

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Darlene Addison [REDACTED]
Sent: Wednesday, December 16, 2020 9:44 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agree

Darlene Addison

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

Thank you for integrating public input into the WCF Ordinance Update workshop being held Dec 16, 2020. I saw the City's recent social media announcement* **seeking public input** for the meeting by listing a series of questions pertaining to issues to be discussed at the workshop. I thought answering those specific questions posted would be a good way for me to provide input on the WCF Ordinance.

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Aesthetics: While we can make these installations less ugly, it is impossible to make them invisible. Some of the efforts to disguise wireless facilities by making them look like something only result in ugly things that look like cell towers and antennas pretending, quite unsuccessfully, to be palm trees or pine trees of some other structure. The best thing we can do is keep the number of installations low, the facilities as small as possible, and then design them to be as unobtrusive as possible by blending into the surrounding environment. The aesthetic design requirements in the Urgency Ordinance are fairly good for projects in ROW.

Health concerns: The City cannot regulate wireless projects based on health concerns despite all the misgivings we have regarding the FCC's current emissions regulations, especially when it comes to children. We believe the City must insist on applicants carrying insurance policies that include pollution insurance in case there are personal injury claims, so the City is not forced to pay damages given that

many wireless facilities are on publicly-owned property. The federal government may be able to force us to accept wireless facilities in our city, but we cannot be also forced to pay the damages for those who are harmed by those facilities.

Better coverage: We have adequate coverage for voice and texting throughout the city for the most part. Voice coverage does not improve from small cells placed throughout the community. Small cells merely supplement or enhance data coverage, and our community does not want or need ultra high-speed wireless data service given the negative consequences.

Transparency in the permitting process: The City should ensure everyone within 1500 feet of a proposed project receives actual notice and instructions on how to obtain more information in case they want to participate or talk to the planner. All applications and related materials should be placed online as soon as possible given the short shot-clocks that apply. The right to obtain a final decision from the City Council rather than the Director or a hearing officer must be preserved.

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Should the City encourage the use of existing electrical and telephone poles as cell sites? Yes, but only if the need for a facility is actually established, the location is acceptable, and the structure will safely support the facility. In those cases it is better to use existing infrastructure.

I appreciate all the work that has gone into developing and updating the City's website dedicated to this process. It is very informative and helpful. I also appreciate your posts about the workshop on various social media platforms.

I am looking forward to tomorrow's virtual workshop!

Thank you,

Nichole McGinley

BCC: Interested Malibu Residents. Please join or watch the workshop tomorrow evening. Also: **simply reply to all, "agree"** to show your **support** of or modify these answers to the City's questions for consideration to give your personal input.

*

<WCF Ordinance Workshop.png>

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Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: David Anawalt [REDACTED]
Sent: Wednesday, December 16, 2020 11:37 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

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David Anawalt and Anawalt family agree wholeheartedly

Sent from my iPhone

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<WCF Ordinance Workshop.png>

Re: Give Your Input on Wireless Communication Facility Ordinance Updates During the Virtual Public Workshop, Wednesday, December 16, 6:00 PM

David Kelmenson <david@davidkelmenson.com>

Tue 12/15/2020 9:08 PM

To: Kathleen Stecko <kstecko@malibucity.org>; City Council <citycouncil@malibucity.org>; Adrian Fernandez <afernandez@malibucity.org>

Hi there,

As long term Malibu residents and homeowners, we are highly in favor of improving cell service in Malibu especially my neighborhood of Big Rock. We are living in a 100% digital age and it's totally antiquated to not have cell service. At our home on Roca Chica Dr., if our internet goes down, we have absolutely zero access to anything, internet, phones, etc... It can be quite alarming when there is an emergency. As an example a few years ago, our Frontier service was down for 3 weeks as it was post Woosley fire and there were few technicians available to fix my line as they were working on rebuilding their burned down infrastructure. When a tech finally came out, it was a simple fix as some contractor had accidentally disconnected our Fios line at the hub box on Big Rock Dr. If we had cell phone service, we could have been ok while waiting for our Fios service to be fixed. So we are 110% in favor of doing whatever it takes to improve cell service...

Please share this with the group, thank you!

David Kelmenson

Executive Director, Luxury Estates Division
DRE#01435306

david@davidkelmenson.com | 310-863-3030

Compass | www.davidkelmenson.com
2115 Main Street
Santa Monica, CA. 90405



On Tue, Dec 15, 2020 at 8:26 PM Jo Drummond [REDACTED] wrote:
FYI! Thx, Jo

Begin forwarded message:

From: Kathleen Stecko <kstecko@malibucity.org>

Date: December 15, 2020 at 7:08:47 PM PST

Subject: Give Your Input on Wireless Communication Facility Ordinance Updates During the

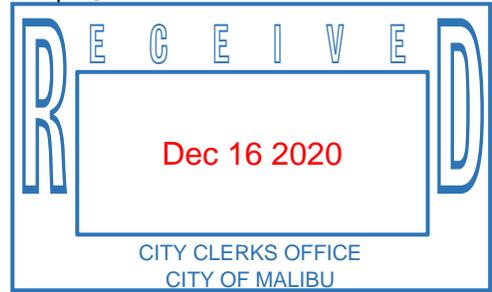
CC: Council; CM; CA ; PL _____; Ref. Binder; Original to 12/16/20 _____ Agenda File

Virtual Public Workshop, Wednesday, December 16, 6:00 PM

Wireless Communication Facility Ordinance Updates Virtual Public Workshop, Wednesday, December 16, 6:00 PM The City of Malibu wants to hear from you. The City is currently working on updating its Wireless Communication Facility Ordinances (WCF) and is seeking input from the community. What are your priorities regarding WCF locations, aesthetic, health concerns, noise, better coverage, transparency in the permitting process? Do you want the City to develop a list of preferred cell sites? Would you prefer larger cells sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites? Should the City encourage the use of existing electrical and telephone poles as cell sites? Please join the City to discuss these questions and give your input during the virtual public workshop on Wednesday, December 16 at 6:00 PM. To sign up to speak, visit malibucity.org/virtualmeeting or submit comments in advance by email to citycouncil@malibucity.org. For details regarding the workshop format, see the [workshop agenda](#). For general information regarding this project, visit malibucity.org/wcf.

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Darin Olien [REDACTED]
Sent: Wednesday, December 16, 2020 11:31 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

I AGREE

Best,
Darin Olien

On Tue, Dec 15, 2020 at 5:45 PM Nichole McGinley [REDACTED] wrote:

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*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Gloriane Giovannelli [REDACTED]
Sent: Wednesday, December 16, 2020 3:00 AM
To: MalibuForSafeTech.org [REDACTED]
Cc: Nichole McGinley [REDACTED]; Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

AGREE

Sent from my iPhone

On 16 Dec 2020, at 00:08, MalibuForSafeTech.org [REDACTED] wrote:

Malibu For Safe Tech agrees with the input below on the WCF Ordinance.

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

Thank you for integrating public input into the WCF Ordinance Update workshop being held Dec 16, 2020. I saw the City's recent social media announcement* **seeking public input** for the meeting by listing a series of questions pertaining to issues to be discussed at the workshop. I thought answering those specific questions posted would be a good way for me to provide input on the WCF Ordinance.

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Nichole McGinley

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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Wireless Communication Facility Ordinance Updates



From: Greg Goode [REDACTED]
Sent: Monday, December 14, 2020 7:30 PM
To: City Council <citycouncil@malibucity.org>
Subject: Wireless Communication Facility Ordinance Updates

Hello City Council,

In regards to wireless coverage in Malibu, I believe that good wireless coverage and strong signals should be our highest priority.

We should make the cell towers look as nice as possible, but not at the expense of a strong signal.

More towers, big ones, small ones, all different kinds sound good to me.

Where I live in eastern Malibu, there is poor coverage. I live in La Costa only one block from PCH and I should be able to get a strong signal, but alas, no. There is a tower at the bottom of Rambla Vista (near Carbon) but I think it was disabled after the 2018 fires since the coverage used to be good before then and now it is bad.

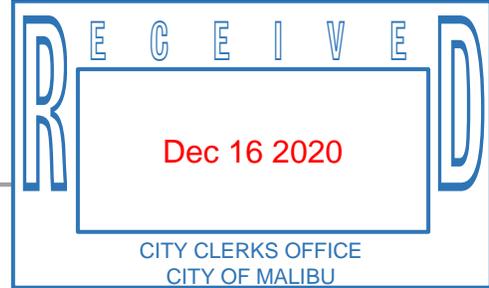
Furthermore, when traffic is heavy, the towers get overloaded and even if there is a strong signal, no data flows through.

I have worked in the technology sector for over 20 years and know the value of a good data connection.

Thanks, Greg Goode
[REDACTED]

Kelsey Pettijohn

Subject: FW: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Isabelle Daikeler [REDACTED]

Sent: Tuesday, December 15, 2020 6:25:54 PM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; MalibuForSafeTech [REDACTED] Mikke Pierson <mpierson@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

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8 likes

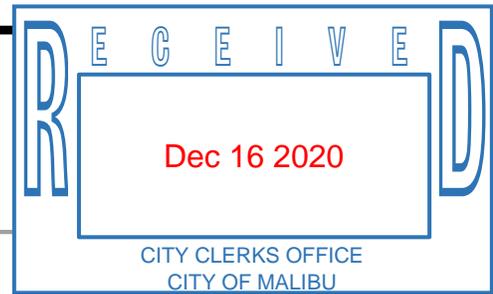
cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
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Kelsey Pettijohn

Subject: Malibu Process Comments From Wireless Vendor



From: Justin David <jdavid@synergy.cc>

Sent: Wednesday, December 16, 2020 3:58 PM

To: City Council <citycouncil@malibucity.org>

Subject: Malibu Process Comments From Wireless Vendor

Hello,

Thank you for your time! I appreciate you doing this. Please see my questions/concerns below

1. Collocation onto an existing ROW poles is the City's preference, per their municipal code. This is not always feasible as it is not always possible in the area the wireless carrier needs coverage. The City has the carriers sign collocation agreements for NSB's but that wireless carrier does not always abide by this agreement (not allowing or does not have a process for collocation). The City also has a height restriction of 28 ft for wireless carriers on a utility pole. If the wireless carrier proposal exceeds this height, then they need a variance.
2. City comments, especially regarding RF reports, are not always handled efficiently. The City uses a consultant-Jonathan Kramer's office. An RF report is required for every wireless application submittal. If the comments are addressed, then new comments will come from the consultant. All comments should be provided with the initial review. If the consultant wants a cumulative report including all carriers near the wireless facility, then they should provide the RF reports from the other carriers to better address the comments with actual RF emissions instead of having to assume the worst case scenario.
3. The Planning Department limits submittal times and requires an appointment in the afternoon, prior to COVID City closure to the public. This makes it difficult to get Public Works sign-off as Public Works only has office hours on Tuesday and Thursday mornings. During COVID City closure to the public, the City only accepts wireless application submittal on Mondays and Tuesdays by 3pm. If submitted after 3pm on Tuesday, the submittal is not accepted until the following week.
4. Certain modifications trigger a more extensive review than others despite being 6409 compliant. For sites that are subjected to a hearing or longer review, it would be nice to have an expedited process even if it increases the plan check application fees. It is difficult to forecast given the drawn out review process. If it is possible to expedite, I am sure carriers would pay the additional fees given the race to 5G.
5. There is a new law taking effect on January 1st, 2021 to expedite generator applications. How is the City of Malibu handling this? It seems like the current process for submitting generator applications where the generator falls outside of the existing compound is very extensive and not attainable under the 60-day timeframe. For a project that is vital given the history of fires in Malibu, it seems like establishing a direct and simple framework would be beneficial for carriers, constituents, and the city.

I also see there are proposed questions from the City:

Would you prefer larger cells sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites?

Answer: The public ROW sites provide less coverage compared to larger macro sites, so more public ROW sites are needed.

Should the City encourage the use of existing electrical and telephone poles as cell sites?

Answer: This can be difficult as collocation is not always feasible. If you drive up and down Malibu Canyon Rd, there are multiple wireless facilities on ROW utility poles. See above #1. One macro site compared to multiple ROW sites is the difference.

Best,
Justin



Justin David | 760.415.4111 (m) | jdavid@synergy.cc

Advantage Engineers | www.advantageengineers.com

Confidentiality Notice: This email is intended for the sole use of the intended recipient(s) and may contain confidential, proprietary or privileged information. If you are not the intended recipient, you are notified that any use, review, dissemination, copying or action taken based on this message or its attachments, if any, is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy or delete all copies of the original message and any attachments. Thank you.

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: JoAnna Elliott [REDACTED]
Sent: Wednesday, December 16, 2020 3:22 PM
To: Nichole McGinley [REDACTED]; MalibuForSafeTech.org [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agreed. Thank you for prioritizing this ordinance update.

From: MalibuForSafeTech.org [REDACTED]
Sent: Tuesday, December 15, 2020 9:08 PM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <AFernandez@malibucity.org>; Richard Mollica <RMollica@malibucity.org>; Mikke Pierson <MPierson@malibucity.org>; Karen Farrer <KFarrer@malibucity.org>; PGrisanti@malibucity.org <PGrisanti@malibucity.org>; Bruce Silverstein <BSilverstein@malibucity.org>; SUhring@malibucity.org <SUhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; teaton@malibucity.org <teaton@malibucity.org>
Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Malibu For Safe Tech agrees with the input below on the WCF Ordinance.

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

Thank you for integrating public input into the WCF Ordinance Update workshop being held Dec 16, 2020. I saw the City's recent social media announcement* **seeking public input** for the meeting by listing a series of questions pertaining to issues to be discussed at the workshop. I thought answering those specific questions posted would be a good way for me to provide input on the WCF Ordinance.

Location: The City should require that all wireless facilities be 1500 feet from each other and 1500 feet from the property line of all residences, schools, day-cares, parks and playgrounds, or as close to that number as possible. No facility should ever be in front of a home, and facilities should be far enough from homes and schools to allow people to escape if there is a fire.

Aesthetics: While we can make these installations less ugly, it is impossible to make them invisible. Some of the efforts to disguise wireless facilities by making them look like something only result in ugly things that look like cell towers and antennas pretending, quite unsuccessfully, to be palm trees or pine trees of some other structure. The best thing we can do is keep the number of installations low, the facilities as small as possible, and then design them to be as unobtrusive as possible by blending into the surrounding environment. The aesthetic design requirements in the Urgency Ordinance are fairly good for projects in ROW.

Health concerns: The City cannot regulate wireless projects based on health concerns despite all the misgivings we have regarding the FCC's current emissions regulations, especially when it comes to children. We believe the City must insist on applicants carrying insurance policies that include pollution insurance in case there are personal injury claims, so the City is not forced to pay damages given that many wireless facilities are on publicly-owned property. The federal government may be able to force us to accept wireless facilities in our city, but we cannot be also forced to pay the damages for those who are harmed by those facilities.

Better coverage: We have adequate coverage for voice and texting throughout the city for the most part. Voice coverage does not improve from small cells placed throughout the community. Small cells merely supplement or enhance data coverage, and our community does not want or need ultra high-speed wireless data service given the negative consequences.

Transparency in the permitting process: The City should ensure everyone within 1500 feet of a proposed project receives actual notice and instructions on how to obtain more information in case they want to participate or talk to the planner. All applications and related materials should be placed online as soon as possible given the short shot-clocks that apply. The right to obtain a final decision from the City Council rather than the Director or a hearing officer must be preserved.

Do you want the City to develop a list of preferred cell sites?: No. We need a map or list of places where facilities are prohibited or strongly discouraged.

Would you prefer larger cell sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites? This is an important technical issue that requires thorough discussion and consideration. I ask that this issue be raised specifically at the workshop and the experts on behalf of the community be given an opportunity to weigh in.

Should the City encourage the use of existing electrical and telephone poles as cell sites? Yes, but only if the need for a facility is actually established, the location is acceptable, and the structure will safely support the facility. In those cases it is better to use existing infrastructure.

I appreciate all the work that has gone into developing and updating the City's website dedicated to this process. It is very informative and helpful. I also appreciate your posts about the workshop on various social media platforms.

I am looking forward to tomorrow's virtual workshop!

Thank you,

Nichole McGinley

BCC: Interested Malibu Residents. Please join or watch the workshop tomorrow evening. Also: **simply reply to all, "agree"** to show your **support** of or modify these answers to the City's questions for consideration to give your personal input.

*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

#Malibu, we want to hear from you! The City is currently working on updating its Wireless Communication Facility Ordinances. We would like to know your priorities and comments when it comes to wireless facilities. Location? Aesthetics? Health concerns? Noise? Better coverage? Transparency in the permitting process?

Do you want the City to develop a list of preferred cell sites? Would you prefer larger cells sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites? Should the City encourage the use of existing electrical and telephone poles as cell sites? Join us on Wednesday, December 16, 6:00 PM for a virtual public workshop. To sign up to speak, visit malibucity.org/virtualmeeting or submit comments in advance by email to citycouncil@malibucity.org. For general information, including a timeline, visit malibucity.org/wcf.

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Janet Friesen [REDACTED]

Sent: Tuesday, December 15, 2020 8:25 PM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agree!

Sent from my iPhone

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

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Aesthetics: While we can make these installations less ugly, it is impossible to make them invisible. Some of the efforts to disguise wireless facilities by making them look like something only result in ugly things that look like cell towers and antennas pretending, quite unsuccessfully, to be palm trees or pine trees of some other structure. The best thing we can do is keep the number of installations low, the facilities as small as possible, and then design them to be as unobtrusive as possible by blending into the surrounding environment. The aesthetic design requirements in the Urgency Ordinance are fairly good for projects in ROW.

Health concerns: The City cannot regulate wireless projects based on health concerns despite all the misgivings we have regarding the FCC's current emissions regulations, especially when it comes to children. We believe the City must insist on applicants carrying insurance policies that include pollution insurance in case there are personal injury claims, so the City is not forced to pay damages given that many wireless facilities are on publicly-owned property. The federal government may be able to force us

to accept wireless facilities in our city, but we cannot be also forced to pay the damages for those who are harmed by those facilities.

Better coverage: We have adequate coverage for voice and texting throughout the city for the most part. Voice coverage does not improve from small cells placed throughout the community. Small cells merely supplement or enhance data coverage, and our community does not want or need ultra high-speed wireless data service given the negative consequences.

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Do you want the City to develop a list of preferred cell sites?: No. We need a map or list of places where facilities are prohibited or strongly discouraged.

Would you prefer larger cell sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites? This is an important technical issue that requires thorough discussion and consideration. I ask that this issue be raised specifically at the workshop and the experts on behalf of the community be given an opportunity to weigh in.

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I appreciate all the work that has gone into developing and updating the City's website dedicated to this process. It is very informative and helpful. I also appreciate your posts about the workshop on various social media platforms.

I am looking forward to tomorrow's virtual workshop!

Thank you,

Nichole McGinley

BCC: Interested Malibu Residents. Please join or watch the workshop tomorrow evening. Also: **simply reply to all, "agree"** to show your **support** of or modify these answers to the City's questions for consideration to give your personal input.

*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Cindy Crawford [REDACTED]
Sent: Wednesday, December 16, 2020 10:12 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agree! Thanks! Cindy Crawford

Sent from my iPhone

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: jessica isles [REDACTED]

Sent: Tuesday, December 15, 2020 8:34 PM

To: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Nichole McGinley [REDACTED]

Cc: MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

I agree with all points.

Thank you
Jessica Isles

On Tuesday, 15 December 2020, 17:45:01 GMT-8, Nichole McGinley [REDACTED] wrote:

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*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



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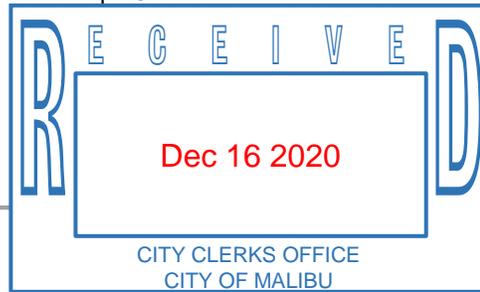
cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

#Malibu, we want to hear from you! The City is currently working on updating its Wireless Communication Facility Ordinances. We would like to know your priorities and comments when it comes to wireless facilities. Location? Aesthetics? Health concerns? Noise? Better coverage? Transparency in the permitting process?

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Louks, Jeffrey <Jeff.Louks@marcusmillichap.com>

Sent: Tuesday, December 15, 2020 6:00:08 PM

To: Nichole McGinley [REDACTED]; Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>

Cc: MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Thank you Nichole, I Agree with all of this. I look forward to the workshop. This is very important for our City. I appreciate all the great work, you and the City is doing to make this happen. Best Jeff

Jeff Louks

Executive Managing Director Investments

Senior Director, National Multi Housing Group

Marcus & Millichap	(818) 212-2780 direct
16830 Ventura Boulevard	(818) 212-2700 main
Suite 100	(310) 941-5899 mobile
Encino, CA 91436	(818) 212-2627 fax
	jeff.louks@marcusmillichap.com

License: CA: 00908473

View my profile at <http://www.marcusmillichap.com/JeffLouks>

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From: Nichole McGinley [REDACTED]

Kelsey Pettijohn

Subject: Wireless communications



From: Jim Ramo [REDACTED]
Sent: Monday, December 14, 2020 5:04 PM
To: City Council <citycouncil@malibucity.org>
Subject: Wireless communications

Use City owned property:

In town from Dukes to Pepperdine - use small cell sites for 5G high bandwidth speed. Same for Heathercliff, Trancus market.

For the remainder of the City, use frequent existing poles for mid band 5G.

Insure complete connectivity from Sunset Blvd County Line along PCH , and from 101 to PCH on both Malibu Canyon and Kanen.

Use Telco Property (towers) elsewhere.

From Jim Ramo
[REDACTED]

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Jenny Rusinko [REDACTED]
Sent: Tuesday, December 15, 2020 9:47 PM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Dear Mayor Pierson, Council, Richard, Adrian and Staff,

I agree with all of Nichole McGinley's responses in the email below to the questions posed by the City's social media announcement for the WCF Ordinance Update workshop tomorrow evening.

I am also personally concerned about PCH and wireless facilities installations along its corridor. I live adjacent to PCH, as do many Malibu residents on our 21-mile stretch of the highway. My front windows look out to numerous utility poles. I'm grateful that those utility poles do not currently house small cell antennas. I fear the day that they might and would like to do everything that I can to prevent such installations from occurring. It is extremely important to me that our ordinance include protection for all residences, including those along major public right-of-ways such as PCH.

For the public record, I do NOT want small cells in Malibu at all. I completely oppose this technology and don't feel it aligns with the desires of Malibu's citizens or with Malibu's mission statement.

Thank you for holding this virtual public workshop. I will definitely be in attendance.

Sincerely,
Jenny Rusinko, MA

On Dec 15, 2020, at 5:44 PM, Nichole McGinley [REDACTED] wrote:

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I appreciate all the work that has gone into developing and updating the City's website dedicated to this process. It is very informative and helpful. I also appreciate your posts about the workshop on various social media platforms.

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Thank you,

Nichole McGinley

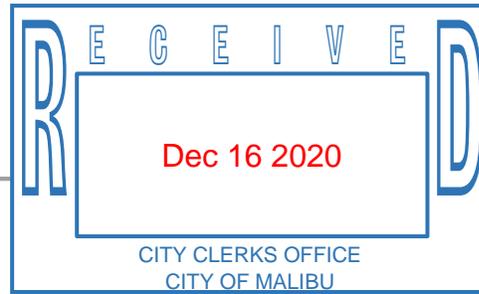
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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Cell service



From: J T [REDACTED]
Sent: Wednesday, December 16, 2020 3:03 PM
To: City Council <citycouncil@malibucity.org>
Subject: Cell service

Dear city council members

I am not overly concerned about fewer larger cell towers or more numerous small towers as long as the service providers do their best to minimize view impacts. What is of utmost importance to me is cell towers continuing to work during disasters. You are all aware of the inability to communicate during the woolsey fire after the city lost power and all cell service failed.

If it is easier to build fewer large towers with backup power, then the city should support larger towers. If the service providers can just as easily install smaller towers with backup power, then I'm ok with that.

Council should make sure whatever they choose, that operational effectiveness during disasters is given more weight than aesthetic issues. Please don't let the Kens and Karens of malibu that might see a cell tower near their home affect your decision just because they are screaming the loudest.

Regards

Jeff Thompson

Sent from my iPhone

Kelsey Pettijohn

Subject: Wireless Communication

From: [REDACTED]
Sent: Tuesday, December 15, 2020 8:46 AM
To: City Council <citycouncil@malibucity.org>
Subject: Wireless Communication



City Council of Malibu,

Our Wireless connection in Malibu is horrible. Over the years, I have complained to Verizon, my carrier, about how horrible our connection in Malibu is and how to improve it to no avail. Malibu just isn't a large enough market for Verizon to pay attention to. I spoke to Susan Duenos, who works for the city and was negotiating with Verizon at the time to be the Malibu City carrier, but she dropped the ball. She referred me to a Verizon rep who the referred to me to someone that gave me a generic response of how to fix my phone. Its not the phone, its the service that needs fixing. We need more cell towers, satellites, adaptors, etc. in order to improve the service. After all, this is the 21st century, we should have good cell service. The environmentalists are going to complain that cell service and towers are going to emit waves that will lead to brain damage. This is just not true. Look we are living longer than ever before, damaging waves or not. They just don't know what they are talking about. We need better communication for public safety period, especially since Malibu is susceptible to fires, earthquakes, landslides, etc.

Thank you for listening

Keith Canter
Long time resident of Malibu

Kelsey Pettijohn

Subject: Coments re WCF Ordinance



From: K Hill [REDACTED]
Sent: Tuesday, December 15, 2020 11:03 PM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Richard Mollica <rmollica@malibucity.org>
Cc: Nichole McGinley [REDACTED]; Lonnie Gordon [REDACTED]; R Y A N [REDACTED]; Scott Dittrich [REDACTED]; John Mazza [REDACTED]
Patt Healy: [REDACTED] MalibuForSafeTech.org [REDACTED]; [REDACTED]; Beatrix Z [REDACTED]; Andy Lyon [REDACTED]
Subject: Coments re WCF Ordinance

Dear Council,

First off, the comments submitted by Malibu For Safe Tech appear to be sensible, as well as mindful of the ways in which the City can and can't operate within the jurisdictional field. Please weigh them accordingly.

Here are some new comments of my own.

LIP 6.5 Development Standards can provide guidance that may not yet have been specifically referenced (except in my oral comments at the last meeting). The section states (inter alia), "New development shall be sited and designed to minimize adverse impacts on scenic areas from scenic roads or public viewing areas to the maximum feasible extent."

The installations in question constitute "new development." So they "**shall be** sited and designed to minimize" the specified visual impacts, to the "maximum feasible extent." This can mean several things in implementation.

First, all pieces of equipment that can be feasibly hidden must be hidden. That means requiring that all but the antenna itself (and wiring to it) be undergrounded. "Maximum feasible extent" doesn't allow for balancing costs – it doesn't matter what it costs.

Second, it means that only the very fewest installations necessary to provide basic service need be allowed. The fewer the antennas, the more minimized are the adverse impacts on views, as is required. That provides you subject matter jurisdiction to make a direct evaluation of how many antennae are required to achieve the basic purpose. You have heard prior testimony (more supported in evidence than I can provide off the cuff) that Malibu already has enough, or nearly enough, towers to provide adequate coverage for communications; and that therefore the FCC requirements (and CPUC requirements?) are (mostly) already fulfilled. And that there is no requirement of greater density of antennae in order to provide, for example, streaming video or additional bandwidth to accommodate "the internet of things."

In that context, also recall the section of the **Vision Statement**:

"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a **commitment to sacrifice urban and suburban conveniences** in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics."

There appears to be some consensus that anything beyond basic voice and text comms is a “suburban convenience” which you, as representatives of the Citizens, have an affirmative commitment to sacrifice on our behalf.

So, on a purely aesthetic basis, you have jurisdiction to say that Malibu needs (virtually) no more antennae.

Alternatively, if you believe the pro-industry voices suggesting that you must still allow many more towers, then you can do a few more things about the siting of them.

Based on those same LIP 6.5 Development Standards, you could require that they be **sited away from “scenic roads”** to minimize visual impact. That might be 1,000 feet or 1,500 feet away from PCH, wherever they'd visible.

In any case, if you would allow them to be closer than that to PCH, then they must be fully underground, per LIP6.5(H)(1)(C): "Any telecommunications facilities approved along Pacific Coast Highway **shall place support facilities underground, where feasible.**"

Then there's LIP 6.5.E, which **prohibits blocking views of blue water from any public streets.** That would limit many potential locations on the ocean side of roads.

As for **disguising them as landscaping**, LIP 6.5.3 disallows that: "Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures." To make this case, you'd have to find that the way they're typically disguised as landscaping is functionally synonymous with “landscape screening as mitigation of visual impact.”

Meanwhile, under LIP 13.27.1.A.1, The planning manager may consider for **site plan review** height increases over the base district maximum of 18 feet up to a maximum of 28 feet in height. Since the PM already “may” consider such over-height structures, it would be within your discretion to **require** SPR's of all such telecom projects. Requiring a full SPR might make telecom providers think twice about justifying the less essential elements of their preferred build-out plan.

In any case, LIP 13.27.1.A.7 provides that the planning manager may consider for a Site Plan Review "Wireless telecommunications antennae and facilities (pursuant to the provisions of Section 3.14.1 (B) of the Malibu LIP) that comply with the Most Restrictive Design Standards set forth in Section 3.16.1 (F) of the Malibu LIP. Again, just make that a requirement, not merely a “may consider.”

Of course, if you would tighten the regime to require SPR's, then you'd always have the Finding to be made (in LIP 13.27.5) that "the project does not adversely affect **neighborhood character.**" Given the well-known breadth of that required Finding, this could in effect allow neighborhoods to decide for themselves what, and how much, is in keeping with their own aesthetic character.

Finally, in the last meeting, I suggested that **the public might appreciate knowing a few things for context** – to which none of the (past) Council responded. I think **the public would like to hear Mr. McCullough's perspective on the following:** How does this effort compare to those of other municipalities? I recall hearing that other cities already have more rigorous, aggressive regulation (maybe Santa Cruz, Del Mar, I forget). Anyway, there's some sense that we're behind the ball. Could the city go even further than contemplated at the moment? Or, have others already gone further? How close are we to becoming the nail that gets hammered down first?

Also it could be helpful to know about how much and what sort of legal pushback has occurred at the Federal level – for example, on the unreasonably shot clocks, or the “effective prohibition” standard. And how any of this might or might not change under the Biden administration. And at the CPUC level, on any of the safety provisions. I suspect that Mr. McCullough could help provide more of this sort of context, which would help you to have a better sense of how far you might be sticking out the City's neck by whatever you might enact. In an ordinance situation like this one, the better we all understand the lay of the land, the better.

Best,
Kraig

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Linda gibbs [REDACTED]
Sent: Wednesday, December 16, 2020 5:58 PM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

A G R E E D !!!

Thank you

Linda Gibbs

"Let the beauty we love be what we do. There are hundreds of ways to kneel and kiss the ground." Rumi

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l i n d a g i b b s
"Earth Care, People Care, Fair Share"

On Dec 15, 2020, at 5:44 PM, Nichole McGinley [REDACTED] wrote:

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

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I am looking forward to tomorrow's virtual workshop!

Thank you,

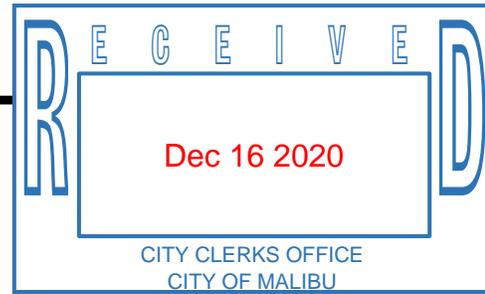
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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn



Subject: Workshop

From: Lonnie Gordon [REDACTED]
Sent: Tuesday, December 15, 2020 10:49 PM
To: Patricia Salazar <psalazar@malibucity.org>; 'Nichole McGinley' [REDACTED]; Richard Mollica <rmollica@malibucity.org>; Adrian Fernandez <afernandez@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Bruce Silverstein [REDACTED]; Steve Uhring [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Cc: Skylar Peak <speak@malibucity.org>; jwagner@malibucity.org; rmullen@malibucity.org; Trevor Rusin <trevor.rusin@bbklaw.com>; Reva Feldman <rfeldman@malibucity.org>
Subject: Re: Workshop

Dear Patricia,

To say this is an insult to us is mild. The city, influenced by telecom or lack of information, gets 45 minutes to present its side and we get 15? And then community input from people, who have may have been set up by telecom, to say they want faster downloads for whatever reason get 45 minutes and we get 15? I don't know if that is a true statement, but having been involved in politics for a long time that is my intuition from your email below.

This was supposed to be, and noticed as, a Public Workshop. Everyone has so much to learn about this issue, on a basic level, and the city is not providing input from both sides equally. It's late and I am frustrated by this notice. And the fact that we had to fight to get even this much is ludicrous? I see the city does not really care to hear the truth. There is so much misinformation out there by the telecom industry who make us out as conspiracy theorists. But they have not proven we are wrong. And they have not proven they are right because they have done no research since 1996.

To me personally, this is throwing another bone to to community to make the city look like it is responding. I, personally, have always been about transparency, and trying to help the "people", not "the system". I have worked within the system to offer help, in the highest possible way to those we represent. This does not feel good to me. I hope you will all learn a little more tomorrow, that will help you understand the facts about this issue. And I hope you never have a small cell site in front of your homes or on top of your offices. The effects are not pleasant.

How do we remove the sites already installed in front of the schools? Are you ready to deal with cancer clusters and law suits? I am baffled by the cognitive dissonance regarding this problem. So many cities, counties, and countries see the dangers we face. But telecom has the money and influence. Not an easy battle.

May we all survive this onslaught. I was hoping by all the information we had already supplied at the council meetings, and by our experts communications with staff, that we might have moved in a positive direction but it does not feel that way. This is from me personally not the group I represent. I go to bed tonight frustrated by this inequity, but hoping this workshop will yield some positive results tomorrow evening.

Sincerely,

Lonnie (Gordon)

On 12/15/2020 6:38 PM, Patricia Salazar wrote:

Good evening,

I have modified the agenda. The total public comment portion of the meeting is one hour and your team has been provided 15 minutes.

Again, we want to ensure that all members of the public have adequate time to speak and contribute to the conversation.

Regards,

Patricia Salazar
Planning Department

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"The world is not dangerous because of those who do harm,
but because of those who look at it without doing anything".

Albert Einstein

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Kelsey Pettijohn

Subject: WCF Workshop comments

From: Lonnie Gordon [REDACTED]
Sent: Wednesday, December 16, 2020 3:13 PM
To: City Council <citycouncil@malibucity.org>
Subject: WCF Workshop comments



Dear City Council and Staff,

I am hopeful that the workshop this evening will be an open discussion between the city and our experts. The community has agreed, in most part on our side, to give our minutes to our experts Scott McCullough, Susan Foster and Tony Simmons. While we appreciate this opportunity to have the issue presented, we would like this platform to be fair to all.

That means an open exchange of information, with equal time for both sides, a discussion of the issues, as well as the basic laws we must deal with, and creative and lawful options for a new ordinance. I look forward to this exchange of information this evening and any community comments and questions. Malibu For Safe tech will be ceding its minutes to the above named experts.

Lonnie Gordon

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(For the Public Record)

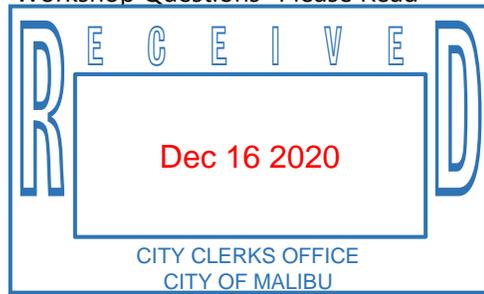
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but because of those who look at it without doing anything".

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Lacey Lehman [REDACTED]

Sent: Wednesday, December 16, 2020 11:43 AM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agree

On Tue, Dec 15, 2020 at 5:45 PM Nichole McGinley <[REDACTED]> wrote:

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*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

#Malibu, we want to hear from you! The City is currently working on updating its Wireless Communication Facility Ordinances. We would like to know your priorities and comments when it comes to wireless facilities. Location? Aesthetics? Health concerns? Noise? Better coverage? Transparency in the permitting process?

Do you want the City to develop a list of preferred cell sites? Would you prefer larger cell sites with taller antenna installations over the more frequent installation of small telephone-pole mounted sites? Should the City encourage the use of existing electrical and telephone poles as cell sites? Join us on Wednesday, December 16, 6:00 PM for a virtual public workshop. To sign up to speak, visit malibucity.org/virtualmeeting or submit comments in advance by email to citycouncil@malibucity.org. For general information, including a timeline, visit malibucity.org/wcf.

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: MalibuForSafeTech.org [REDACTED]
Sent: Tuesday, December 15, 2020 9:08 PM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Malibu For Safe Tech agrees with the input below on the WCF Ordinance.

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*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Michaeline DeJoria Heydari <michaelined@jpms.com>

Sent: Wednesday, December 16, 2020 12:27 PM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

I absolutely agree with all points. Thank you for being such a strong voice on our behalf. We are here to support all the way through to the end.

Warmly,
Michaeline and family

■
MICHAELINE DEJORIA HEYDARI
VICE CHAIRMAN

JOHN PAUL MITCHELL SYSTEMS

[1888 CENTURY PARK EAST, SUITE 1600](#)

[LOS ANGELES, CA 90067](#)

[MICHAELINED@JPMS.COM](mailto:michaelined@jpms.com)

[310.248.3888](tel:310.248.3888)

PAULMITCHELL.COM

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

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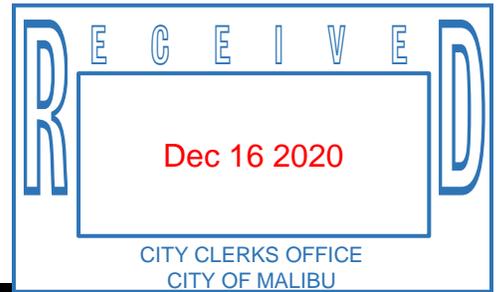
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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

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8 likes

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Paula Murphy [REDACTED]

Sent: Wednesday, December 16, 2020 11:56 AM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Agree

Paula Murphy
[REDACTED]

Sent from my iPhone

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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: rory kennedy [REDACTED]
Sent: Wednesday, December 16, 2020 11:34 AM
To: Nichole M. & John C. McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Thank you for clearly laying out the concerns and solutions regarding the WCF ordinance. I agree with your assessment and hope that Malibu City Council will do what it can to support this effort.

Best,

Rory Kennedy

--

Rory Kennedy

Moxie Films | Climate Emergency Fund | The Malibu Foundation
[REDACTED]

On Dec 15, 2020, at 5:44 PM, Nichole McGinley [REDACTED] wrote:

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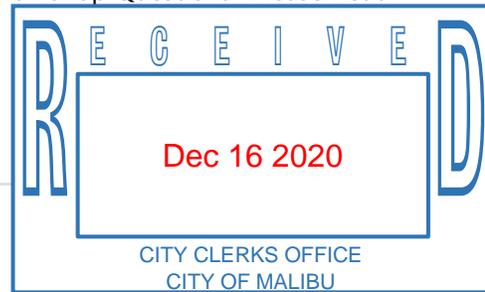
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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



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Sent: Wednesday, December 16, 2020 10:20 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
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<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Dropped Calls

From: Rebecca Spiegel [REDACTED]
Sent: Wednesday, December 16, 2020 12:29 PM
To: City Council <citycouncil@malibucity.org>
Subject: Dropped Calls



To whom it may concern

There are several areas in Malibu where calls are dropped. The areas where this occurs for me (Verizon) is PCH near Dukes, going over Kanan, going up Busch Dr. It would be great to have better coverage throughout all of Malibu.

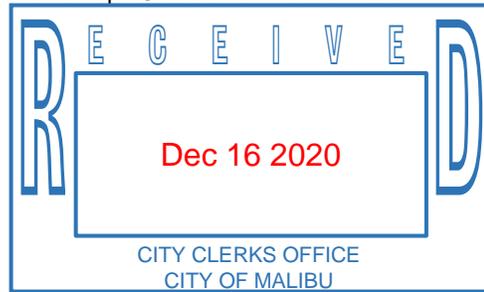
Thank you
Rebecca Spiegel

[REDACTED]

Sent from my iPhone

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Rossie Titcher [REDACTED]

Sent: Wednesday, December 16, 2020 4:43 PM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

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I am looking forward to tomorrow's virtual workshop!

Thank you,

Nichole McGinley

BCC: Interested Malibu Residents. Please join or watch the workshop tomorrow evening. Also: **simply reply to all, "agree"** to show your **support** of or modify these answers to the City's questions for consideration to give your personal input.

*

Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Stephanie Sunwoo [REDACTED]

Sent: Tuesday, December 15, 2020 5:57:47 PM

To: Nichole McGinley [REDACTED]

Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED] Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Dear Mayor Pierson, Council, Richard, Adrian and Staff,

I am writing in support and agreement of the below message. Thank you all for your efforts in this matter. I truly appreciate your openness to community input.

Thank you,
Stephanie Sunwoo

On Tue, Dec 15, 2020 at 5:45 PM Nichole McGinley [REDACTED] wrote:

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

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I am looking forward to tomorrow's virtual workshop!

Thank you,

Nichole McGinley

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Virtual Public Workshop

The Wireless Communication Facility Ordinance Update

Wednesday, December 16 | 6 PM



8 likes

cityofmalibu Wireless Communication Facility Ordinance Virtual Public Workshop
December 16

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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Soonchun Sunwoo [REDACTED]

Sent: Tuesday, December 15, 2020 8:50 PM

To: Adrian Fernandez <afernandez@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Tyler Eaton <teaton@malibucity.org>

Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Dear Mayor Pierson, Council, Richard, Adrian and Staff,

I am writing to wholeheartedly support the content of Nichole McGinley's email message below.

Thank you,

Susie Sunwoo

Hello Mayor Pierson, Council, Richard, Adrian and Staff,

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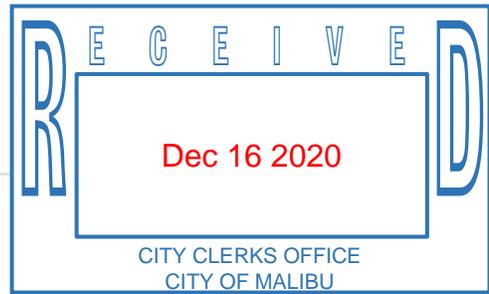
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Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Shamra Tankersley [REDACTED]
Sent: Wednesday, December 16, 2020 9:56 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

Thank you Nicole for this list. I agree completely.
Best,
Shamra Tankersley-Strange

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

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*

<WCF Ordinance Workshop.png>

Kelsey Pettijohn

Subject: Letter to Planning Department Answering WCF Workshop Questions- Please Read



From: Steve Wright [REDACTED]
Sent: Wednesday, December 16, 2020 11:32 AM
To: Nichole McGinley [REDACTED]
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; MalibuForSafeTech [REDACTED]; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Subject: Re: Letter to Planning Department Answering WCF Workshop Questions- Please Read

I agree to all of these requests

Steve Wright

On Dec 15, 2020, at 5:45 PM, Nichole McGinley [REDACTED] wrote:

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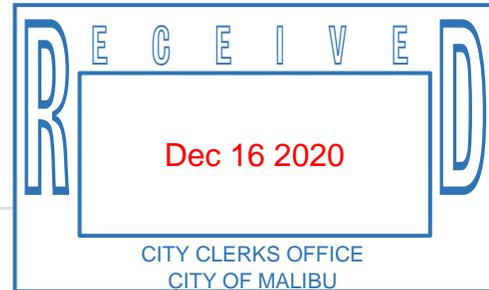
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Kelsey Pettijohn

Subject: Members of the Community Public Workshop Presentation
Attachments: Malibu Virtual Public Workshop Community Experts Presentation,.pptx; Malibu Virtual Public Workshop Community Experts Presentation,.pdf; Non SCE Antennas Manual.pdf; Guide to Engineering and Land Surveying for City_County Officials.pdf



From: W. Scott McCollough <wsmc@dotlaw.biz>

Sent: Wednesday, December 16, 2020 4:23 PM

To: Richard Mollica <rmollica@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>

Cc: Adrian Fernandez <afernandez@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Trevor Rusin <trevor.rusin@bbklaw.com>; Tyler Eaton <teaton@malibucity.org>; City Council <citycouncil@malibucity.org>; Alexander Montano <amontano@malibucity.org>

Subject: Members of the Community Public Workshop Presentation

Mayor Pierson, Council members and all Malibu city representatives:

We are attaching our presentation for tonight's public workshop that begins at 6 pm. I am including a PowerPoint version and a pdf version. We ask that it be displayed during the portion allocated to our group's expert panel that is scheduled to begin some time after 7 pm, although we will be ready if sooner.

Our presentation will be through three people: myself, Engineer Tony Simmons and Susan Foster. I will do an introduction and hand off to Mr. Simmons. Simmons will speak to fire/safety. Foster will also touch on fire/safety and then address setback/separation and strand mounting. When she is finished I will return and address our remaining topics. This will allow for a more concise, coherent and comprehensive presentation. The attached slide deck incorporates all the material for each of us, in proper order, so for AV purposes you can leave the display up during the entire time and change slides as we progress.

We also ask that these materials be included in the "public comment" record, along with the two attached supporting/underlying documents ("Guide to Engineering & Land Surveying for City and County Officials"; "Southern California Edison (SCE) Non-SCE Antennas Placed on SCE Poles External Manual"). These two supporting documents are for background inclusion in the record only and do not need to be prepared for display this evening.

Thank you for the opportunity to make this presentation. We hope it will be helpful to the process.

W. Scott McCollough
MCCOLLOUGH LAW FIRM PC
www.dotLAW.biz
2290 Gatlin Creek Rd.
Dripping Springs, Texas 78620
O 512.888.1112
M 512.633.3498

F 512.692.2522

email wsmc@dotLAW.biz

Malibu Virtual Public Workshop

December 16, 2020

Presentation By Community Expert Panel
Tony P. Simmons, P.E.
Susan Foster, Honorary Firefighter, SDFD
W. Scott McCollough

- ❖ Addressing projects in rights-of-way and other properties
 - Right-of-way Projects now handled in Chapter 12.02 under Urgency Ordinance 477-U and Resolution 20-65
 - ❑ Mostly involves small cells and eligible facilities
 - ❑ Changes possible with final adoption
 - Projects on other properties still subject to Chapter 17.46
 - ❑ Macro-cells, small cells, eligible facilities
 - ❑ Applications relating to amateur and satellite antennas
- ❖ Many common issues but also some unique to 12.02 or 17.46

❖ Community requests based on City's still-retained authority

- **Not** asking City to
 - ❑ regulate on the basis of the environmental effects of compliant radio frequency emissions
 - ❑ effectively prohibit personal wireless services provision
 - ❑ unreasonably discriminate among providers of functionally equivalent service
- All requests based on
 - ❑ local values and priorities (rural, residential, family friendly)
 - ❑ safety requirements, especially given Malibu-specific conditions (fire-prone, seismically active, coastal conditions, high winds) and past experiences
 - ❑ preservation of property values
 - ❑ aesthetic concerns and preferences

❖ Major Issues

- Project design, application content, post construction inspections (12.02 and 17.46)
 - ❑ Current ordinance and forms do not ensure professional design rigor, require enough application content information or sufficiently contemplate ongoing post-construction inspections
 - ❑ Projects receive inadequate review. Present safety evaluation and protection considerations are entirely inadequate

Existing Application Weaknesses

Wireless equipment is electrical equipment

Wireless fires are electrical fires

- ❖ The Planning Department website <https://www.malibucity.org/369/Applications-Forms-Fees> lists a Uniform Application and the three checklists for WCF (Wireless Communication Facilities), WCF Checklist for non-PROW, WCK Checklist of PROW, and WCF upgrade Checklist. Each checklist specifies certain required documents
- ❖ **They do not require signed and sealed electrical drawings and reports or signed and sealed architectural, structural and other engineering drawing and reports**

Duty to ensure safety

Wireless fires are electrical fires

- ❖ California Public Utility Commission General Order GO-159 Section II defers to local governments on numerous issues. Safety is specifically mentioned as a local government concern.
- ❖ The answer to Question 12 on page number 9 of the Guide to Engineering & Land Surveying for City and County Officials states: *“A local agency may adopt ordinances or regulations to require that all engineering documents submitted for review be signed and sealed. However, the interim documents, even if signed and sealed, must still contain the interim notation as required by state laws”*
- ❖ Section 2.1.5 of the January 2019 edition of the Southern California Edison (SCE) Non-SCE Antennas Placed on SCE Poles External Manual on page 1 requires “An engineered site plan and construction drawings, approved by appropriate permitting agency”.
- ❖ SCE Manual Section 2.1.6 requires “Pole loading calculations including all SCE attachments.”

Engineering Rigor

Wireless fires are electrical fires

- ❖ Engineering rigor is the attention to detail required for a Subject Matter Expert to certify that life, health, and property are safeguarded

History demonstrates need for engineering rigor in all installations and modifications

- ❖ 2007 Malibu Canyon Fire. 3,836 acres, 36 vehicles and 14 structures burned due to fire caused by the failure of an SCE pole carrying three wireless facilities. SCE admitted the pole was overloaded
- ❖ 2015 January 22. Ontario (Province of Canada) Electrical Safety Authority ordered all electric utilities in the province to remove Sensus Gen 3 meters with remote disconnect as a safety precaution. The order noted that multiple utilities had already removed 785,000 smart meters as a safety precaution
- ❖ 2015 March Stockton Meter Explosion. Several thousand PG&E meters exploded due to overvoltage caused by a car accident. Customer owned electrical equipment also failed
- ❖ 2018 November 18 Camp Fire. PG&E CEO pled guilty to 84 counts of manslaughter on behalf of PG&E. The fire burned 153,336 acres and 18,804 structures
- ❖ 2018 November 18. Woolsey Fire. Killed 3 people and burned 1,643 homes and 96,949 acres
- ❖ **The commonality is lack of engineering rigor**

Mitigating Safety Hazards in All Four Phases (Design, Application, Review and Post-construction inspection)

- ❖ Electric fire safety begins with the engineering (design) stage: A Subject Matter Expert identifies and mitigates hazards and designs to comply with all other requirements
- ❖ The application will be the proof of appropriate design rigor, and can be independently assessed by the case manager/consultants
- ❖ The City can then review and enter appropriate findings of demonstrated plan compliance
- ❖ Post-construction inspection will verify the approved plan was properly implemented

Subject Matter Expert

Wireless fires are electrical fires

Safeguarding life health and property is part of a Regulated Affirmative Certification Process

- ❖ To protect the public from electrical and other hazards that require Subject Matters Expertise (SME) with advanced training in sciences and math, the California Legislature enacted the Professional Engineering Act to **regulate** SMEs
- ❖ The Act recognizes that professional engineering is a **process** that includes “*consultation, investigation, evaluation, planning or design*”
- ❖ The Act requires the all tasks be performed under the responsible charge of the professional engineer (P.E.)
- ❖ The act requires the PE sign and seal the final documents. This is the de facto **affirmative certification** that final engineering documents protect public safety

Signed and Sealed Engineering Documents

Wireless fires are electrical fires.

- ❖ Once the professional engineer is satisfied the engineering documents safeguard life, health, and property, he or she signs the document and affixes his or her seal
- ❖ No one is authorized to modify signed and sealed documents except another professional engineer who accept full responsibly for the impact of changes and then signs and seals the modified portion of the document
- ❖ Unknown field conditions may arise or be found that require the signed and sealed document to revised. The Engineer of Record, the professional engineer who signed and sealed the document, must be notified. The professional engineer may authorize modifications that will be signed and sealed later
- ❖ The Engineer of Record may delegate field workers to authorize modifications but retains responsible charge of the signed and sealed document

Evaluating Signed and Sealed Engineering Documents

Wireless fires are electrical fires

- ❖ Signed and sealed engineering documents are prepared under the responsible charge of and then signed and sealed by a California-credentialed Subject Matter Expert, a P.E., and warrant review by a similarly California-credentialed Subject Matter Expert, another P.E.

Wireless Communication Facility sealed engineering design documents that should be reviewed, approved and enforced during the application, approval and post-construction inspection phases

1. Title Page
2. Electrical Site Plan
3. One-Line Diagram
4. Equipment List
5. Three-Line Diagram
6. Ground Plan
7. Panel Directory
8. Load Calculation
9. Wiring Diagram
10. Voltage Drop and Load Flow Study
11. Elevations and Plans of Electrical Equipment
12. Elevations and Plans of Service Disconnecting Means
13. Electrical Details and Signage
14. Coordination and Short Circuit Study
15. Site Specific Instructions
16. Notes
17. Test Specifications

We don't want this



❖ Major Issues (cont'd)

○ Setback/Spacing (12.02 and 17.46)

□ Other California Cities

➤ Calabasas:

- ✓ In ROW, 1,000 foot setback from property line of schools, dwelling units and parks
- ✓ Not in ROW: no placement in residential areas, open space, parks or playgrounds
- ✓ 500 foot separation from another facility in ROW

➤ Fairfax

- ✓ Small cell prohibited in residential areas; eligible facilities and Gov. Code 65850.6 collocations allowed
- ✓ Pole mounted minimum 1,500 foot separation

➤ Mill Valley

- ✓ In ROW, 1,500 foot separation from nearest facility
- ✓ No installations in residential areas other than exempt facilities and additional collocation under Gov. Code 65850.6(b).

➤ Petaluma

- ✓ 500 foot setback from residence
- ✓ 1,500 separation from nearest facility

➤ Santa Cruz County prohibits placement in residential areas

➤ City of Santa Cruz prohibits placement in residential areas, natural areas and strong preference that not be “highly visible from adjacent roadways, public areas, parks, schools, greenbelts or other visually sensitive areas

❖ Major Issues (cont'd)

○ Setback/Spacing (12.02 and 17.46) (cont'd)

□ Other California Cities (cont'd)

□ Sonoma

- ✓ No installations in residential areas other than small wireless facilities s.
- ✓ In ROW 1,500 foot separation from other wireless facilities

□ Suisun City

- ✓ 500 foot setback from residence
- ✓ 1,500 from other wireless facilities

□ Walnut City

- ✓ towers and antennas shall not be located within 1,500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones.
- ✓ 1,500 separation from other antennas; Monopoles and alternative antenna support structures shall be located a minimum of one-half mile from any other monopole or alternative support structure.

□ Largely matter of judgment and local preferences

- ✓ There is no magic number; need to balance desire for larger number against how many applications would have to seek waiver based on the distance chosen
- ✓ Need to have articulated valid purpose and show reason for numbers chosen
- ✓ Cannot unreasonably discriminate among providers of functionally equivalent services; and cannot have effective prohibition

❖ Major Issues (cont'd)

- Strand Mounting (12.02)

- Other California Cities - Prohibited

- ✓ Berkeley
 - ✓ Grand Terrace
 - ✓ Fairfax
 - ✓ Lake Forest
 - ✓ Montclair
 - ✓ Morro Bay
 - ✓ Stanton

❖ Major Issues (cont'd)

- Insurance (12.02 and 17.46)
 - ❑ Every commercial insurance policy has a standard provision excluding coverage for any liability flowing from exposure to even compliant RF emissions. The insurance industry fears huge losses like those from asbestos, so it treats RF like a form of “pollution” that requires a special policy.
 - ✓ Insurance Re candidly explained why: “If a direct link between EMF and human health problems were established” “large losses” could follow.
 - ✓ In February 2013, AM Best classified RF radiation from wireless antennas as an “Emerging Technology-Based Risk.”
 - ✓ Verizon Wireless’ latest SEC 10-K filing for 2019, p. 17 says “...our wireless business also faces personal injury and wrongful death lawsuits relating to alleged health effects of wireless phones or radio frequency transmitters. We may incur significant expenses in defending these lawsuits. In addition, we may be required to pay significant awards or settlements.”)
 - ❑ Other California cities
 - ❑ Encinitas requires pollution coverage
 - ❑ Santa Cruz imposes strict liability in its Municipal Code (24.12.155(B), (C)):
 - ✓ 24.12.1455 INDEMNITY AND LIABILITY.
 - ✓ B. Wireless telecommunications providers shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from the usage of their wireless telecommunications facilities within the city. This liability shall include responsibility for clean-up, injuries or damages to persons or property. Additionally, wireless telecommunications providers shall be responsible for any sanctions, fines or other monetary costs imposed as a result of the release of pollutants from their operations.
 - ✓ C. Wireless telecommunications providers shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the current Federal Communication Commission’s standards.
 - ❑ Many Wisconsin cities and counties, (ex., Brookfield, Fox Point, Muskego, Oconomowoc and Waukesa County) require pollution coverage
 - ❑ Policy limits
 - ✓ \$5,000,000 per occurrence/\$6,000,000 aggregate is sufficient for commercial general liability, but higher policy limits are needed for pollution coverage. Damages from one case could exceed the per occurrence limit and if there is more than one case the aggregate will be quickly exhausted.

❖ Major Issues (cont'd)

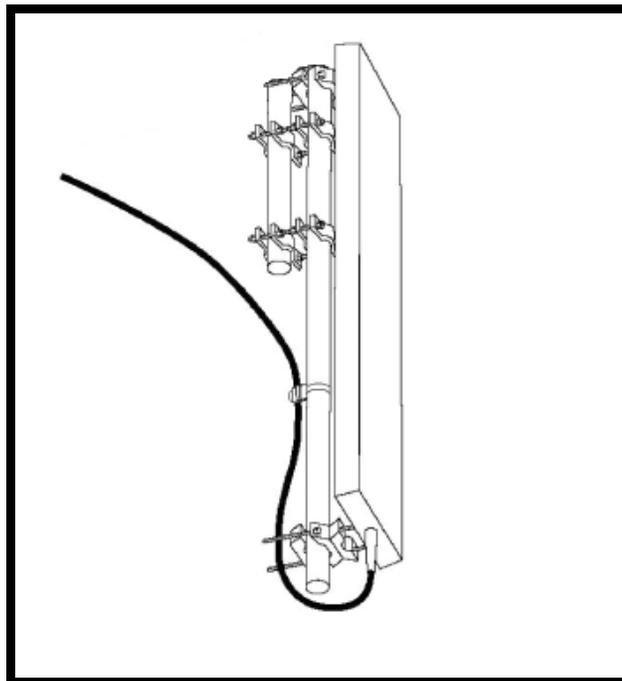
- E. Notice, participation and appeal issues (12.02 and 17.46)
 - Actual notice to everyone within 1500 feet of a proposed project
 - ✓ instructions on how to obtain more information
 - ✓ all applications and related materials should be placed online as soon as possible
 - ✓ notice should occur in time for people to participate in the decision on completeness
 - Malibu residents should retain the right to obtain a final decision from the City Council rather than the Director or a hearing officer.

❖ Other Issues

- Amateur and Satellite (17.46 only)
 - ❑ Current city code addresses only height and sometimes antenna diameter (17.39.040, 17.40.040, 17.40.080, 17.40.110, 17.42.020, 17.62.040)
 - ❑ The code does not adequately distinguish between different satellite antenna types based on service or exercise all the powers not preempted by statute or FCC rule.
 - ✓ satellite earth stations/terminals other than those covered by FCC rule 47 C.F.R. 1.4000
 - ✓ antennas for direct broadcast satellite services, receive/transmit fixed satellite antennas/terminals, fixed wireless services and multichannel multipoint distribution services on residential or commercial property covered by FCC rule 47 C.F.R. 1.4000
 - ✓ FCC rules allow more regulation for stations/terminals not covered by rule 1.400
 - ✓ The City can, and should, impose a prohibition on cross-property line service sharing and protect neighbors from cross-property line emission intrusions
 - ❑ The City only regulates amateur/ham radio antenna as to number of ground mounted amateur radio antennas (17.46.060(G)) and height (17.46.160(A)(2)). It does not have a property line setback requirement or front-yard restriction.

SOUTHERN CALIFORNIA EDISON (SCE)
Non-SCE Antennas Placed on SCE Poles

External Manual



January 2019

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7.0 Contact Information

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1.0 Introduction

The following is a guide to be used by any entity seeking to purchase or lease space from SCE for the purpose of installing an antenna(s) on distribution poles supporting energized conductors (up to 33 kV). New or additional attachments to SCE poles (either solely or jointly owned) by a Foreign Utility such as an Owner/Member of the Southern California Joint Pole Committee (SCJPC), the Tenant of a Foreign Utility, an SCE Tenant, or any other entity, shall not be made except when permission is granted by an authorized SCE representative.

- 1.1 The terms “antenna(s)” and “antenna site” mean one device, or a combination of devices, including ancillary equipment, that does not emit and/or receive Radio Frequency (RF) energy in excess of the Federal Communications Commission (FCC) General Population/Uncontrolled Exposure limits, as set forth in 47 Code of the Federal Regulation (C.F.R.) and described in Office of Engineering and Technology (OET) Bulletin 65.
- 1.2 The term “attachment(s)” is to be used for all antenna(s) that will be located within the climbing space and working space as defined in California’s General Order 95, Rule 94. Should an SCE standard and a G.O. 95 rule conflict, the more stringent of the two requirements shall be applied.

Note(s): Microwave antenna(s) are prohibited on all distribution and sub-transmission poles.

2.0 Application Process

Southern California Edison’s Joint Pole Organization (JPO) assists with the execution of Pole License Agreements for Commercial Mobile Radio Service (PLA-CMRS) and Pole License Agreements for Competitive Local Exchange Carriers (PLA-CLEC) as well as processes all Joint Pole Authorizations (JPA), Requests for Access (RFA), Requests for Access-Commercial Mobile Radio Service (RFA-CMRS) and Request for Access-Competitive Local Exchange Carrier (RFA-CLEC) applications.

Contact: Southern California Joint Pole Organization

14005 Benson Ave.

Chino, California 91710-7026

JPAs: ForeignJPAreviewforms@sce.com

RFAs: JPORFAinbox@sce.com

- 2.1 Members of the SCJPC wishing to install antenna(s) **below** SCE facilities (*for example, lines, equipment, guys*) will abide by the requirements established in the SCJPC Agreement and Routine Handbook and will submit the following to ForeignJPA Review Forms@sce.com:
 1. A completed JPA, J.P. Form 2-1, one pole per JPA.
 2. A completed Installation Management Services (IMS) Customer Information Sheet.
 3. A power service option letter signed by appropriate permitting agency.
 4. An engineered site plan and construction drawings, approved by appropriate permitting agency.
 5. Pole loading calculations, including all SCE attachments.
 6. A completed Antenna Information Form (AIF).

- 2.2 CMRS or CLEC providers wishing to install antenna(s) located ***above or between*** SCE equipment (e.g. *lines or guys*) in space owned by SCE must have an executed licence agreement. CLEC providers that are not members of the SCJPC who wish to install antenna(s) located below SCE equipment (e.g. lines or guys) in space owned by SCE must also have an executed agreement. Prior to obtaining a copy of the license agreement, the provider must:
- A. Submit antenna equipment to IMS for pre-vetting and catalog inventory process.
 - B. Provide a completed Declaration Letter, signed and dated by a company representative, demonstrating they are a recognized by the CPUC per D16.01-046 or D.18-04-007. The Declaration Letter should also include:
 - Wireless Identification Registration (WIR) and/or
 - Certificate of Public Convenience and Necessity (CPCN)
- 2.3 The completed declaration letter and attached forms may be emailed to JPORFAInbox@sce.com with the subject line: PLA-CMRS or CLEC REQUEST-your company name.
- 2.4 Documents are reviewed by an SCE representative who will contact the requestor and provide a non-executable copy of the Pole License Agreement for either CMRS or CLEC providers. Also included will be detailed instructions and requirements in order to execute the Pole License Agreement.
- 2.5 Once the Pole License Agreement is fully executed, the SCE representative will provide the requestor with the Request For Access Forms.
- 2.6 CMRS or CLEC Licensees must abide by the requirements established in the fully executed Pole License Agreement as well as the Request for Access Guidelines and Procedures.
- 2.7 CMRS or CLEC Licensees wishing to make application will follow the directions set in the Request for Access Guidelines and Procedures. The below outlines what is require
- A. A completed the RFA-CMRS or RFA-CLEC application, one pole per RFA application
 - B. A completed IMA Customer Information Form
 - C. A signed power service option letter from permitting agency
 - D. An engineered site plan and construction drawings, approved by appropriate permitting agency
 - E. Pole loading calculations, including all SCE attachments.

- 2.8 IMS manages all non-SCE antenna attachments on distribution poles and sub-transmission poles.
- A. IMS receives application from JPO (either JPA or RFA), and confirms application with Applicant.
 - B. IMS prepares the Preliminary Design Work Order Package (Submittal Package).
 - C. IMS creates and sends Engineering Advance invoice (if applicable) to Applicant.
 - D. IMS forwards completed Submittal Package to Design Resource (DR).
 1. DR confirms Submittal Package with Applicant.
 2. DR arranges for a pre-design field meet with IMS and Applicant to determine method of service and if attachment location is accessible without entering or working in the Electrical Zone.
 3. DR, IMS, and Applicant meet in field to determine if preliminary design is constructible.

Note:

- The Electrical Zone, on poles supporting energized conductors 120 V to 33,000 V, is defined as the pole space, measured vertically, starting 3 feet below the lowest conductor level up to 3 feet above the uppermost conductor level.
- The licensee (or their contractor) is prohibited from accessing the electrical zone.
- Only SCE, or authorized contractors working for SCE, and only when contracted directly by SCE will have access to the electrical zone.
- Only SCE or its authorized contractors will perform all installation work for equipment attached to the pole in and above the electrical zone.
- Licensee has the option of using SCE authorized contractor (under separate contract) or their own for installing antennas outside the electrical zone.
- Licensee is granted access only to the leased space, provided it can be accessed without encroachment into the electrical zone and they maintain all G.O. 95 minimum clearances or clearances as required by SCE.

- 2.9 IMS receives approved Submittal Package and submits invoice to Licensee.

2.10 Location Selection

- A. Choose the shortest pole possible that will allow operation of the antenna while minimizing visual impact.
- B. When possible, select a pole supporting only secondary voltage and communications conductors.
- C. When a pole that supports primary voltage (2.4 kV to 33 kV) will be selected, consider poles carrying small diameter wires built on a single cross-arm in tangent configuration (that is, no dead-ends, guy wires, or corner poles).
- D. For antennas to be placed above or between SCE lines, the pole should not support other SCE equipment, such as fused cutouts, switches, capacitors, transformers, and so forth.
- E. Ease of access to the proposed antenna location is highly desirable to allow for the maintenance and repair of equipment. Locations along streets or alleys are best. Back yards should be avoided when possible, as well as locations adjacent to fences, landscaping, or other obstructions.

3.0 Antenna Installation

3.1 IMS to coordinate installation of attachment and schedule the work.

3.2 IMS notifies Licensee of scheduled installation date.

- A. If Licensee is performing antenna installation outside the Electrical Zone, then Licensee shall give SCE 30-days written notice and a call 48 hours after approval before antenna is installed.
- B. SCE's crews or approved contract crew to work with Licensee's contractors for Passive Intermodulation Testing (PIM) for antennas or equivalent.

4.0 Inspection — Maintenance

Joint Owners and Licensees are responsible for inspecting and maintaining their antennas and associated facilities.

- 4.1 SCE reserves the right to inspect non-SCE antenna installations and notify the Owner/Licensee at any time of unsafe work conditions and/or construction that is not compliant with SCE standards or G.O. 95 Requirements.
- 4.2 Entities failing to correct unsafe conditions in a timely manner may be reported to the California Public Utilities Commission Safety and Enforcement Division, and/or billed for the necessary action undertaken by SCE.
- 4.3 Owners/Licensees shall perform all routine maintenance outside of the Electrical Zone and shall not cause any interruption of SCE's utility or other services. SCE's crews or SCE's approved Contract crew will perform all maintenance where access is not assessable without going in or through the Electrical Zone. Written notification by Licensee will be given no less than 30 days of when SCE is requested to perform maintenance.

5.0 Design Specifications — Exhibit “A”

5.1 General Information

- A. This standard applies to non-SCE antennas affixed to poles supporting SCE lines, streetlights, secondary risers, and guys.
- B. This is a design standard and is not intended to endorse or assure the installation of antennas on SCE poles.
- C. This standard, including the Attachments and Notes, supplement the minimum requirements established in G.O. 95, including Rule 94 and all other applicable rules. Should this manual and a G.O. 95 rule conflict, the more stringent of the two requirements shall be applied.

5.2 Support Elements

- A. Cables, messengers, ground bond wires, and incidental wiring associated with antennas shall meet the requirements for Class C circuits as specified in G.O. 95, except as modified by this standard.
- B. Incidental wiring and miscellaneous equipment associated with antennas shall be installed in a workman-like fashion so as to not interfere with workers ascending or descending the pole, or nearby communication and/or SCE facilities.
- C. Hardware (for example, brackets, cross-arms, braces) associated with Antennas affixed above SCE facilities shall (at a minimum) meet the material strength requirements and safety factors for Grade “A” construction as specified in Section IV of G.O. 95.



NOTE HARDWARE ASSOCIATED WITH POLE-MOUNTED ANTENNAS SHALL BE REVIEWED AND APPROVED BY SCE PRIOR TO CONSTRUCTION.

- 1. Cross-arms supporting antennas above 2.4–33 kV lines are prohibited.
- 2. Cross-arms supporting antennas above 120–480 V lines and guys shall extend no more than 5 feet horizontally from the centerline of the support pole.
 - The maximum allowable cross-arm length is 10 feet.
- D. Hardware associated with antenna affixed below distribution facilities shall (at a minimum) meet the material strength requirements and safety factors for Grade “C” construction as specified in Section IV of G.O. 95.
- E. Pole-top extensions meeting the requirements of the [Distribution Overhead Construction Standards](#), DOH PO 150 may be utilized to support antennas above 120–480 V lines and atop Distribution guy poles.
 - 1. Where a pole-top extension is intended for use, a soil strength calculation for the support pole must be submitted with other required pole load calculations.

- F. Pull boxes, hand-holes, and other subsurface enclosures shall be situated so as to not interfere with down guys, guy anchors, vehicle and pedestrian traffic.
- G. Pedestals and above ground equipment shall be situated so as to not interfere with down guys, guy anchors, vehicle and pedestrian traffic.

5.3 Clearances

- A. Attachments 1, 2, 3, 4, and 5 specify the required minimum vertical, horizontal, and/or radial clearances.
- B. Antennas attach either above or below lines or guys shall maintain clearances from unattached electrical and communication lines in accordance with G.O. 95, Rule 38, Table 2, Case 3, and Columns A–K.
 - 1. Pole-top antennas placed on distribution poles up to 33 kV lines are addressed by this standard.
 - 2. Pole-top antennas above 33 kV transmission lines are prohibited.
- C. Antennas affixed below the lines shall not be installed directly below pole mounted streetlight fixtures nor interfere with the intended illumination pattern.
- D. Approved antenna equipment (for example, light wave converters, amplifiers, grounding devices, batteries) affixed to the support pole shall meet the following requirements:
 - 1. Vertical clearances above the ground line (lowest part) shall be no less than 8 feet.
 - 2. Vertical clearances above the ground line (upper most part) shall be no more than 16 feet.
 - 3. Dimensions of equipment (separate or combined) shall be no more than 96" (L) × 30" (W) × 18" (H).
 - 4. Weight of equipment: No maximum is prescribed, however, vertical loading factors must be calculated and the support pole appropriately sized.
 - 5. Equipment measuring 24" (L) × 24" (W) × 12" (H) or larger, (separately or combined) shall be installed with at least 6 inches of horizontal separation, measured from the surface of the pole to the nearest part.

5.4 Marking

- A. Antenna owner/operators shall provide, and update as necessary, information regarding compliance with the Federal Communication Commission's Maximum Permissible Exposure (MPE) limits as set forth in Title 47 of the Code of Federal Regulations (CFR) for each antenna site.
- B. Antenna owner/operators shall install signs or decals made of weather, corrosion, and Ultraviolet (UV) resistant materials. At a minimum, each sign or decal shall indicate the antenna owner/operator's name, emergency 24-hour contact number, unique identifier for that antenna site, and SCE equipment catalog number (for pole top installations)

- C. Affix required signs/decals at two locations on the support structure so they are clearly visible:
 - 1. Install 3–4 feet below the antenna (measured from the top of the sign).
 - 2. Install 8–10 feet above the ground (measured from the bottom of the sign).
- D. When modifying an existing antenna site that requires the replacement or modification of existing markings the antenna owner/operator shall:
 - 1. Notify SCE and all other pole occupants in writing and place new signs/decals that include the information listed above in 5.4 (B) and as listed below:
 - i. The applicable FCC exposure category
(General Population/Uncontrolled or Occupation)
 - ii. FCC's recommended minimum approach distance

5.5 Climbing Space

- A. Where antennas are installed above lines or guys, climbing space shall be established and maintained in accordance with G.O. 95, Rule 54.7-A from the ground line to the bottom of the hardware.
- B. Where antennas are installed below distribution lines or guys, climbing space shall be established and maintained in accordance with G.O. 95, Rule 84.7-A from the ground line to within 6 feet of the nearest line or guy.
- C. Directional antennas shall be installed and oriented in a manner that limits RF energy within the climbing space.

5.6 Cable Risers and Grounds

- A. Where antennas are installed above lines and guys atop wood or other nonmetallic poles, associated cable risers and vertical grounds shall be:
 - 1. Adequately supported
 - 2. Encased in Schedule 40 PVC conduit
 - 3. Installed outside the climbing space and
 - 4. Meet the requirements of G.O. 95 Rule 54.6-D 1, 2, 3 and 5.
- B. On wood poles, where one riser is present, one additional cable riser may be affixed directly to the pole, provided the climbing space is not impaired.
 - 1. Appropriately sized galvanized pipe straps (with no less than three straps per each 10 feet length of conduit) and size 16D nails or equivalent lags shall be utilized.
- C. On wood poles where two or more risers are present, any additional risers shall be installed with unistrut or power-strut riser supports in accordance with [Distribution Underground Construction Standards](#), DUG CR 110.2.

- D. On Light Weight Steel poles where antennas are installed, unistrut or power strut supports shall be utilized in accordance with [Distribution Underground Construction Standards](#), DUG CR 141.
- E. Cables emanating from a pole top antenna riser or transiting from a vertical run that extends to an adjacent pole or building shall be:
 - 1. Bonded to the support pole's existing communication cables and messengers
 - 2. Effectively grounded in accordance with G.O. 95 Rule 83.4 and
 - 3. Where a guard arm is present, the bottom of the riser shall extend at least one foot below the guard arm.
- F. Ground wires, connectors, and associated grounding equipment installed on nonmetallic poles shall be installed outside the climbing space.
 - 1. Ground wires shall be covered with Schedule 40 PVC conduit or its equivalent wood or PVC molding.

5.7 Stepping

- A. On wood see G.O. 95, Rule 31.3A.
 - 1. For wood poles where steps are required and all metallic or composite poles, the first pole step shall be installed not less than 9 feet above the ground line or any easily climbable foreign structure from which one could reach or step, with a maximum vertical separation of 3 feet on the same side of the pole.

5.8 Cable / Messenger Mounted

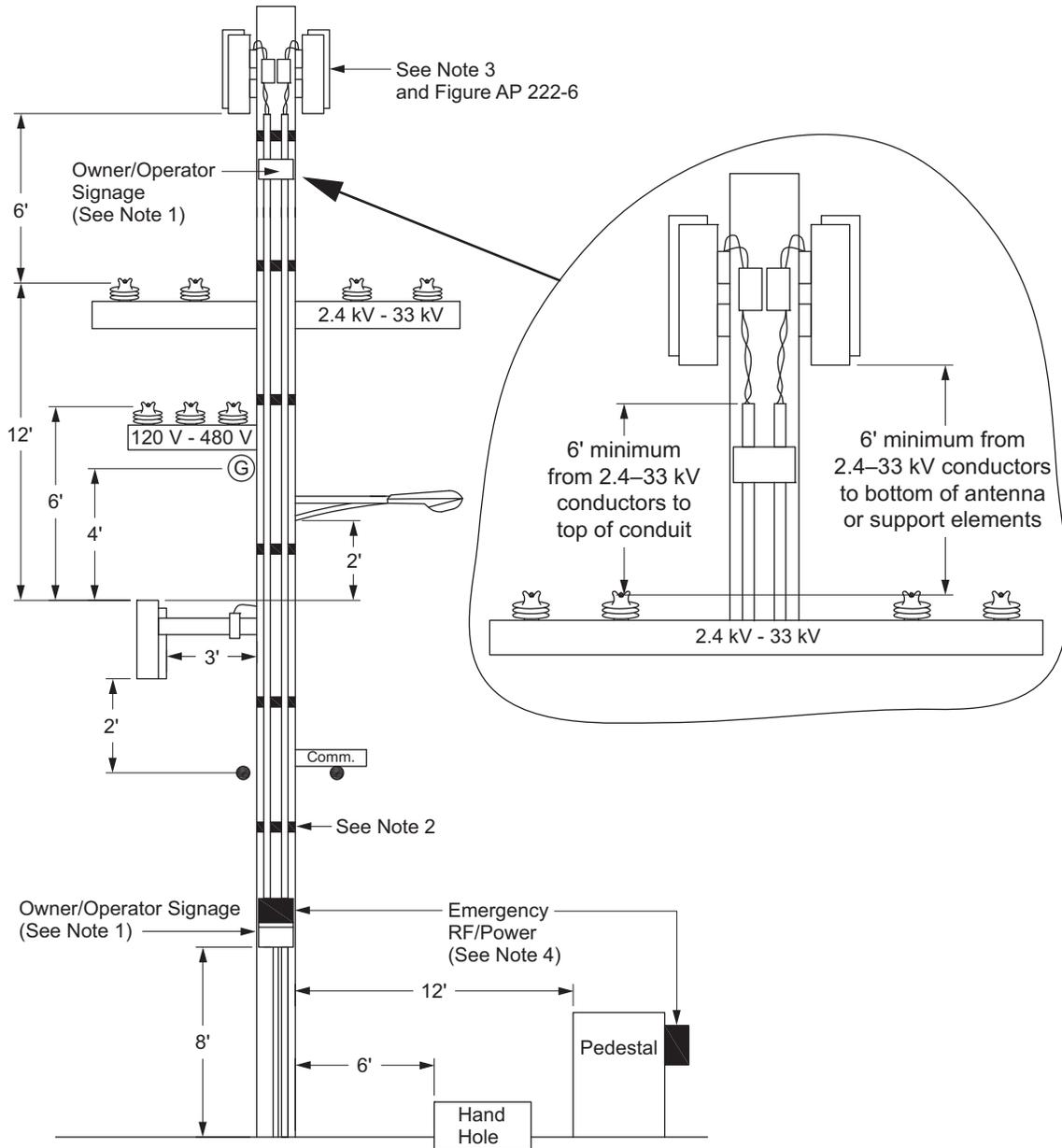
- A. Cable/Messenger mounted antennas shall be installed with at least:
 - 1. Six (6) feet of horizontal clearance (measured from the nearest part of the antenna to the surface of the pole).
 - 2. Four (4) feet of vertical clearance below 120–480 V lines.
 - 3. Ten (10) feet of vertical clearance below 2.4–33 kV lines (where no 120–480 V lines are present).
 - 4. Six (6) feet of horizontal clearance from self-supporting streetlights.
- B. The maximum length of a Cable/Messenger mounted antenna is 3 feet.
- C. Cable/Messenger mounted antennas shall not be installed below pole mounted streetlight fixtures, nor interfere with intended illumination pattern.

5.9 Emergency RF / Power Shut-Off Device

- A. Antennas affixed to poles supporting lines and/or guys shall be installed with a device that disconnects all RF energy.
 - 1. This device maybe affixed to the support pole, above ground communication equipment, or contained in a subsurface enclosure, but must be located no more than 20 feet from the pole supporting the antenna within line of sight.
 - 2. Devices shall be permanently marked with a weather and UV resistant sign or decal that reads: SCE RF/Power Shut-Off Switch.

6.0 Attachments

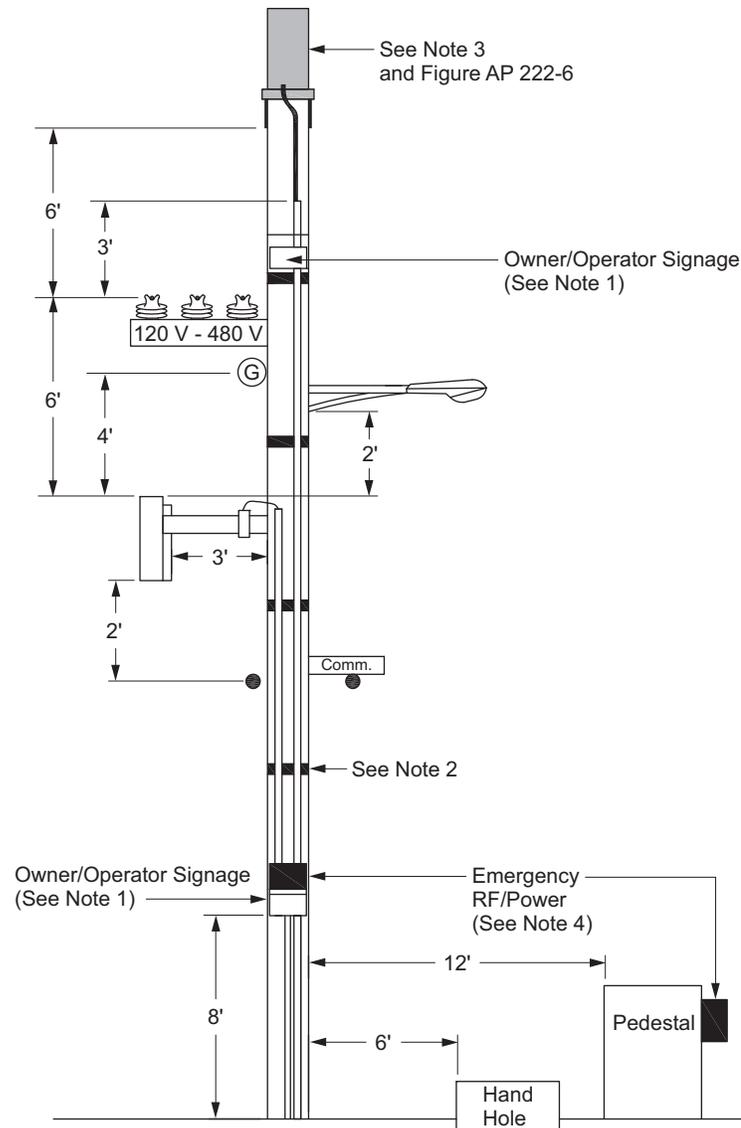
Attachment 1: Typical High Voltage Distribution Pole with Non-SCE Antenna



Note(s):

1. Antenna markings shall be affixed so as to be clearly visible, at two locations on the support structure. 3–4 feet below the antenna (measured from the top of the sign), and 8–10 feet above the ground (measured from the bottom of the sign).
2. On wood poles, where two or more risers are present, any additional riser shall be installed with unistrut or power-strut supports in accordance with DUG CR 110.2.
3. Antennas atop HV distribution poles — no specified horizontal clearance between the pole and antenna.
4. The preferred location of RF/Power Shut-Off Switch is the customer's pedestal; however, at SCE's discretion the device may be affixed on the antenna pole (for non-metered cellular service equipment details, see AP 800).
5. Clearance dimensions shown are the required minimum vertical, horizontal, and/or radial clearances.

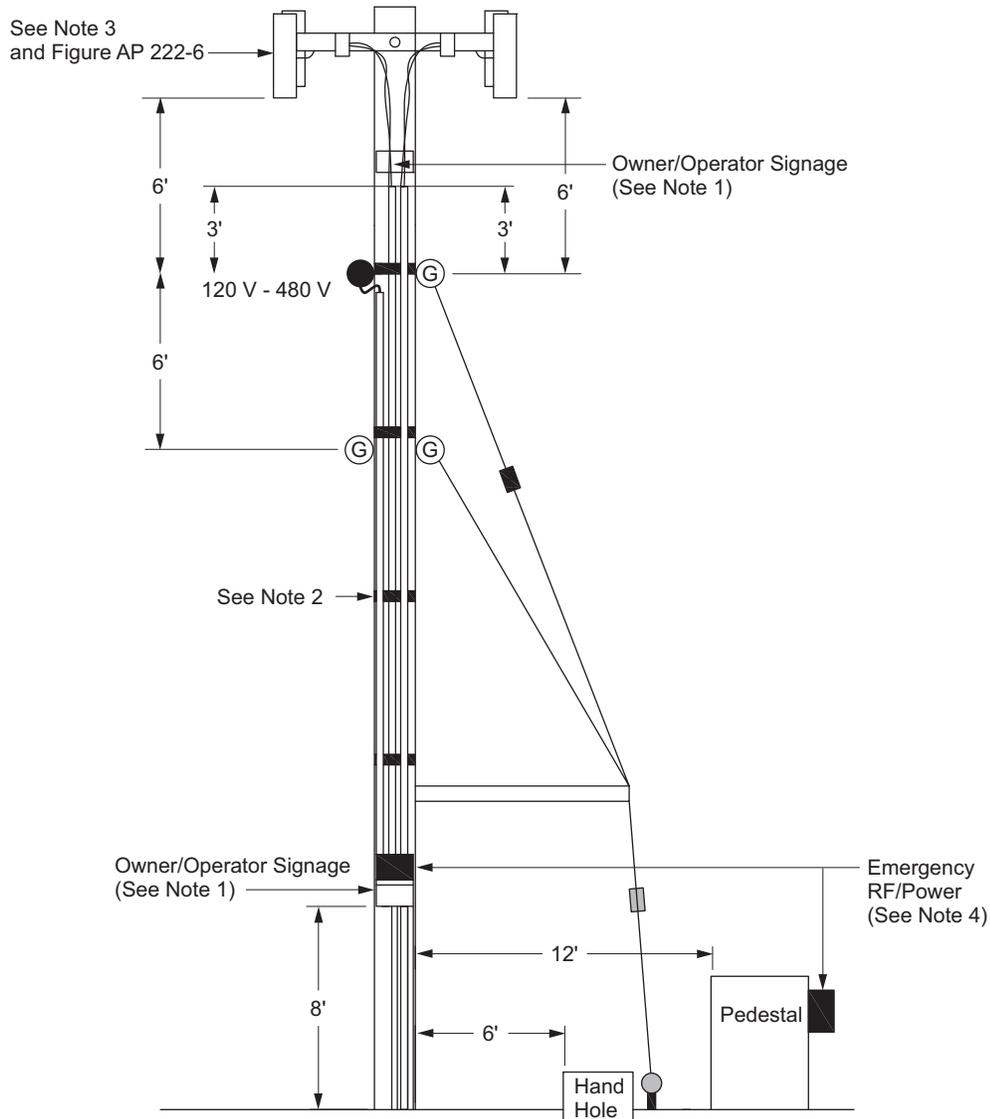
Attachment 2: Typical Low Voltage Distribution Pole with Non-SCE Antenna



Note(s):

1. Antenna markings shall be affixed so as to be clearly visible, at two locations on the support structure. 3–4 feet below the antenna (measured from the top of the sign), and 8–10 feet above the ground (measured from the bottom of the sign).
2. On wood poles, where two or more risers are present, any additional riser shall be installed with unistrut or power-strut supports in accordance with DUG CR 110.2.
3. Antennas atop LV distribution poles — no specified horizontal clearance between the pole and antenna
4. The preferred location of RF/Power Shut-Off Switch is the customer's pedestal; however, at SCE's discretion the device may be affixed on the antenna pole (for non-metered cellular service equipment details, see AP 800).
5. Clearance dimensions shown are the required minimum vertical, horizontal, and/or radial clearances.

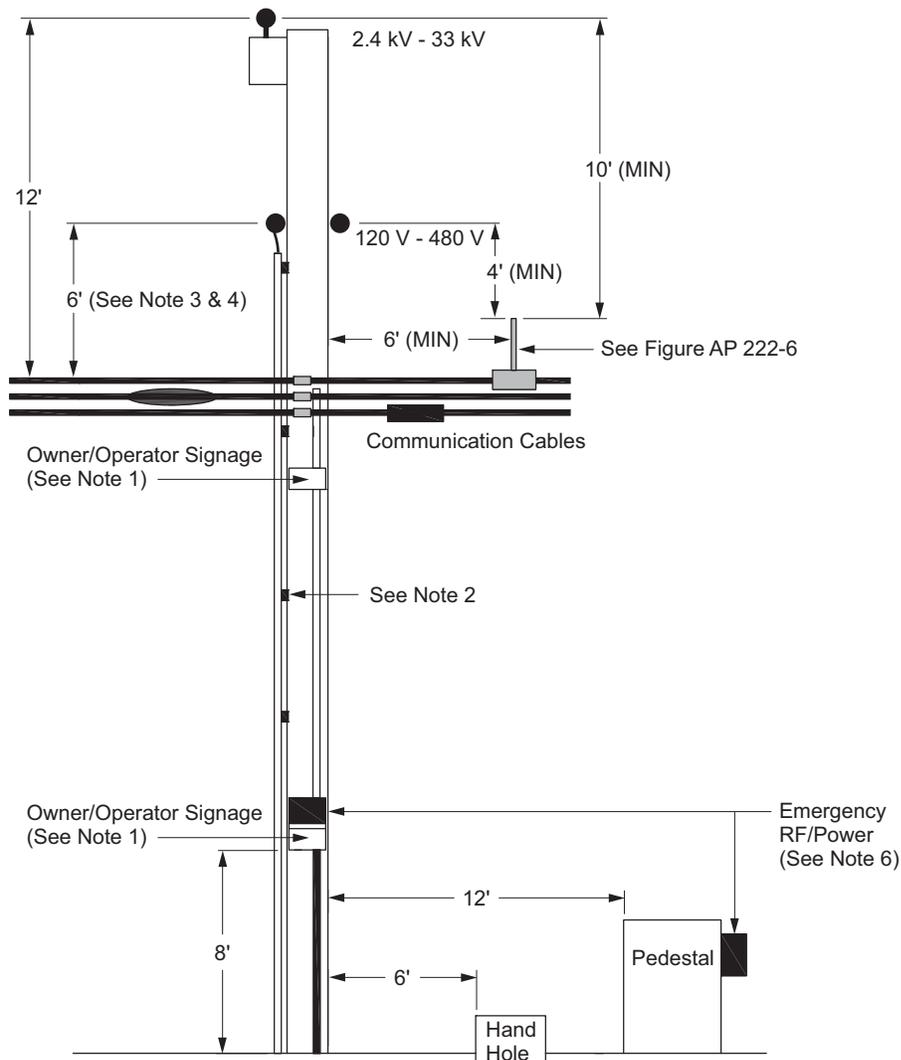
Attachment 3: Typical Guy Pole with Non-SCE Antenna



Note(s):

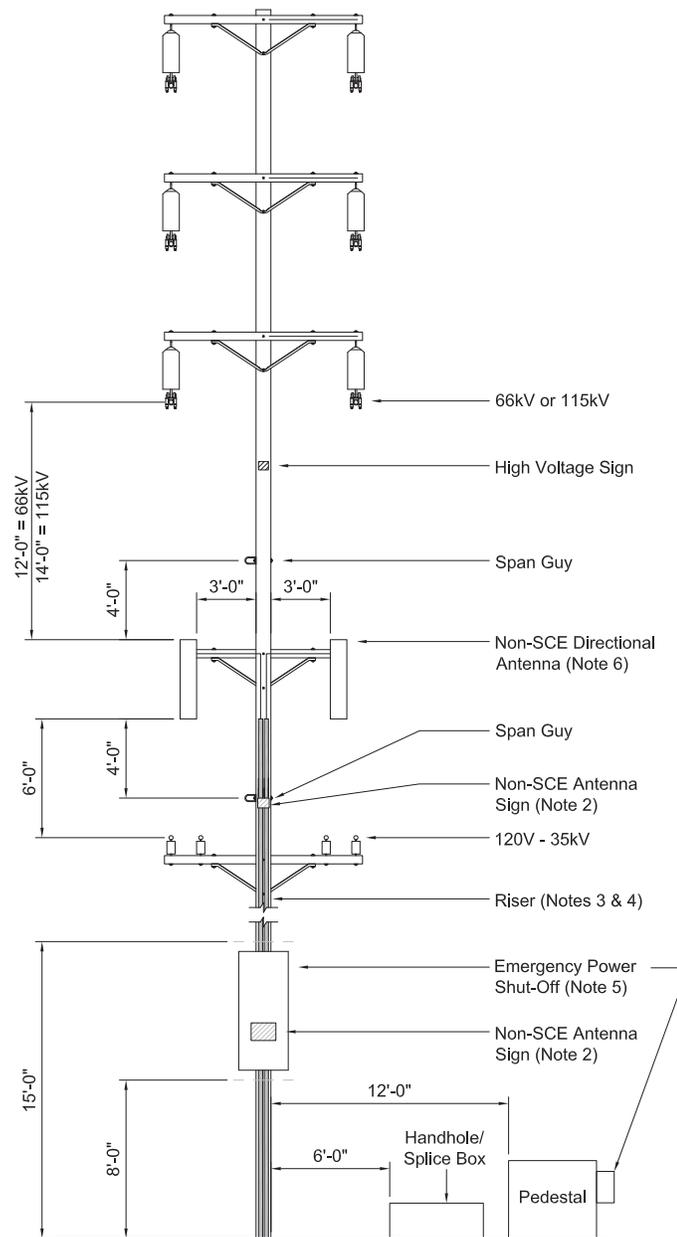
1. Antenna markings shall be affixed so as to be clearly visible, at two locations on the support structure. 3–4 feet below the antenna (measured from the top of the sign), and 8–10 feet above the ground (measured from the bottom of the sign).
2. On wood poles, where two or more risers are present, any additional riser shall be installed with unistrut or power-strut supports in accordance with DUG CR 110.2.
3. Antennas atop guy poles — no specified horizontal clearance between the pole and antenna.
4. The preferred location of RF/Power Shut-Off Switch is the customer's pedestal; however, at SCE's discretion the device may be affixed on the antenna pole (for non-metered cellular service equipment details, see AP 800).
5. Clearance dimensions shown are the required minimum vertical, horizontal, and/or radial clearances.
6. Antennas may only be affixed at the top, under a pole license agreement.

Attachment 4: Typical High Voltage Distribution Pole with Non-SCE Cable/Strand Mounted Omni Antenna

**Note(s):**

1. Antenna markings shall be affixed so as to be clearly visible, at two locations on the support structure. 3–4 feet below the antenna (measured from the top of the sign), and 8–10 feet above the ground (measured from the bottom of the sign).
2. On wood poles, where two or more risers are present, any additional riser shall be installed with unistrut or power-strut supports in accordance with DUG CR 110.2.
3. Unguarded communication cables below distribution lines (120–480 V) require 6 feet vertical clearance (measured from centerline of conductor to centerline of nearest communication cable).
4. Guarded communication cables below distribution lines (120–480 V) require 4 feet vertical clearance (measured from centerline of conductor to centerline of nearest communication cable).
5. The preferred location of RF/Power Shut-Off Switch is the customer's pedestal; however, at SCE's discretion the device may be affixed on the antenna pole (for non-metered cellular service equipment details, see AP 800).
6. Clearance dimensions shown are the required minimum vertical, horizontal, and/or radial clearances.
7. Cable/strand mounted antennas: Maximum length is 3 feet.

Attachment 5: Non-SCE Directional Antenna Between Transmission and Distribution Lines



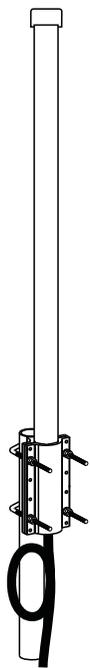
Note(s):

1. All noted clearances are shown as minimums unless otherwise noted.
2. Antenna markings shall be affixed so as to be clearly visible, at two locations on the support structure; 3–4 feet below the antenna (measured from the top of the sign), and 8–10 feet above the ground (measured from the bottom of the sign).
3. On wood poles, where two or more risers are present, any additional riser shall be installed with stand-off brackets.
4. The top riser opening shall maintain a minimum distance of one (1) foot from guy attachments and a minimum distance of 6 feet from any distribution conductor below it.
5. The preferred location of the Power Shutoff Switch is the customer's pedestal; however, at SCE's discretion, the device may be affixed on the antenna pole. (For non-metered cellular service equipment details, refer to DOH AP 800.)
6. Antennas shall maintain a minimum distance of 4 feet from guy attachments and a minimum distance of 6 feet from any distribution conductor above or below it.

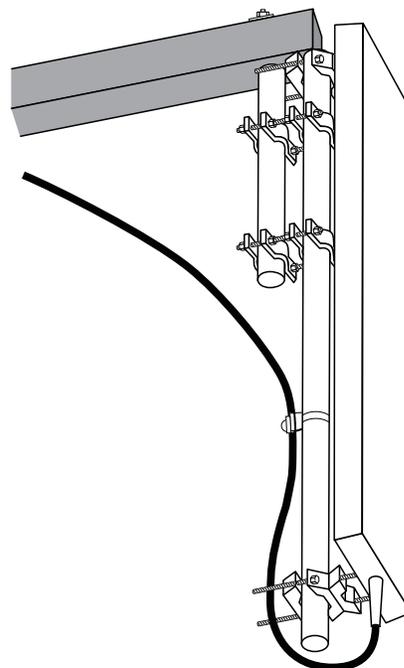
Attachment 6: Emergency RF/Power Shut-Off Switch



Attachment 7: Omni-Directional Antenna and Directional Antenna



Omni-Directional Antenna



Directional Antenna

Attachment 8: Example of Non-SCE Cable/Strand Mounted Omni Antenna Attached to Communication Cables



Note(s):

1. For Non-SCE Cable/Strand Mounted Omni Antenna's minimum clearance requirements, refer to [Attachment 4](#).

7.0 Contact Information

Manual Access Information

The External Manual for Non-SCE Antennas Placed on Distribution Pole can be accessed and downloaded from the following SCE web site:

<http://www.sce.com/AboutSCE/Regulatory/distributionmanuals/>

Getting Help

If you have any comments, questions, or suggestions concerning this manual, please contact Joint Pole Organization at:

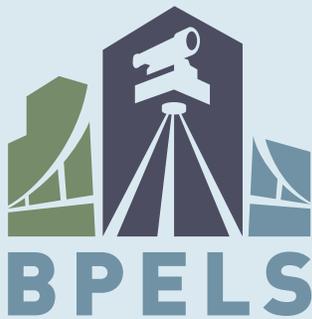
JPORFAinbox@sce.com

GUIDE TO

Engineering & Land Surveying

for City and County Officials





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INTRODUCTION

This guide was written to serve as a quick reference for California’s city and county building officials, county surveyors, city engineers, and public works officials to help answer questions about engineers and land surveyors—what they can do or cannot do and what constitutes unlicensed practice. Your comments are encouraged so that we can update and revise this guide to include information you need. Please telephone, write or e-mail the Board’s Enforcement Unit if you have a question that is not answered here.



How can city and county officials help the Board? In order to do our job, we need the support and assistance of city and county officials, city engineers, and county surveyors. California consumers are much more likely to discuss issues with a city or county official rather than Board staff. As a city or county official or county surveyor, you see the people who hire engineers and land surveyors. You can let consumers know that if they have a complaint, they can contact the Board's Enforcement staff. The Board investigates consumer complaints and takes legal action when the law is violated. You are also encouraged to distribute the Board's *Consumer Guide to Professional Engineering and Professional Land Surveying* publication to consumers.

What resources can the Board provide to me? We hope to help you by answering your questions, either here, on the telephone, through e-mail, at Enforcement Outreach meetings scheduled with your office, or via other printed information. A copy of the Board's complaint form is included at the back of this guide. You may make copies yourself or request copies from the Board's office. We've also published a *Consumer Guide to Professional Engineering and Professional Land Surveying* to help consumers decide when they need an engineer or land surveyor, how to hire one, and what to expect. Call, write, or e-mail the Board to have multiple copies sent to your agency. The *Consumer Guide* and the Complaint Form are also available online at www.bpelsg.ca.gov. If you'd like to schedule an Enforcement Outreach meeting to discuss the Board's laws and rules or problems you frequently encounter, contact the Board's Enforcement Unit at (866) 780-5370 (toll free) or via e-mail at BPESLG.Enforcement.Information@dca.ca.gov.

Where can I get a copy of the laws dealing with engineers and land surveyors? The powers and duties of the Board rest with the authority given in the Professional Engineers Act (Business and Professions Code §§ 6700 - 6799), the Professional Land Surveyors Act (Business and Professions Code §§ 8700 - 8805), and the Board's regulations as codified in Title 16, California Code of Regulations, §§ 400 - 476 (often referred to as the "Board Rules"). The laws are available on the Board's Web site at www.bpelsg.ca.gov.

ABBREVIATIONS USED IN THIS GUIDEBOOK

B&P Code – Business and Professions Code

CCR – California Code of Regulations

Board – Board for Professional Engineers and Land Surveyors

§ - section (as in B&P Code § 6700)

§§ - more than one section

ENGINEERS

PRACTICE ACT, TITLE ACT, AND TITLE AUTHORITY

1. There are three categories of licensure in California: Practice Acts, Title Acts, and Title Authorities.

- A. The **practice acts** consist of **civil, electrical, and mechanical engineering**. Only a person licensed with the Board in the appropriate discipline may practice or offer to practice these disciplines. There are, however, several exemptions to the Professional Engineers Act, listed under Business and Professions Code §§ 6739 – 6747.

Civil engineering includes studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, grading, framed and homogeneous structures, buildings, or bridges. Civil engineering also includes city and regional planning concerning the features listed above. Civil engineers licensed prior to January 1, 1982, (with a license number before 33966) are authorized to practice all land surveying and engineering surveying. (B&P Code §§ 6731, 6731.1)

Electrical engineering includes studies or activities relating to the generation, transmission, and utilization of electrical energy, including the design of electrical, electronic and magnetic circuits and the technical control of their operation and of the design of electrical gear. It is concerned with research, organizational and economic aspects of the above. (B&P Code § 6731.5)

Mechanical engineering deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and also within engineering problems relating to the production of tools, machinery, and their products and to heating, ventilation, refrigeration and plumbing. (B&P Code § 6731.6)

- B. The title acts consist of the branches of Agricultural, Chemical, Control System, Fire Protection, Industrial, Metallurgical, Nuclear, Petroleum, and Traffic Engineering. Only a person licensed in that engineering branch may use the title of that branch.

The title is regulated, but the practice is not. Anyone—whether or not they are licensed—may practice in any of the title act disciplines. Each title act branch is defined in Title 16, California Code of Regulations, § 404.

C. **Title authorities** apply to two specialized areas of civil engineering: structural engineering and geotechnical engineering. Only the use of the title is restricted. Civil engineers may choose to obtain the additional licenses giving them the authority to use the titles “Structural Engineer,” “Geotechnical Engineer,” “Soil Engineer,” and “Soils Engineer.” Any civil engineer may practice structural engineering or geotechnical engineering except in specifically restricted areas. Specifically, only a structural engineer may design a hospital or public school (primary, secondary, and junior college). (These restrictions are contained in the Health & Safety Code and the Education Code.) Civil engineers may perform all geotechnical work. The titles “Geotechnical Engineer,” “Soil Engineer” and “Soils Engineer” are synonymous. Since structural engineering and geotechnical engineering are part of the practice of civil engineering, and since all structural engineers and geotechnical engineers are also civil engineers, any reference to “civil engineering” or “civil engineer” inherently includes structural and geotechnical engineering and structural and geotechnical engineers. (B&P Code §§ 6736, 6736.1)

2. Is there a difference between “registered” and “licensed” for engineers? (B&P Code § 6732)

No. The terms are interchangeable.

3. Can all licensed engineers use the titles or abbreviations of the titles, “Professional Engineer,” “Consulting Engineer,” “Licensed Engineer,” and “Registered Engineer”? (B&P Code § 6732)

Yes. All engineers licensed in any branch may use these titles, in addition to their specific branch titles.

OFFERING ENGINEERING SERVICES

4. Can an unlicensed person offer engineering services?
(B&P Code §§ 6730, 6732, 6736, 6736.1)

An unlicensed person cannot offer to practice civil (including structural and geotechnical), electrical, or mechanical engineering services, unless otherwise exempt.

An unlicensed person can offer to and practice any of the “title act” branches of engineering. See previous section on **Practice Act, Title Act and Title Authority** for additional information.

5. Can an unlicensed person use the title “engineer”?

(B&P Code § 6732)

The word “engineer” by itself is considered generic and is not regulated. However, it is unlawful for anyone to use the title “Professional Engineer,” “Licensed Engineer,” “Registered Engineer,” or “Consulting Engineer,” or any of the following **titles**, or any combination of such words and phrases or abbreviations unless licensed in the respective branch or authority of engineering.

Civil Engineer	Agricultural Engineer	Metallurgical Engineer
Electrical Engineer	Chemical Engineer	Nuclear Engineer
Mechanical Engineer	Control System Engineer	Petroleum Engineer
Structural Engineer	Fire Protection Engineer	Traffic Engineer
Geotechnical Engineer or Soil Engineer or Soils Engineer	Industrial Engineer	

It is also unlawful for an unlicensed person to use the title “engineer” in any way that would misrepresent that he or she is licensed by this Board or that he or she is authorized to practice civil, electrical, or mechanical engineering.

The Board no longer regulates the titles “Corrosion Engineer,” “Manufacturing Engineer,” “Quality Engineer,” and “Safety Engineer.” Anyone may use these titles, whether or not they are licensed. However, individuals who obtained licensure in these disciplines before the titles were deregulated and who maintain their licenses by paying their renewal fees may use the titles “Registered Engineer,” “Licensed Engineer,” “Consulting Engineer,” and “Professional Engineer.”

6. Can an unlicensed person own an engineering business?

(B&P Code § 6738)

An unlicensed person cannot be the sole owner of an engineering business offering civil (including structural and geotechnical), electrical, or mechanical services. However, an unlicensed person may be a partner or officer, provided that a licensed engineer is also a partner or officer in charge of the engineering practice of the business.

7. Does an engineering business need to be licensed by the Board?

(16 CCR § 463; B&P Code § 6738)

No, but a licensed engineer who is associated as a partner, member, officer, or employee in responsible charge of professional engineering services offered or performed by a firm, partnership, or corporation must file an Organization Record with the Board within 30 days of such association.

ENGINEERS' RESPONSIBILITIES

8. What does the term "responsible charge" mean as applied to professional engineering? (B&P Code § 6703; 16 CCR § 404.1)

"Responsible charge" relates to the extent or degree of control a licensed engineer is required to maintain while exercising independent control and direction of engineering services or creative work, and to the engineering decisions which can be made only by a licensed engineer. It does not refer to the concepts of management, hierarchy, or financial liability.

The extent of control necessary to be in responsible charge shall be such that the licensed engineer:

- a) Makes or reviews and approves the engineering decisions (described below).
- b) In making or reviewing and approving the engineering decisions, determines the applicability of design criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

Engineering decisions include those within the purview of the Professional Engineers Act. They do not include decisions concerning administrative or personnel management. Engineering decisions of the licensed engineer in responsible charge may include, but are not limited to:

- a) The selection of engineering alternatives to be investigated and the comparison of alternatives for the project;
- b) The selection or development of design standards or methods, and materials to be used;
- c) The decisions related to the preparation of engineering plans, specifications, calculations, reports, and other documents for the engineered works;
- d) The selection or development of techniques or methods of testing to be used in evaluating materials or completed projects, either new or existing;
- e) The review and evaluation of manufacturing, fabrication or construction methods or controls to be used and the evaluation of test results, materials and workmanship insofar as they affect the character and integrity of the completed project;
- f) The development and control of operating and maintenance procedures.

Questions to be answered by the licensed engineer in responsible charge may relate to the criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, and environmental considerations. The licensed engineer should be able to clearly express the extent of control and how it is exercised and to demonstrate that the licensed engineer is answerable within the extent of control.

9. What structures or parts of structures can an unlicensed person design? (B&P Code §§ 6731, 6737.1, 6745)

An unlicensed person may prepare plans, drawings, or specifications for:

- a) Single family dwellings of wood frame construction not more than two stories and basement in height;
- b) Multiple dwellings with not more than four dwelling units of wood frame construction not more than two stories and basement in height;
- c) Garages and other structures appurtenant to buildings described above, of wood frame construction and not more than two stories and basement in height.
- d) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems an undue risk to the public health, safety, or welfare is involved;

If any portion of a) through d) deviates from conventional framing requirements for wood frame construction found in Title 24 of the California Code of Regulations or other state or local building codes, such portions shall be designed by, or under the responsible charge of, a licensed architect or licensed engineer.

An unlicensed person may prepare the plans, drawings, and specifications for any alterations or additions to any buildings necessary to the installation of store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment as long as the alterations or additions do not affect the structural safety of the building.

10. Can a contractor prepare electrical or mechanical drawings?
(B&P Code § 6737.3)

A contractor appropriately licensed by the Contractors State License Board (CSLB) may only design electrical or mechanical systems which he or she will install. An employee of the contractor may perform the installation. However, the contractor cannot subcontract the installation to another contractor.

11. Must all plans, specifications and reports contain the professional engineer's seal and signature?
(B&P Code §§ 6735, 6735.3, 6735.4; 16 CCR § 411)

Only **final documents** – those which have been finalized, permitted, or released for construction – are required to be signed and stamped. They must also include the date on which they are signed and stamped. The presence of the responsible charge engineer's signature and stamp and date of signing is intended to represent that those documents have been completed, reviewed, permitted, or are ready to be released for construction. **Interim documents** (such as drafts, preliminary documents, work-in-progress documents, or building department review documents) must include the

name and license number of the licensed engineer in responsible charge. These **interim** documents must also include a notation indicating their status, such as “preliminary,” “for plan check only,” or “not for construction.”

12. Can a local agency require all engineering documents that are submitted for review to be signed and sealed?

(B&P Code §§ 6735, 6735.3, 6735.4)

A local agency may adopt ordinances or regulations to require that all engineering documents submitted for review be signed and sealed. However, the interim documents, even if signed and sealed, must still contain the interim notation as required by state law.

13. What information must be included in a professional engineer’s seal?

(16 CCR§ 411)

The professional engineer’s seal (stamp or digital representation) must contain the licensed engineer’s name, license number, and branch or authority of engineering in which licensed.

14. Can an unlicensed person use the seal or stamp of a licensed engineer?

(B&P Code §§ 6732, 6735, 6735.3, 6735.4)

No. It is unlawful for anyone other than a licensed professional engineer to stamp or seal any plans, specifications, reports, or other engineering documents. An unlicensed person cannot sign for a licensed person.

15. Are licensed engineers required to have liability insurance or be bonded?

No. The laws do not require licensed engineers to have liability insurance or be bonded.

16. Can an unlicensed person practice civil engineering?

(B&P Code §§ 6730.2, 6732, 6736, 6736.1, 6739, 6740, 6746)

Only if the person is:

- a) A federal officer or employee;
- b) An employee of the state, or any city or county, who was in responsible charge of engineering work on or before January 1, 1985, until such time that person is replaced;
- c) Working under the responsible charge of a licensed civil engineer;
- d) An employee of a communications company under the jurisdiction of the Public Utilities Commission (PUC), or an employee of a contractor engaged in work for such a communications company, while engaged in work on communication lines and equipment for communications companies under the jurisdiction of the PUC.

Individuals covered by these exemptions may not use any of the restricted titles listed in B&P Code Sections 6732, 6736, or 6736.1.

17. When can an unlicensed person practice mechanical or electrical engineering?

(B&P Code §§ 6730.2, 6737.3, 6739, 6740, 6746, 6746.1, 6747)

An unlicensed person can practice mechanical or electrical engineering if he or she is:

- a) A federal officer or employee;
- b) An employee of the state, or any city or county, who was in responsible charge of engineering work on or before January 1, 1985, until such time that person is replaced;
- c) Working under the responsible charge of a licensed mechanical or electrical engineer, as appropriate;
- d) An employee of a communications company or an employee of a contractor engaged in work for such a communications company, while engaged on work on communication lines and equipment for a communications company;
- e) An employee, consultant, temporary employee, a person hired pursuant to a third-party contract, or a contract employee of a manufacturing, mining, public utility, research and development, or other industrial corporation provided that work is in connection with the products, systems, or services of that corporation or its affiliates;
- f) A contractor appropriately licensed by the Contractors State License Board (CSLB) and only designs electrical or mechanical systems which he or she will install. An employee of the contractor may perform the installation. However, the contractor cannot subcontract the installation to another contractor.

18. Who can practice geotechnical engineering?

(B&P Code §§ 460, 6736.1)

All civil engineers are legally authorized to practice geotechnical engineering. This includes preparing soils reports.

Geotechnical engineers are civil engineers who have obtained an additional license which authorizes them to use the title “Geotechnical Engineer.” The terms “Geotechnical Engineer,” “Soil Engineer,” and “Soils Engineer” are synonymous.

Local agencies cannot require a geotechnical engineer to prepare geotechnical engineering documents rather than a civil engineer.

19. Can licensed geologists and licensed engineering geologists practice civil engineering?

No. There is no exemption in the Professional Engineers Act that allows licensed geologists or licensed engineering geologists to practice civil engineering.

20. Can a civil engineer sign mechanical or electrical engineering drawings if the civil engineer is not licensed in those disciplines?
(B&P Code § 6737.2)

Yes, as long as the electrical or mechanical work is in connection with or supplementary to civil engineering work.

21. Can a mechanical engineer sign civil or electrical engineering documents? (B&P Code §§ 6704, 6730, 6732, 6735, 6735.3, 6735.4)

No.

22. Can an electrical engineer sign civil or mechanical engineering documents? (B&P Code §§ 6704, 6730, 6732, 6735, 6735.3, 6735.4)

No.

24. Who can practice structural engineering?
(B&P Code §§ 460, 6736; Health & Safety Code § 129805;
Education Code § 17302)

All civil engineers are legally authorized to practice structural engineering under the Professional Engineers Act. However, only structural engineers may design hospitals or public schools, pursuant to the Health and Safety Code and the Education Code.

Structural engineers are civil engineers who have obtained an additional license which authorizes them to use the title “Structural Engineer.”

Local agencies cannot require a structural engineer to prepare structural engineering documents rather than a civil engineer.

25. Can someone with an expired (delinquent) license still practice civil, structural, geotechnical, electrical, or mechanical engineering?
(B&P Code §§ 6733, 6796, 6796.3)

No. If the license is expired (delinquent), the person cannot practice, offer to practice, or act as a consultant. However, as with any unlicensed individual, the person may work under the responsible charge of a licensed engineer.

26. Can someone with a cancelled, denied, retired, revoked, suspended, or surrendered license still practice civil, structural, geotechnical, electrical, or mechanical engineering? (B&P Code §§ 6733, 6796.1, 6796.2)

No. If the license has a status of cancelled, denied, retired, revoked, suspended or surrendered, the person cannot practice, offer to practice, or act as a consultant. However, as with any unlicensed individual, the person may work under the responsible charge of a licensed engineer.

- 27. If the license has expired between the time the engineering documents were prepared and the time when the local agency's review is performed, do the documents need to be re-sealed by a licensee with a current license?** (B&P Code §§ 6733, 6735, 6735.3, 6735.4)

As long as the license was current at the time the engineering documents were prepared, the documents do not need to be re-sealed prior to review by the local agency. However, any changes (updates or modifications) to the documents that are made following the review by the local agency would have to be prepared by a licensed engineer with a current license and those changes would have to be signed and sealed.

BUILDING OFFICIALS RESPONSIBILITIES WITH RESPECT TO THE PROFESSIONAL ENGINEERS ACT

- 28. Are building officials required to verify whether the individual who prepares engineering documents has a current license?**

They are not required to do so by law, however, the Board encourages building officials to verify licensure. Building officials may verify that the individual who prepares engineering documents is currently licensed or is working under the responsible charge of a licensed engineer. To verify licensure online, visit the Board's Web site at www.bpelsg.ca.gov or call (866) 780-5370.

- 29. Can a building official require a civil engineer to prepare plans, drawings, specifications, or calculations for portions of a wood-framed residential structure?** (B&P Code § 6737.1)

Yes. If any portion of any structure exempted by section 6737.1 deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible charge of, a licensed architect or licensed engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation.

SIGNING AND SEALING

- 30. What engineering documents are required to be signed and sealed?** (B&P Code §§ 6735, 6735.3, 6735.4; 16 CCR § 411)

All final civil (including geotechnical and structural), electrical, or mechanical engineering plans, specifications, reports, or documents must bear the professional engineer's seal or stamp, as well as his/her signature. If there are multiple pages, the seal or stamp, and signature must appear on each sheet of the plans, and on the original title page of the specifications, calculations and reports. Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.

Interim (non-final) documents are not required to be signed and sealed. However, the interim documents must include the name and license number of the engineer, as well as a notation as to their intended purpose, such as "for review only," "not for construction," or "draft."

31. Are professional engineers and land surveyors required to include their license expiration date when they sign and seal engineering or land surveying documents? (B&P Code §§ 6735, 6735.3, 6735.4, 6764, 8750, 8761 & 8764.5)

No. January 1, 2010, professional engineers and land surveyors are no longer required to include their license expiration date when they sign and seal engineering or land surveying documents. It is also no longer required that the license expiration date be included in their professional seal/stamp.

32. Are electronic seals and/or signatures acceptable?
(16 CCR § 411)

Yes. Licensed engineers may choose to affix their signature and seals to their documents through electronic means. However, a rubber stamp of the signature is prohibited and may not be used. A rubber stamp for the seal is acceptable. Local agencies may adopt ordinances or regulations requiring "wet" stamps and/or signatures.

33. Can a civil engineer sign mechanical or electrical engineering drawings if the civil engineer is not licensed in those disciplines?
(B&P Code § 6737.2)

Yes, as long as the electrical or mechanical work is in connection with or supplementary to civil engineering work.

34. Who can sign and seal for the engineering design of building components? (B&P Code § 6735; 16 CCR §§ 404.1, 411)

A licensed engineer designing a portion of a building is in responsible charge of the engineering of that portion of the project and is required to seal and sign the documents related to that portion of the project. The licensed engineer must indicate on all documents exactly which portions he or she is in responsible charge of.

35. What happens when a licensed engineer does not complete a project and a new licensed engineer takes over? (16 CCR §§ 404.1, 411)

The new licensed engineer (successor licensee) may assume responsible charge of a project and complete the design as long as he or she exercises the extent of control and assumed responsibility for the engineering decisions. Thus, this successor licensee must review drawings, calculations, studies, etc., to the degree that meets the responsible charge criteria. The successor licensee cannot be required to assume responsibility for portions of the project where responsible charge was by the original licensed engineer (stamped and signed by the original licensed engineer). However, the original licensed engineer is not relieved of any responsibility arising from engineering services of which he or she was in responsible charge (documents stamped and signed only by the original licensed engineer).

36. Can a licensed engineer modify or add to a project for which another licensed engineer is in responsible charge? (16 CCR § 404.1)

The licensed engineer (called a “successor licensee”) can modify or add to a project which has been designed under the responsible charge of another licensed engineer. The “successor licensee” must exercise the requisite extent of control and assume the responsibility for the engineering decisions for all new work and for the effect the new work has on the existing work. The “successor licensee” is not required to assume responsible charge of the entire project.

37. Can a licensed engineer be in responsible charge of only a portion or portions of a project? (16 CCR § 404.1)

The licensed engineer may provide services for a portion or portions of an engineering project as long as he or she exercises the requisite extent of control and assumes the responsibility for the engineering decisions relating to those portions. The licensed engineer is not required to assume responsible charge of the entire project.

38. Can a local agency require all engineering documents that are submitted for review to be signed and sealed? (B&P Code §§ 6735, 6735.3, 6735.4)

A local agency may adopt ordinances or regulations to require that all engineering documents submitted for review be signed and sealed. However, the interim documents, even if signed and sealed, must still contain the interim notation as required by state law.

39. What information must be included in a professional engineer’s seal?

The professional engineer’s seal (stamp or digital representation) must contain the licensed engineer’s name, license number, and branch or authority of engineering in which licensed.

PLAN CHECKING

40. Does the plan checking of documents prepared by a licensed engineer have to be done by a licensed engineer? (B&P Code §§ 6704, 6730, 6730.2; 16 CCR § 404.1)

If the level of review done during plan checking is strictly simple code compliance—a non-discretionary comparison of the engineering documents with the clearly mandated code requirements and a determination of whether the engineering documents comply with those clearly mandated code requirements—then the plan checking does not rise to the level of professional engineering and does not have to be performed by, or under the responsible charge of, an appropriately licensed engineer.

HOWEVER, if the level of review done during plan checking involves the exercise of professional engineering discretion and independent engineering judgments, analyses, and determinations by the plan checker, then the plan checking would rise to the level of professional engineering and would have to be performed by, or under the responsible charge of, an appropriately licensed engineer.

41. Do plan check comments have to be signed and sealed by a licensed engineer? (B&P Code §§ 6704, 6730, 6730.2, 6735, 6735.3, 6735.4; 16 CCR §§ 404.1, 411)

If the plan check comments involve the exercise of professional engineering discretion and independent engineering judgments, analyses, and determinations by the plan checker, then the plan check comments constitute an engineering report and must be signed and sealed by the licensed engineer in responsible charge of the plan checking that resulted in plan check comments. (See previous question for additional information.)

LAND SURVEYORS

OFFERING LAND SURVEYING SERVICES

42. Can an unlicensed person offer land surveying services?

(B&P Code §§ 8725, 8726)

No. A person not licensed in California as a land surveyor or a civil engineer cannot offer to practice land surveying in the State.

43. What titles can only be used by a licensed land surveyor?

(B&P Code §§ 8701, 8708, 8751, 8775)

Professional Land Surveyor	Licensed Land Surveyor	Land Surveyor
Photogrammetrist	Photogrammetric Surveyor	Geodetic Engineer
Land Survey Engineer	Survey Engineer	Geomatics Engineer
Geometronic Engineer		

44. Can an unlicensed person own a land surveying business?

(B&P Code § 8729)

An unlicensed person cannot be the sole owner of a land surveying business. However, an unlicensed person may be a partner or an officer, provided that a licensed land surveyor or legally authorized civil engineer is a partner or officer in charge of the land surveying practice of the business.

LAND SURVEYORS' RESPONSIBILITIES

45. Who can perform land surveying activities without being licensed as a land surveyor or civil engineer legally authorized to practice land surveying? (B&P Code §§ 8725, 8726, 8730, 8731)

- a) An employee of the State or any city, county, or city and county who is in responsible charge of land surveying work on or before January 1, 1986, until such time that person is replaced;
- b) A civil engineer licensed prior to January 1, 1982, with a license number below C 33966;
- c) Officers and employees of the United States of America practicing solely in that capacity, except when surveying the exterior boundaries of federal lands in California;
- d) An officer or employee of an electric, gas, or telephone corporation as defined in Public Utilities Code §§ 218, 222, and 234, with annual revenues of twenty-five million dollars (\$25,000,000) or more, in the preparation of a legal description of an easement for utility distribution lines and service facilities;
- e) A subordinate working under the responsible charge of a land surveyor or legally authorized civil engineer.

46. Can ALL civil engineers practice land surveying? (B&P Code §§ 6731, 6731.1, 6731.2, 8731)

Only civil engineers licensed prior to January 1, 1982, are authorized to practice all land surveying. The last license number issued to a civil engineer before January 1, 1982, was 33965. Civil engineers licensed after January 1, 1982, may only practice “engineering surveying” as defined in Business and Professions Code § 6731.1.

A civil engineer licensed after January 1, 1982, can offer land surveying work incidental to his or her civil engineering practice, provided all the land surveying work is performed by, or under the direction of, a licensed land surveyor or licensed civil engineer legally authorized to perform land surveying.

47. Can land surveyors prepare grading plans? (B&P Code §§ 6731, 8728)

No, only licensed civil engineers can prepare grading plans.

48. What surveys do not require a professional land surveyor or legally authorized civil engineer? (B&P Code §§ 6731.1, 8726, 8727)

Engineering surveys as defined in B&P Code §§ 6731.1 may also be done by civil engineers licensed after January 1, 1982.

Surveys made exclusively for geological or landscaping purposes not involving property line determination do not constitute surveying under the Professional Land Surveyors Act.

49. Under what conditions must a record of survey be filed?
(B&P Code §§ 8762, 8767, 8768, 8771, 8773(b))

The following conditions require the filing of a record of survey:

- a) Every survey relating to land boundaries or property lines done by a professional land surveyor or legally authorized civil engineer using existing subdivision maps, official maps, or records of survey that discloses any one or more of the following:
 - 1) Material evidence or physical change is found which does not appear on the existing maps;
 - 2) A material discrepancy with the information contained on the existing maps concerning the position of points, lines, or dimensions;
 - 3) Evidence that might result in materially alternate positions of lines or points;
 - 4) Establishment of one or more points or lines not shown on the existing maps;
 - 5) Points or lines set for a parcel of land described in a deed or other instrument of title that are not shown on a map of record.
- b) After the establishment of a lost corner, as defined by the Manual of Instructions for the Survey of the Public Lands of the United States.
- c) If the county surveyor and the licensed land surveyor or legally authorized civil engineer disagree upon matters appearing on a record of survey after the record of survey has been resubmitted for filing without further changes, an explanation of the differences must be noted on the map for filing. If the county surveyor and the licensed land surveyor or legally authorized civil engineer cannot agree on the language explaining the differences, both must note an explanation, specific enough to identify the factual basis for the difference, on the record of survey.

50. When is a record of survey not required?

(B&P Code § 8765)

A record of survey is not required when:

- a) It has been made by a public officer in his or her official capacity and a copy has been filed with the county surveyor of the county where the land is located.
- b) A survey has been made by the United States Bureau of Land Management.
- c) A map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.
- d) The survey is a retracing of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies in the position of points or lines, or in dimensions, are found, provided that a corner record is filed for any corners set or reset or found to be different than indicated by prior records.

51. When is a corner record required?

(B&P Code §§ 8771, 8773)

Prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, any monuments that exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control shall be located and referenced by or under the direction of a licensed land surveyor or legally authorized civil engineer and a corner record (or record of survey) of the references shall be filed with the county surveyor.

Upon completion of the new construction, a new suitable monument or permanent witness monuments shall be set to perpetuate the location of the destroyed, damaged, covered or otherwise obliterated monument and a corner record (or record of survey) shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

A corner record shall be filed with the county surveyor for any corner and every accessory to such corner which is found, set, reset, or used as control in any survey by a licensed land surveyor for every corner established by the Survey of the Public Lands of the United States, except “lost corners” as defined by the Manual of Instructions for the Survey of the Public Lands of the United States.

52. What must be included in a record of survey?

(B&P Code §§ 8763, 8764)

The record of survey shall be a map, legibly drawn or printed by a process guaranteeing a permanent record in black on tracing cloth, or polyester-base film, 18 by 26 inches or 460 by 660 millimeters, with a marginal line around each sheet leaving a blank margin of one inch or 25 millimeters.

The record of survey must show the following:

- a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and other related data;
- b) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow;
- c) Name and legal designation of the property and the date of the survey;
- d) The relationship of adjacent tracts, streets, or senior conveyances which have common lines with the survey;
- e) Memorandum of oaths;
- f) Statements required by section 8764.5;
- g) Any other data necessary for interpretation of the various items and locations of the points, lines, and areas shown, or for identification of the survey or surveyor.

The record of survey must also show the reason why the mandatory filing provisions of Section 8762(b)(1)–(5) apply.

53. What are the time frames for filing and for examining a record of survey and/or resubmitting such record after examination?

(B&P Code §§ 8762, 8766, 8767, 8768)

Submission of record of survey is required within 90 days after setting of boundary monuments or within 90 days after completion of a field survey, whichever comes first. If for reasons beyond his or her control the licensed land surveyor or legally authorized civil engineer cannot comply with the time limit, he or she must provide a letter stating that inability to the county surveyor before the 90-day time limit has expired. The letter must give an estimate of date of completion of the record of survey, reasons for the delay, and a general statement of the location of the survey including assessor's parcel number or numbers.

Examination of record of survey—The county surveyor must examine the record of survey within 20 working days of receipt of the record of survey, or within additional time as mutually agreed upon by the licensed land surveyor or legally authorized civil engineer and the county surveyor.

Resubmittal of record of survey—The licensed land surveyor or legally authorized civil engineer has 60 days following receipt of the county surveyor’s written statement of changes necessary to make the record of survey conform to the section 8766 requirements. That time may be extended as mutually agreed upon by the licensed land surveyor or legally authorized civil engineer and the county surveyor.

Record of survey explanation of differences—If the county surveyor and the licensed land surveyor or legally authorized civil engineer cannot agree upon matters appearing on a record of survey within 10 working days after the record of survey has been resubmitted with a request that it be filed without further change, an explanation of the differences must be noted on the map and it must be presented by the county surveyor to the county recorder for filing. If the county surveyor and the licensed land surveyor or legally authorized civil engineer cannot agree on the language explaining the differences, both must note an explanation, specific enough to identify the factual basis for the difference of opinion, on the record of survey.

54. What items must be examined by the county surveyor for a record of survey? (B&P Code § 8766)

- a) The accuracy of the mathematical data shown on the record of survey.
- b) The record of survey must be in substantial compliance with Sections 8762.5, 8763, 8764, 8764.5, 8771.5 and 8772 of the Business and Professions Code and indicates:
 - 1) Monuments found, set, reset, replaced, or removed, describing their kind, size and location, and giving other related data;
 - 2) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map and north arrow;
 - 3) Name and legal designation of the property in which the survey is located and the date or time period of the survey;
 - 4) Relationship to portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey;
 - 5) Memorandum of oaths;
 - 6) Statements required by section 8764.5;
 - 7) Any other data necessary to interpret the items and locations of the points, lines, and areas shown.

The record of survey must also show, either graphically or by note, the reason or reasons, if any, why the mandatory filing provisions of section 8762(b)(1)-(5) apply.

A record of survey which divides into additional parcels of land which is shown on the latest adopted county assessment roll as a unit or as contiguous units cannot be filed without a certificate by the county surveyor (if the land lies within an unincorporated area) or city engineer (if the land lies within a city) of compliance with the provisions of the Subdivision Map Act, Division 2 (commencing with section 66410) of Title 7 of the Government Code, and any applicable local ordinance enacted pursuant thereto.

55. What must be done if the land surveyor or legally authorized civil engineer and the county surveyor disagree about matters on the record of survey or corner record? (B&P Code §§ 8768, 8773.2)

If the county surveyor and the licensed land surveyor or legally authorized civil engineer cannot agree upon matters appearing on a record of survey or corner record within 10 working days after the record of survey or corner record has been resubmitted with a request that it be filed without further change, an explanation of the differences must be noted on the map and it must be presented by the county surveyor to the county recorder for filing. If the county surveyor and the licensed land surveyor or legally authorized civil engineer cannot agree on the language explaining the differences, both must note an explanation, specific enough to identify the factual basis for the difference of opinion, on the record of survey.

56. What are the city local agencies' responsibilities with regard to the preservation and perpetuation of monuments? (B&P Code § 8771)

When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or legally authorized civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated and a corner record or record of survey of the references shall be filed with the county surveyor.

It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records.

The project engineer/surveyor should coordinate with the contractor to reset monuments or provide permanent witness monuments and file the required documentation with the county surveyor, per Business and Professions Code section 8771.

57. Can a civil engineer licensed after January 1, 1982, determine property boundaries? (B&P Code §§ 6731, 8726, 8731)

No. Civil engineers licensed after January 1, 1982, cannot determine property boundaries.

58. Can a civil engineer licensed after January 1, 1982, prepare site plans? (B&P Code §§ 6731, 6731.1, 8726, 8731)

Site plans showing grading, utilities, paving, and layout of a building site may be done by all civil engineers, no matter when their license was issued. However, civil engineers licensed after January 1, 1982, may not determine the property boundaries in relationship to the fixed works shown on the site plan.

59. Can a civil engineer licensed after January 1, 1982, certify elevations and prepare topographic or elevation surveys? (B&P Code §§ 6731, 6731.1, 8726, 8731)

All civil engineers, no matter when their license was issued, may certify elevations of any portion of a structure or other fixed work and may prepare topographic and elevation surveys. However, civil engineers licensed after January 1, 1982, may not determine the property boundaries in relationship to the fixed works shown on the topographic or elevation surveys.

60. Can someone with a delinquent license still practice land surveying? (B&P Code §§ 8802, 8803, 8803.1, 8761)

No. If the license is delinquent, the person cannot practice, offer to practice, or act as a consultant. However, as with any unlicensed individual, the person may work under the responsible charge of a licensed land surveyor or legally authorized civil engineer.

61. Can someone with a cancelled, denied, retired, revoked, suspended or surrendered license still practice land surveying? (B&P Code §§ 8761, 8802.1, 8802.2)

No. If the license has a status of denied, retired, revoked, suspended or surrendered, the person cannot practice, offer to practice, or act as a consultant. However, as with any unlicensed individual, the person may work under the responsible charge of a licensed land surveyor or legally authorized civil engineer.

SIGNING AND SEALING

62. Who can sign and seal land surveying documents?

(B&P Code §§ 8761, 8761.1; 16 CCR § 411)

A professional land surveyor or a legally authorized civil engineer must sign and seal all maps, plats, reports, and descriptions that are prepared under his or her responsible charge. The required signature and seal must appear on the original map or plat and on the title page of descriptions, documents, and reports. The signature and seal is not required on every sheet of a final map.

Interim (non-final) documents are not required to be signed and sealed. However, the interim documents must include the name and license number of the land surveyor, as well as a notation as to their intended purpose, such as “for review only,” “preliminary,” or “draft.”

63. Are professional engineers and land surveyors required to include their license expiration date when they sign and seal engineering or land surveying documents? (B&P Code §§ 6735, 6735.3, 6735.4, 6764, 8750, 8761 & 8764.5)

No. January 1, 2010, professional engineers and land surveyors are no longer required to include their license expiration date when they sign and seal engineering or land surveying documents. It is also no longer required that the license expiration date be included in their professional seal/stamp.



64. What does the term “responsible charge” mean as applied to land surveying? (16 CCR § 404.2)

Responsible charge relates to the extent of control a licensed land surveyor or legally authorized civil engineer is required to maintain while exercising independent control and direction of land surveying work, and the land surveying decisions which can only be made by a licensed land surveyor or legally authorized civil engineer. It does not refer to the concepts of management, hierarchy, or financial liability.

The extent of control necessary to be in responsible charge shall be such that the land surveyor:

- a) Makes or reviews and approves that land surveying decisions (described below).
- b) In making or reviewing and approving the land surveying decisions, determines the applicability of survey criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

Land surveying decisions include those within the purview of the Professional Land Surveyors Act. They do not include decisions concerning administrative or personnel management. Land surveying decisions of the licensed land surveyor or legally authorized civil engineer in responsible charge may include, but are not limited to:

- a) Selecting the methods, procedures, and tolerances of field work.
- b) Determining calculation and adjustment methods.
- c) Determining and specifying the information to be shown on maps or documents furnished in connection with the land surveying services, including the format of the information and the format of the maps or documents.
- d) The decisions related to the preparation of maps, plats, land surveying reports, descriptions and other land surveying documents furnished in connection with the land surveying services.
- e) Reviewing the sufficiency and accuracy of the work product.

Examples of questions to be answered by the licensed land surveyor or legally authorized civil engineer in responsible charge could relate to the criteria for measurement, surveying, methods, analysis, and conclusions made including, but not limited to, the retracement of government surveys, interpretation and construction of deed descriptions, conflicts between construction drawings and actual conditions, determination of the proper control datum and epoch, application of proportion methods and analysis of evidence related to written and unwritten property rights. The licensee should be able to clearly express the extent of control and how it is exercised and to demonstrate that he or she is answerable within the extent of control.

CONTRACTORS

- 65. Can a licensed contractor perform design services under the direction of a licensed civil engineer for a non-exempt structure?**
(B&P Code §§ 5537.2, 6740)

Yes, provided that the contractor works under the responsible charge of the civil engineer, and the civil engineer signs and seals all work prepared by the contractor.

- 66. Can licensed mechanical and electrical contractors prepare and sign drawings for their respective systems without the supervision of a licensed engineer?**
(B&P Code § 6737.3)

A contractor appropriately licensed by the Contractors State License Board (CSLB) may only design systems which he or she will install. An employee of the contractor may perform the installation. However, the contractor cannot subcontract the installation to another contractor.

- 67. Can a contractor prepare civil engineering or land surveying documents?**

No.

ENGINEERING, LAND SURVEYING AND ARCHITECTURAL SERVICES

68. Are architects exempt from the Professional Engineers Act?
(B&P Code § 6737)

An architect who holds a certificate to practice architecture in California is exempt from licensure as an engineer as long as he or she practices architecture as it is defined in the Architects Practice Act (B&P Code §§ 5500 – 5610). An architect may not use any of the restricted engineering titles or offer civil, geotechnical, structural, electrical, or mechanical engineering services separate from their architectural services unless licensed as an engineer by the Board for Professional Engineers and Land Surveyors.

69. Are architects exempt from the Professional Land Surveyors Act?

No.

70. Can a civil engineer licensed after January 1, 1982, prepare, approve, or sign a record of survey, a parcel map, a final map, or legal description related to the completion of a subdivision as defined in the Subdivision Map Act or a survey as defined in the Professional Land Surveyors Act?
(B&P Code § 8731; Government Code §§ 66442, 66450)

No. However, per Government Code Sections 66442(b) and 66450(b), a civil engineer licensed after January 1, 1982, acting as the City or County Engineer may sign the map for the City or County. However, in this case, the City or County Engineer may not sign for the technical correctness of the map; this may only be done by someone legally authorized to practice land surveying.

71. Can architects prepare plans for grading work?
(B&P Code §§ 5500.1, 6737)

Yes. An architect responsible for preparation of a site plan is authorized to prepare site grading and drainage plans, except where such plans are submitted pursuant to the Subdivision Map Act. However, an architect may not determine property lines.

72. Can a land surveyor prepare grading plans? (B&P Code § 6731)

No.

VIOLATIONS, COMPLAINTS, LETTERS OF INQUIRY

73. Who can file a complaint?

Anyone who believes there has been a violation of the Board's licensing laws may file a complaint. All complaints must be filed in writing with a description of the problem and as much identifying information as possible, such as plans, pictures, maps, etc. Although a complaint form is not necessary, such forms are available from the Board office or on the Internet at www.bpelsg.ca.gov.

The Board also accepts anonymous complaints; however, the Board can only investigate the complaint if there is sufficient evidence provided with the complaint to indicate a violation may have occurred.

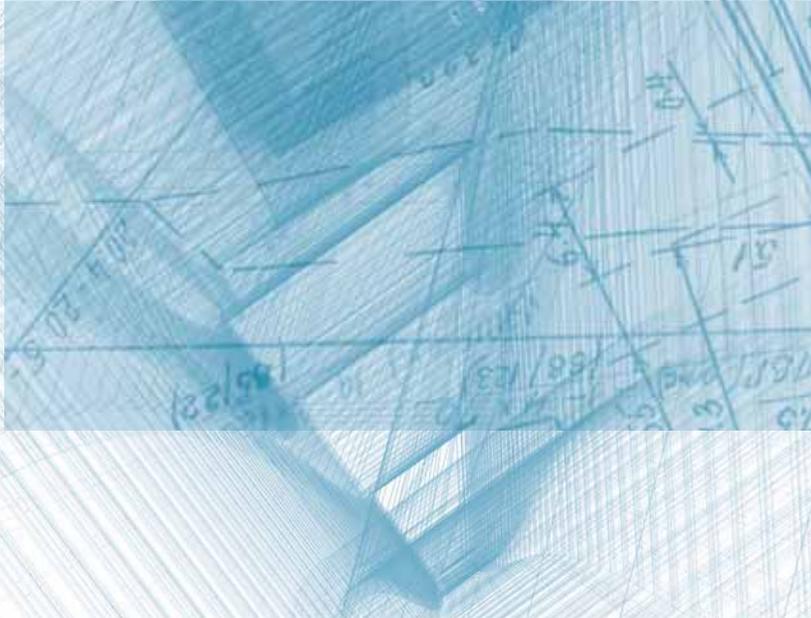
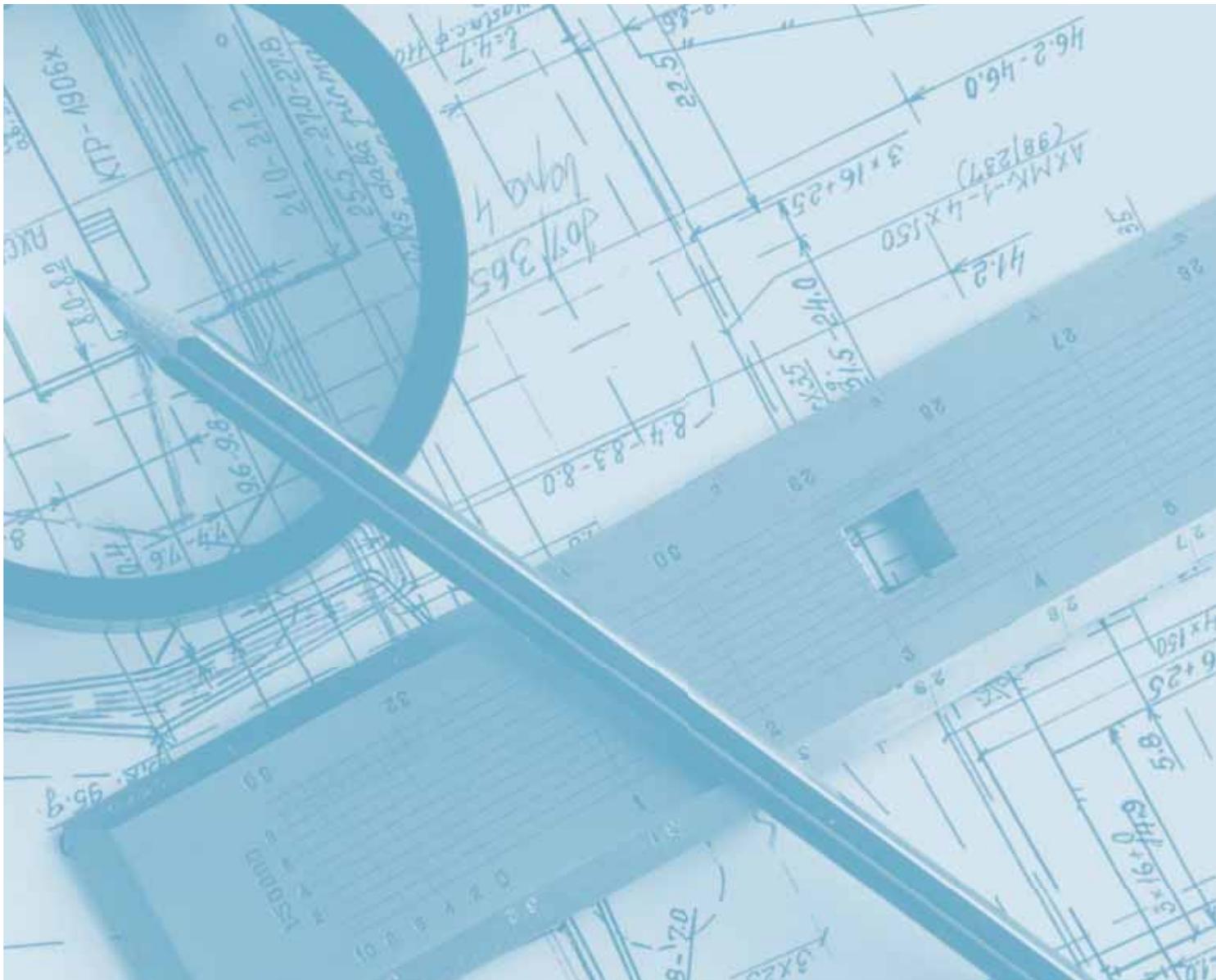
74. How does someone find out if there is a complaint against a licensed engineer or land surveyor or an unlicensed person?

Call the Board's Enforcement Unit at (866) 780-5370 to verify that the person is licensed and to find out if there have been any complaints or disciplinary actions taken against him or her. You may also e-mail the Enforcement Unit at BPESLG.Enforcement.Information@dca.ca.gov.

73. What can an individual do if he or she is concerned that someone may be violating the Professional Engineers Act or the Professional Land Surveyors Act?

Anyone may write, e-mail, or call the Board's Enforcement Unit at (866) 780-5370. If it appears that a violation has occurred, staff will ask the caller to provide evidence so an investigation can be initiated.

Also, a letter or e-mail may be sent to the Board to request clarification of any law or rule or inquiring whether or not an action is a violation. If it appears that a violation has occurred, the Board may investigate the matter on its own. It is not necessary to be the owner of the property or to have engaged the services being questioned to file a complaint.





*This guide was produced by the BPELS Enforcement Unit Staff
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Kelsey Pettijohn

Subject: Wireless Communication facility

From: Yusuf Broachwala <yusuf@bsat.net>
Sent: Wednesday, December 16, 2020 5:07 PM
To: City Council <citycouncil@malibucity.org>
Subject: Re: Wireless Communication facility

In addition

1. There should also be a mechanism or process that measures the RF power in the area of the antenna to make sure it is not at a level that can cause a health hazard
2. The antenna, towers or equipment should not block view

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Date: Wednesday, December 16, 2020 at 5:40 PM
To: <citycouncil@malibucity.org>
Subject: Wireless Communication facility

1. All Wireless RF antennas and towers should be at least 500 ft away from residential area or houses – for safety reasons. Strong RF signals causes Cancer
2. Aesthetics should be such that the antenna assimilates with the surrounding area
3. Additional RF Frequency measurements should be taken to make sure it does not exceed the safety limitations

Best Regards

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