCC Guidelines do not categorically exclude Crown Castle's application based on design because the antennas are mounted on a utility pole that was primarily intended to support electrical power lines rather than wireless equipment. Accordingly, an additional analysis is appropriate to determine whether the proposed transmitters demonstrate planned compliance with the FCC Guidelines.

Here, Crown Castle submitted an *LSGAC Checklist* that contains the basic RF emissions information needed to independently evaluate compliance with the FCC Guidelines. Based on the power-output levels in the *LSGAC Checklist* and the proposed operating frequency in Crown Castle's application, the Crown Castle transmitters would create a controlled-access zone that extends approximately 7.3 feet from the face of the antennas. The controlled-access zone would extend horizontally into inaccessible airspace with very little emissions in any other direction.

A controlled-access zone does not indicate that the site will not comply with the FCC Guidelines. Rather, the site operator must affirmatively warn and attempt to prevent access to these areas where exposures will exceed the FCC's MPE limits.

Here, Crown Castle would be able to demonstrate planned compliance by following signage protocol that provides appropriate notice to the affected classes. The City should not interpret the recommended conditions below to mean that it must or should approve Crown Castle's current application. Rather, we recommend the City impose the following conditions if it decides to approve the proposal in its current or modified form:

1. Permittee shall install and at all times maintain in good condition a "Network Operations Center Information" and "RF Notice" on the pole at approximately 10 feet above ground level. Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches the pole.
2. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.7 for color, symbol and content conventions. In addition, all signage must

³³ See *id.* § 1.1307(b)(1).



provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.

6. Conclusion

The City may wish to request that Crown Castle provide additional propagation maps to evaluate the cabinet pole as an alternative to the proposed site. Locating at this alternative would provide a greater buffer from a nearby wireless facility. The City may also wish to disapprove the ground-mounted cabinet because it creates an unnecessary obstruction and serves no apparent purpose other than a housing for the electric meter and low volt converter which can be placed on the pole.

Subject to the recommended conditions, Crown Castle's proposed site would comply with the FCC Guidelines for radiofrequency exposure. The planned compliance analysis is dependent on the equipment in the configuration and location shown in the project plans. In the event that the City or the applicant makes any changes to this proposed site, a revised analysis would be appropriate.

RM/jlk



DATE: September 1, 2016
TO: Jeffery W. Gibson, Community Development Director
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC16-00003) – CROWN CASTLE
NEXTG WEST, LLC**

A request for approval of a Wireless Telecommunications Facility to allow the installation of a new distributed antenna system node and other ancillary equipment in the public right-of-way adjacent to 22236 Palos Verdes Boulevard.

Applicant: Crown Castle
Case No: WTC16-00003
Location: 22236 Palos Verdes Blvd (ROW)
Zoning: C-3: Solely Commercial

The subject request is for the installation of a new outdoor distributed antenna system (DAS) node in the public right-of-way adjacent to 22236 Sepulveda Blvd.

The proposal involves the installation of two (2) 24-inch antenna panels, two (2) remote radio units (RRUs), power disconnect box, low volt converter and an external cable riser for fiber on the pole. A ground-mounted equipment cabinet to support separate power meter is also proposed near the pole. All pole-mounted equipment is proposed to be painted brown to match the pole and the cabinet would be painted green. As part of the application, the applicant is also installing a 5-foot extension to the pole, increasing the height from 34-feet above ground to 39-feet above ground. The purpose of the extension is to relocate an existing electrical feed above the antennas.

The application was reviewed by the City's telecom consultant, Telecom Law Firm PC, for technical and regulatory issues (Attachment #1). Based on the analysis, the application does not qualify for Section 6409(a) approval as the proposed facility is an entirely new wireless facility and not a collocation or modification of an existing facility. Although the application indicates that this project qualifies for the 90-day shot clock, per the analysis the 150-day shot clock applies because the support structure is not an existing wireless tower or base station.

The proposed small cell facility would provide service to Verizon Wireless customers in the immediate surrounding area of Sepulveda Boulevard and Palos Verdes Boulevard. The submitted propagation maps show Verizon's current signal strength for the 700MHz LTE frequency band between -85 dBm to -95 dBm and will increase to greater than -75 dBm after the installation of the proposed site.

Per the consultant's analysis, the proposed arm-mounted antennas would be proportional to similar features on other utility poles. All pole-mounted equipment is proposed to be painted brown to match the pole. The consultant recommends that the proposed ground-mounted cabinet not be approved but have the electric meter and low volt converter mounted to the pole instead. Staff is in agreement with the recommendation and has included a condition to that effect.

The consultant further recommends that the applicant/permittee install signage on the pole approximately 10-feet above ground level and that it should comply with FCC OET Bulletin 65 or ANSI C95.7 for color, symbol, and content.

The applicant is advised that the following Code Requirements are applicable to the project:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Sepulveda Boulevard. Engineered plans with design per public standards for this project shall be submitted to the Permits and Records Division.
- No light shall be permitted for the Telecom facility except for security lighting and such lighting shall be shielded so that direct rays do not shine on nearby properties. (92.39.050)
- No signage or identifying logos shall be displayed on the telecommunication facility. (92.39.050)
- Submit a radio frequency compliance and radiation report prepared by a qualified RF engineer with 30 days after installation of the telecom facility. (92.39.070)
- Must comply with TMC Section 92.39.090 regarding discontinued use or abandonment of facility.

Staff finds that the requirements of the Torrance Municipal Code Section 92.39.060 regulating permit review procedures of telecommunications facilities have been satisfied, and recommends approval of the applicant's request, subject to the following conditions:

1. That if this Administrative Approval is not implemented within one year after the approval, it shall expire and become null and void unless extended by the Community Development Director for an additional period, as provided for in Section 92.27.1 of the Torrance Municipal Code; (Planning)
2. That all requirements provided under Ordinance No. 3058, Section 92.2.8, Satellite Antennas, of the Torrance Municipal Code, Division 9, shall be met prior to the issuance of building permits and/or encroachment permits; (Planning)
3. That if the panel antennas and all related equipment cabinets shall be removed if the telecommunications site remains inactive for more than 180 days; (Planning)
4. That the proposed ground-mounted cabinet shall be eliminated and that the electric meter and low volt converter shall be pole-mounted; (Planning)
5. That all pole-mounted antennas/equipment shall be painted brown to match the color of the pole; (Planning)
6. That the permittee shall install and at all times maintain in good condition "RF Notice" and "Network Operation Center Information" signs on the pole at approximately 10-feet above ground level. Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches the pole; (Planning)
7. That the permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. In addition, all such signage

shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC; (Planning)

8. That a minimum 10-foot vertical clearance above public sidewalk surface for proposed cabinets/facilities mounted on existing utility pole and a minimum 16-foot vertical clearance above sidewalk surface for proposed cabinets/facilities within 2-feet or less horizontally of the public street shall be maintained; (Engineering)

Prepared by,

[Redacted Signature]

Oscar Martinez
Senior Planning Associate

Recommended by,

[Redacted Signature]

Gregg D. Lodan, AICP
Planning Manager

Attachments:

1. Telecom Law Firm Memorandum
2. Development Application (File)
3. Site Plan and Elevations (File)

This request for a Satellite Antenna Administrative Review (WTC16-00003) is APPROVED DENIED per Ordinance No. 3561, Section 92.39.060, Satellite Antennas, of the Torrance Municipal Code, Division 9.

1 Sep 16
DATE

[Redacted Signature]

Jeffery W. Gibson
Community Development Director

Decisions made by the Community Development Director are appealable to the Telecom Committee within 15 calendar days following the above date of approval/denial.

WIRELESS PLANNING MEMORANDUM

TO: Oscar Martinez
FROM: Robert C. May
REVIEWER: Jonathan L. Kramer
DATE: July 22, 2016

RE: **Technical Review for New Wireless Site in the Public Right-of-Way (WTC16-00003)**

Applicant: Crown Castle (for Verizon Wireless)
Site Address: Public Right-of-way near 22236 Palos Verdes Boulevard
Site ID: SCL Dudmore B2

The City of Torrance (the “**City**”) requested a review for the proposed Crown Castle NG West, LLC (“**Crown Castle**”) to construct a new wireless facility in the public right-of-way (“**ROW**”) near 22236 Palos Verdes Boulevard. This memorandum reviews the application and related materials for technical and regulatory issues specific to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

1. Project Background and Description

On July 12, 2016, Crown Castle submitted project plans dated March 29, 2016 to propose a new wireless outdoor distributed antenna system (“**DAS**”) node in the public ROW abutting commercial zone C3. Crown Castle proposes to center-mount two 24-inch panel antennas at 20’8” above ground level (“**AGL**”) on a guard arm that would be attached to a 34-foot AGL wood utility pole.

On the pole, Crown Castle would install two remote radio units (“**RRUs**”), a power disconnect box and two external cable risers for power and fiber. Crown Castle also proposes a five-foot extension to relocate an aerial electric feed above the proposed antenna installation. Crown Castle proposes a ground-mounted equipment cabinet to support a separate power meter. All pole-mounted equipment would be painted to match the pole and the equipment cabinet would be painted green.

2. Section 6409 Evaluation

Section 6409(a) requires that State and local governments “may not deny, and shall approve” any “eligible facilities request” for a wireless site collocation or modification so

long as it does not cause a “substant[ial] change in [that site’s] physical dimensions.”¹ FCC regulations interpret key terms in this statute and impose certain substantive and procedural limitations on local review.² Localities must review applications submitted for approval pursuant to Section 6409(a), but the applicant bears the burden to show it qualifies for mandatory approval.

Here, the City should not process this application as an eligible facilities request because Crown Castle did not request approval under Section 6409(a). FCC regulations require the applicant to submit a written request for approval pursuant to this specific process.³ Even if Crown Castle did request a Section 6409(a) review, Crown Castle proposes an entirely new wireless facility rather than a collocation or modification at an existing facility and the application is not an eligible facilities request that could be subject to mandatory approval.

Accordingly, the City should review the application under the applicable development provisions in the Torrance Municipal Code subject to federal and state law.

3. Shot Clock Considerations

The federal Telecommunications Act of 1996 (the “**Telecom Act**”) requires State and local governments to act on a duly filed wireless permit application within a reasonable time.⁴ FCC regulations interpret a “reasonable” time to mean 60 days for an eligible facilities request, 90 days for a collocation application and 150 days for all other projects.⁵ Under California law, the project may be deemed approved when the local government fails to act within the applicable timeframe and all notices required for the application have been given.⁶

The FCC defines “collocation” to mean the installation of transmission equipment on an existing wireless tower or base station.⁷ Such collocation qualifies as a “collocation application” when it meets certain size limitations detailed in the Nationwide Collocation Agreement.

Here, the 150-day shot clock applies because the support structure is not an existing wireless tower or base station. Despite the analysis in Crown Castle’s application that

¹ See 47 U.S.C. § 1455(a).

² See In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd. 12865 (Oct. 17, 2014) [hereinafter “*Infrastructure Order*”].

³ See 47 C.F.R. § 1.40001(c).

⁴ See 47 U.S.C. § 332(c)(7)(B)(ii).

⁵ See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, 24 FCC Rcd 13994, 14012 ¶ 45 (Nov. 18, 2009); see also *Infrastructure Order* at ¶ 216.

⁶ See CAL. GOV’T CODE § 65964.1(a).

⁷ See 47 C.F.R. § 1.40001(b)(2).



concludes the project qualifies for the 90-day clock, the City should conclude that the proposal is not a collocation application. Given that Crown Castle filed the application on July 12, 2016, the last date to file the first incomplete notice is August 10, 2016, and the earliest possible date on which the shot clock could expire is December 8, 2016 (assuming the clock is never tolled).

4. Significant Gap and Least Intrusive Means Analysis

The Telecom Act prohibits State and local governments from actually or effectively prohibiting the provision of personal wireless services.⁸ In the Ninth Circuit, a single permit denial can cause an effective prohibition when the applicant demonstrates (1) a “significant gap” exists in its own service and (2) that it proposed the “least intrusive means” to mitigate that gap.⁹ This rule applies with equal force on private property and the public ROW.¹⁰

4.1. California Public Utilities Code Sections 7901 and 7901.1

State and local governments cannot impose stricter requirements on wireless facilities deployment than contained in the Telecom Act, but state and local laws may require different-but-less-restrictive alternatives. California state law somewhat modifies the federal effective-prohibition analysis because it grants certain telephone corporations access rights to the ROW subject to statutory limitations and local time, place and manner control.¹¹

Under California Public Utilities Code section 7901, CPUC-regulated telephone corporations hold a “limited right” to use the ROW “only to the extent necessary for the furnishing of services to the public.”¹² Public Utilities Code section 7901.1 bolsters local authority and requires telephone corporations to conform to reasonable local time, place and manner regulations, which may include aesthetic considerations.¹³

Taken together, section 7901 effectively obviates the significant gap question because California localities must allow telephone corporations reasonable access to the ROW whether a gap in the provider’s service exists or not. But localities can, pursuant to its authority preserved in section 7901.1, require wireless telephone corporations to adopt the least intrusive means.¹⁴ Accordingly, localities cannot deny a site in the ROW on the

⁸ See 47 U.S.C. § 332(c)(7)(B)(i)(II).

⁹ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

¹⁰ See generally *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716 (9th Cir. 2009) (applying 47 U.S.C. §§ 332(c)(7) *et seq.* to permit denials for wireless sites in the ROW).

¹¹ See CAL. PUB. UTILS. CODE §§ 7901, 7901.1 (West 2011).

¹² See *County of Los Angeles v. Southern Cal. Telephone Co.*, 196 P.2d 773, 779 (Cal. 1948).

¹³ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 725 (9th Cir. 2009); see also *GTE Mobilnet of Cal. Ltd. P'ship v. City and County of San Francisco*, 440 F. Supp. 2d 1097, 1102–1106 (rejecting claim that § 7901 preempts local regulation as a matter of law).

¹⁴ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 725 (9th Cir. 2009).



basis that it does not address a significant gap, but localities may require information about an applicant's gap or other technical objectives to better understand potentially less intrusive alternative solutions.

4.2. Crown Castle's Technical Service Objectives

Crown Castle proposes to deploy this facility in conjunction with other proposed small cell facilities along Sepulveda Boulevard and Camino Real between State Highway 1 and Hawthorne Boulevard. This particular facility would provide service to Verizon Wireless ("Verizon") customers in the immediate surrounding commercial area at the intersection of Sepulveda Boulevard and Palos Verdes Boulevard. In the coverage area, Crown Castle's propagation maps show Verizon's current signal strength for the 700 MHz LTE frequency band between -85 dBm to -95 dBm, and predicts an increase to greater than -75 dBm with the proposed site.

4.3. Least Intrusive Means Evaluation

Even when an applicant demonstrates a significant gap, the Telecom Act does not grant the applicant rights to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the "least intrusive means" to achieve their technical objectives.¹⁵ This balances the national interest in wireless services with the local interest in planned development.

In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.¹⁶ "Local values" typically refer to policies or norms expressed in the local law. A "technically feasible and potentially available alternative" means that the applicant can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.¹⁷

Localities should first evaluate whether or to what degree a proposed wireless site conforms to local law. To the extent that the proposal or some aspect within the proposal conflicts with local law, localities should then look for practical alternatives that either eliminate or reduce the noncompliance.

4.3.1. Project Compliance with Applicable Code Provisions

The Code provides that any antenna attached to a utility pole in the public ROW that carries electricity cannot exceed the height of the pole.¹⁸ Existing utility poles are in the

¹⁵ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).

¹⁶ See *id.*; see also *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

¹⁷ See *Anacortes*, 572 F.3d at 996-99.

¹⁸ See TORRANCE MUN. CODE § 92.39.040(a)(1)(A).



second most preferred location category for wireless siting.¹⁹ All wireless facilities should blend into the natural or manmade environment, contain screening or concealment elements and be in proportion to surrounding structures.²⁰ Lastly, all ground-mounted equipment must comply with the federal Americans with Disabilities Act (“**ADA**”).²¹

Here, Crown Castle’s proposal complies with the City’s land use values in some but not all respects. Crown Castle proposes to install its facility in a preferred siting location at an appropriate height and its equipment cabinet would comply with the ADA sidewalk clearance requirements. To the extent Crown Castle proposes to paint all equipment to match the existing manmade or natural environment, the blending measures would comply with the Code. Moreover, Crown Castle’s guard arm-mounted antennas that extend from the pole would be proportional to similar features found on similar utility poles.

However, the City may wish to disapprove the ground-mounted equipment cabinet and require Crown Castle to install the electric meter on the pole. The proposed cabinet typically contains backup power supplies and may also be used to house additional radios. Crown Castle does not explain why it needs to add an additional obstruction in the ROW, and the plans suggest the cabinet serves only to support the electric meter. Given that the City prefers installations on existing structures over new stand-alone deployments, the City should require Crown Castle to relocate the electric meter to the pole and eliminate the proposed ground-mounted cabinet.

4.3.2. Alternative Sites Analysis

The process to determine whether a proposal constitutes the least intrusive means involves “burden-shifting” framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a “meaningful comparative analysis” for why such alternative is not technically feasible or potentially available.²² This back-and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.²³

¹⁹ See *id.* § 92.39.040(b)(1)(B).

²⁰ See *id.* § 92.39.050(a)(1)-(3).

²¹ See *id.* § 92.39.050(e)(3).

²² See *American Tower Corp.*, 763 F.3d at 1056.

²³ Compare *id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), with *Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative sites analyses. Planners should also note that a strong administrative record is essential to this analysis.



Applicants cannot rule-out potential alternatives on the ground that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.²⁴ Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.²⁵

Here, Crown Castle submitted an alternative sites analysis that assessed two alternate locations. However, the analysis consists of bare conclusions and fails to provide a meaningful comparative analysis and the factual basis for concluding why each considered alternative would not meet the coverage objectives. Given the existing tree west of Alternate Location 1, Crown Castle could incorporate natural screening elements to better conceal any potentially approvable ground-mounted equipment. Moreover, this location would likely avoid the need to add a pole-top extension for purposes of relocating the aerial electric feed.

To determine the technical feasibility of locating to a potentially less intrusive location, the City should consider requesting that Crown Castle provide additional propagation maps for Alternative Location 1 in the same format and scale as those provided for the proposed location.

5. Planned Compliance with RF Exposure Regulations

Under the federal Telecommunications Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human exposure to RF emissions (the “**FCC Guidelines**”).²⁶ State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines.²⁷

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.²⁸

²⁴ See *American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

²⁵ See *id.*

²⁶ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 *et seq.*; FCC Office of Engineering and Technology, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin 65, ed. 97-01 (1997).

²⁷ See 47 U.S.C. § 332(c)(7)(B)(iv).

²⁸ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).



Such demonstrations usually involve a predictive calculation because the site has not yet been built.

5.1. FCC Guidelines

FCC Guidelines regulate *exposure* rather than *emissions*.²⁹ Although the FCC establishes a maximum permissible exposure (“MPE”) limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between “general population” and “occupational” people. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters.³⁰ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.³¹ The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

Lastly, the FCC “categorically excludes” certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2) the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical exclusion when mounted on a structure built solely or primarily to support FCC-licensed or authorized equipment (*i.e.*, a tower) and such that the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.³²

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

²⁹ See generally Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites, *Consumer Guide*, FCC (Oct. 22, 2014), available at <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

³⁰ See 47 C.F.R. § 1.1310, Note 2.

³¹ See *id.*

³² See *id.* § 1.1307(b)(1).



5.2. Planned Compliance Evaluation and Recommendations

The FCC Guidelines do not categorically exclude Crown Castle's application based on design because the antennas are mounted on a utility pole that was primarily intended to support electrical power lines rather than wireless equipment. Accordingly, an additional analysis is appropriate to determine whether the proposed transmitters demonstrate planned compliance with the FCC Guidelines.

Here, Crown Castle submitted an *LSGAC Checklist* that contains the basic RF emissions information needed to independently evaluate compliance with the FCC Guidelines. Based on the power-output levels in the *LSGAC Checklist* and the proposed operating frequency in Crown Castle's application, the Crown Castle transmitters would create a controlled-access zone that extends approximately 7.3 feet from the face of the antennas. The controlled-access zone would extend horizontally into inaccessible airspace with very little emissions in any other direction.

A controlled-access zone does not indicate that the site will not comply with the FCC Guidelines. Rather, the site operator must affirmatively warn and attempt to prevent access to these areas where exposures will exceed the FCC's MPE limits.

Here, Crown Castle would be able to demonstrate planned compliance by following signage protocol that provides appropriate notice to the affected classes. The City should not interpret the recommended conditions below to mean that it must or should approve Crown Castle's current application. Rather, we recommend the City impose the following conditions if it decides to approve the proposal in its current or modified form:

1. Permittee shall install and at all times maintain in good condition a "Network Operations Center Information" and "RF Notice" on the pole at approximately 10 feet above ground level. Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches the pole.
2. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.7 for color, symbol and content conventions. In addition, all signage must provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.

6. Conclusion

The City may wish to request that Crown Castle provide additional propagation maps to evaluate the factual basis for concluding Alternative Location 1 would not meet the intended coverage needs. Locating at this alternative would likely avoid adding a five-foot pole extension and could incorporate natural screening for the ground-mounted equipment cabinet. The City may also wish to disapprove the ground-mounted cabinet



because it creates an unnecessary obstruction and serves no apparent purpose other than a housing for the electric meter which can be placed on the pole.

Subject to the recommended conditions, Crown Castle's proposed site would comply with the FCC Guidelines for radiofrequency exposure. The planned compliance analysis is dependent on the equipment in the configuration and location shown in the project plans. In the event that the City or the applicant makes any changes to this proposed site, a revised analysis would be appropriate.

RM/jlk

