

The Skinny –
How Are Cell Towers Treated Under the 2015 Draft AGF Ordinance?¹

Freestanding (“Monopole”) Cell Towers²

- **Notice:** Applicant must mail notice of the AGF application to: owners and residents of lots within a 250 ft. radius of the tower location, the Neighborhood Council and Council office where the tower is located, and relevant HOAs and/or residents associations.
- **Applicable Standards:** Subject to height limits and “Least Intrusive Means Test” (if located in a residential *or* defined “below grade” area, *e.g.*, Specific Plan, Historic Preservation, Scenic Highway); “hardship waiver” required (if located in a below grade area); other aesthetic, public safety and permit processing requirements apply.
- **Appeals:** Any person or organization that received initial notice of the application (except for Neighborhood Councils and the Council office) may appeal. Process:³ Applicant must (within 3 calendar days of BOE’s determination) notify those same persons and organizations of the determination; appeals must be “received by” BOE within 14 calendar days from date of notification, *i.e.*, actual time to initiate an appeal may be shorter than 14 days.

Utility Pole-Mounted Cell Towers⁴

- **Exempt Facilities, *i.e.*,** those not subject to ordinance requirements: Utility poles themselves (apart from antennas) and other specified structures in all areas; “Small Cell” antennas in all areas;⁵ antennas attached to poles in commercial (C) and manufacturing (M) zones, except in two circumstances (see below).
- **Non-Exempt Facilities, *i.e.*,** those subject to ordinance requirements: Large antennas (not Small Cells) in all areas other than C and M zones, and in C and M zones if: (1) the pole is located in a below grade area, or (2) the adjoining lot “has residential use.”
- **Notice and Appeals:** If non-exempt antennas: Same processes apply as set forth above.
- **Applicable Standards:** If non-exempt antennas: Not subject to height limits or Least Intrusive Means Test; hardship waiver required (if located in a below grade area); subject to new discretionary aesthetic requirement⁶ and other applicable provisions.

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¹ Don’t forget – the Above Ground Facilities (AGF) Ordinance only deals with cell towers and other structures located in the “public right-of-way” (sidewalks, parkways, medians, alleys, streets). Cell towers located on private property (buildings, yards, parking lots, etc.) are governed by different Municipal Code regulations; additional permitting requirements also apply to towers located in the Coastal zone (including in the public right-of-way).

² These types of towers consist of antennas set on poles (usually metal) that are *not* used to support (*i.e.*, not attached to) any power, cable, telephone or telecommunication lines or wires. Examples: two on Sunset Blvd. just east of Capri in the Palisades Riviera and several along Palisades Dr. in the Palisades Highlands.

³ AGF applications are initially processed by the Bureau of Engineering (BOE); staff determines administratively whether to approve the application (without a hearing). BOE’s determination becomes final if no timely appeal is made; any appeals are decided by the Board of Public Works (with a hearing), “subject to the City Council’s right of review under Charter Section 245.”

⁴ In contrast with “monopoles,” these types of towers consist of antennas set on utility poles (usually wood) that *are* used to support (*i.e.*, are attached to) power, cable, telephone or telecommunication lines or wires. Examples: several along Sunset Blvd. in Brentwood and the Palisades and one at Via de la Paz & DePauw in the Palisades.

⁵ “Small Cell” basic definition: a utility pole-mounted antenna or group of antennas with a total cumulative volume of not more than 3.0 cubic feet, excluding cable and conduit.

⁶ Applicant may be required to paint antennas to match the pole in order to “conceal or minimize visual impact;” antennas are also subject to state law, *e.g.*, Public Utilities Code requirements regarding pole attachments.