

SLNC – UD&PAC

Rooftop and Free Standing Cellular Telephone Antenna Installation Policy

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A proposed ordinance will permit cellular telephone antennas and their associated equipment cabinets *by right* on rooftops of buildings in commercial and manufacturing zones in the City of Los Angeles, provided they meet specified design standards.

Because existing zoning doesn't specifically address cellular telephone antennas and equipment, the city must revise or create ordinances that do. The city's goal should not be to prohibit, but to restrict the site installation of these antennas to maintain the distinctive characteristics, aesthetic and quality of life values of the neighborhood. A moratorium on cell antenna installations should be considered so that the issue may be studied and planned.

The Silver Lake Neighborhood Council (SLNC) prefers that approval of applications for telecommunications antenna site installation in Silver Lake remain on a case-by-case basis. The SLNC proposes the establishment of design standards and guidelines for providers in order to expedite the review and approval process. In order for the SLNC to recommend approval of a proposed cell phone site within its boundaries, an applicant must meet the following minimum guidelines.

BACKGROUND

The Federal Telecommunications Act of 1996 (TA) encouraged the growth of the telecommunications industry through deregulation and placed certain limits on local government authority to condition or deny applications for personal wireless service facilities. The TA preserves local authority on the placement, construction and modification of personal wireless service facilities, but local authorities may not prohibit wireless services outright and cannot discriminate among providers of "functionally equivalent" services. Any rejection of an installation request by a local authority must be in writing and supported by substantial evidence and testimony.

Objections to antenna siting due to health concerns have been excluded outright as inconclusive, provided the facilities meet Federal Communications Commission (FCC) standards for radiofrequency radiation emissions.

Through proper planning and zoning, education and communication, local authorities can prevent the unregulated and profligate establishment of cellular towers in their neighborhoods.

GUIDELINES

In order to foster well-designed, creative and minimally invasive site installation of telecommunications facilities that recognize the aesthetic, health, safety and public welfare aspects of these facilities, the Silver Lake Neighborhood Council proposes the following cellular telecommunications antenna site installation guidelines for the Silver Lake neighborhoods.

JUSTIFICATION

1. The applicant must show that the proposed facility will fill an existing significant gap in the ability of remote users to access the national telephone network. Improving existing service is not enough. The provider must also include evidence that the area the new facility will serve is not already served by another provider.
2. The applicant must show that the manner in which the significant gap in service will be filled is the least intrusive to the area and its citizens in terms of aesthetics, privacy and property values.
3. The applicant shall provide alternatives to the proposed site.

ZONING RESTRICTIONS

1. Rooftop antenna installations are restricted to rooftops of buildings no less than two story in areas zoned C (Commercial) and M (Manufacturing) only. Rooftop antennas shall not be permitted in any residential area.
2. Design review by the SLNC Urban Design & Preservation Advisory Committee (UD&PAC) shall be required. Community outreach and public hearings shall be required when the proposed site is adjacent to residential areas (within a 500-foot radius).
3. Local authorities must act "within a reasonable amount of time" (no less than 45 days) on permit requests and design review.
4. Rooftop antennas and associated equipment should be at the minimum height necessary to provide service. Height of equipment and screening shall not exceed ten (10) percent of the maximum height of the zone in which the structure is located, or five (5) feet, whichever is greater.
5. The height of the screening shall not exceed the height of the antenna, except as necessary and approved to screen the up-slope view.
6. The screening shall not have an adverse effect on the light, air, solar and visual access of adjacent properties.
7. The additional height shall not interfere with views from up-slope properties. Rooftop antennas shall be set back from residential areas a minimum of five (5) feet plus the code-required setback for the zone.

8. Rooftop antennas are not permitted in areas designated as open space or parking.
9. Rooftop antennas shall not interfere with existing rooftop mechanical equipment, solar collectors, clerestories, signage and trees.
10. Rooftop antennas on designated Historic-Cultural Monuments shall adhere to State Historic Preservation Overlay (SHPO) standards as well as these guidelines.
11. Antennas completely enclosed within a building are permitted as long as all codes are followed.
12. All FCC radiofrequency radiation emission standards for telecommunications antennas are to be met or exceeded by installed antennas.
13. Any communication facility or accessory equipment that is not operated for a period of twelve (12) months shall be considered abandoned. This presumption may be rebutted by showing that the facility or equipment is an auxiliary, back-up or emergency facility, or is otherwise not abandoned. For facilities deemed abandoned, all equipment must be removed by the operator within six (6) months of the cessation of operation.

APPEARANCE

1. No artificial trees (mono-palms and mono-pines, etc.) as bases for cellular communication antennas will be permitted. Stealth or camouflage antennas shall be considered in the design review process.
2. Rooftop antennas and associated equipment cabinets are to be screened from public view, both from below at the street level and from up-slope views.
3. Screening should be compatible with the architectural style, materials and colors of the existing building.
4. The screening shall have minimal visual impact and be compatible with and not adversely affect the city skyline.

SAFETY

1. Structural alteration of the supporting structure shall be required as necessary to meet safety and building codes prior to antenna installation.
2. Access to rooftop antennas and equipment cabinets shall be restricted to authorized personnel.
3. Access for installation and maintenance of rooftop antennas shall meet all OSHA standards and provide as much privacy and convenience to occupants of the structure and surrounding buildings as possible.
4. Warning signs shall be posted at every point of access to the rooftop with information on the existence of radiofrequency radiation.
5. No signage will be permitted on the communications towers except as required for public safety purposes or by the FCC.
6. Illumination of rooftop antennas shall not be permitted unless required for public safety purposes or by the Federal Aviation Administration (FAA). Necessary lighting will be as unobtrusive to neighboring buildings as possible.

7. The security of rooftop antennas is to be the responsibility of the providers.

SOURCES

Silver Lake-Echo Park Community Plan

Federal Telecommunications Act of 1996 (fcc.gov/telecom.html#text)

City of Seattle Ordinance #120928 (Clerk, CI, Seattle, WA,U.S.)

Orlando Cell Tower Ordinance (scenicflorida.org)

Town Can Reject Cell Phone Towers (Lawyers Weekly USA 12/13/99 at emfguru.com)

Solving the Problem of Cell Phone Tower Placement (1999, americacityandcounty.com)

U.S. Rules Against T-Mobile on Cell Towers (rfsafe.com)

Phone Tower Solution: Put Antennas on City Property (cincypost.com)

wirelessinfrastructurenews.com

safecellularphones.com

cellslayer.com