



CITY OF
Palos Verdes Estates

CALIFORNIA

November 29, 2017

Senator Dianne Feinstein
United States Senate
331 Hart Office Building
Washington, D.C. 20510

Senator Kamala Harris
United States Senate
112 Hart Office Building
Washington, D.C. 20510

Dear Sen. Feinstein and Sen. Harris,

RE: Opposition to Draft Bill Limiting Local Authority Over Wireless Facilities

The City of Palos Verdes Estates respectfully urges your opposition to the Senate Commerce Committee draft bill in its current form, which would force local governments to lease out publicly owned infrastructure, eliminate reasonable local environmental and design review, and eliminate the ability for local governments to negotiate fair leases or public benefits for the installation of “small cell” wireless equipment on taxpayer-funded property. Similar to SB 649 that was recently vetoed by Governor Brown, this draft bill is significantly detrimental to residents and communities because it specifically provides unwarranted and unnecessary authority to telecommunication carriers without providing for appropriate City and public input, allows for structures to be indiscriminately constructed at the expense of property values and privacy, and potentially reverses the Ninth Circuit Court of Appeals’ decision of *Sprint v. PVE* by eliminating local discretion over aesthetics.

The City of Palos Verdes Estates is a small residential community. We are a planned community with no street lights or signals, featuring narrow, winding streets and hillside homes. Over a quarter of the City has been designated as natural parkland. The City retains its character through strict zoning and architectural controls. Telecommunications equipment is sited through a thoughtful and reasonable process that balances the interests and needs of residents and wireless carriers.

Our elected officials play a critical role in balancing the aesthetic values of our community with the benefits of state-of-the-art wireless technology. Over the past year, Palos Verdes Estates has spent significant time considering new wireless telecommunication applications in public hearings and workshops and our Planning Commission has recently approved over a dozen new facilities. This balanced process is built on a comprehensive and state-of-the-art wireless telecommunications ordinance and application process, and it has resulted in the implementation of new telecommunication facilities without compromising our aesthetics values or our property values. Local control is working as it should.

The Senate Commerce Committee draft bill will have significant consequences in Palos Verdes Estates. For example, we are concerned that it will allow for the indiscriminate placement of

telecommunications equipment in view corridors, noise impacts from cooling fans placed too close to homes and facilities that are inconsistent with the aesthetic values of our community. By stringently limiting those factors that the City can consider in our own land use decisions, and restricting the compensation we receive to the "actual costs" for processing applications, the City is unable to adequately serve and protect residents.

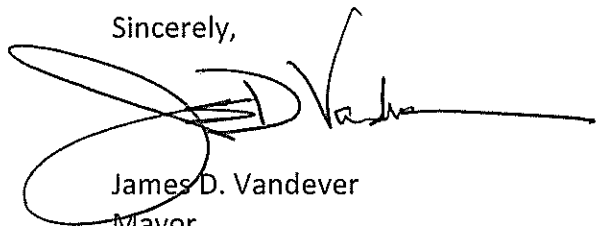
The draft bill also imposes sharply reduced "shot clock" time limits for cities to process potentially unlimited wireless facility applications for all sizes, "deem granted" applications for facilities when local governments are unable to meet the stringent time limits regardless of its safety impacts or delays caused by incomplete applications. As such, our single City Planner would be significantly burdened by applications while the City would not receive reasonable funding for the work that would be required.

Finally, the draft bill also interferes with the City's authority to manage our own property and receive appropriate compensation for its use. Cities actively manage the rights of way to protect their residents' safety, preserve the character of the community, and maintain the availability of the rights of way for current and future uses. As drafted, the bill will result in City properties, including parks and recreation facilities within neighborhoods, becoming concentration points for new telecommunications facilities.

This year, the wireless industry aggressively pursued SB 649. However, with over 325 cities, we successfully argued that the legislation shifted authority away from our residents, businesses, and communities to a profit-driven industry whose shareholder returns are not motivated by the health, safety, aesthetic, and public benefits of their product. While the City of Palos Verdes Estates shares the goal of ensuring all our residents have access to affordable, reliable high-speed broadband, the language of this draft bill does not help in achieving this outcome.

Thank you for your consideration of this request. We respectfully request you oppose the Senate Commerce Committee draft bill and seek a more balanced approach to supporting the deployment of telecommunications.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Vandever", with a large, stylized flourish on the left side.

James D. Vandever

Mayor

City of Palos Verdes Estates

c: California Congressional Delegation
League of California Cities
Palos Verdes Estates City Council