



PACIFIC PALISADES COMMUNITY COUNCIL

June 15, 2011

Councilmembers Jose Huizar, Richard Alarcon and Greig Smith  
Los Angeles City Council Public Works Committee  
200 North Spring Street  
Los Angeles, CA 90013

Date: 6/15/11  
Submitted in PW Committee  
Council File No: 09-2645  
Item No.: 2  
Deputy: Public

**Re CF 09-2645 -- Agenda Item #2, PWC meeting 6/15/11**

Dear Committee Members Huizar, Smith and Alarcon:

Pacific Palisades Community Council has been the voice of the Palisades since 1973.

In August 2009 PPCC voted to recommend the enactment of a comprehensive new ordinance which sets uniform standards for the design and development of WTF on private property as well as in the public right-of-way (PROW).

**PPCC strongly supports the City Attorney's recommendations for changes in the City's PROW regulations, in particular to: 1) remove the utility pole/light pole exemption; 2) expand the notification requirements; and 3) enhance existing aesthetic criteria.**

We also request the following additional changes or new provisions (to the extent not encompassed by the general recommendations in the C.A. Report):

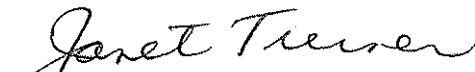
- Extend appeal rights to all interested persons and/or relevant NCs, CCs and/or HOAs;
- Require noise/acoustical and wind load consideration or analysis;
- Require RF emissions analysis or certification;

In addition, we request that the Committee recommend enactment of a **temporary moratorium on PROW WTF** while new ordinance provisions are being drafted.

These reasonable provisions for the most part have been adopted by several California cities, including Richmond, San Francisco and Glendale (as referenced in the C.A. Report), without legal challenge.

Thank you for your consideration and attention to this important matter.

Sincerely,

  
Janet Turner, Chairman  
310-573-0382

CC: Councilman Rosendahl, Whitney Blumenfeld, Norm Kulla, Joaquin Macias

Above Ground Facilities (AGF) Report  
Pole Mounted Facilities Work Group

Meeting at 1:00 PM, on Wednesday, Jan. 12, 19, 26, 2000  
201 N. Figueroa St., 3<sup>rd</sup> Floor, Conf. Rm. #1

Date: 6/17/11  
Submitted in HO Committee  
Council File No: 09-2665  
Item No.: ABUE  
Deputy: ABUE

The Pole Mounted Facilities Work Group shall develop guidelines related to Pole Mounted Facilities within public rights-of-way.

Minutes of Jan. 12 and 19, 2000 meetings:

1. Pole mounted facilities policy should be consistent with Dept. of City Planning and Dept. of Public Works policy.
2. How will the City process permits for facilities that are installed on both private property and public property.
3. Who controls wood poles and wood poles with streetlights? The Dept. of Water and Power (DWP).
4. Who controls streetlights? The Dept. of Public Works, Bu. of Street Lighting (BOSL).
5. In general, Bu. of Street Lighting field personnel approve installations on City Street Lights.
6. The DWP and BOSL charge fees to use lease space on their facilities.
7. BOSL lease agreements govern installations on City Street Lights.
8. At the present time, BOSL does not require installations to be approved by Cultural Affairs. BOSL will require Cultural Affairs review if an installation significantly alters the aesthetics of a street light
9. BOSL does not have specific aesthetic criteria. The BOSL goal is to have the least aesthetic impact as possible. BOSL intends to create guidelines.
10. BOSL does not allow changes to City Street Lights.
11. All BOSL pole-mounted facilities are covered by master agreements. Each new pole-mounted facilities requires an addendum to the master agreement.
12. Pole-mounted facility maintenance is an issue.
13. State laws pertaining to electric poles govern DWP "climbing space" requirements.

14. Pole-mounted facilities have above ground facilities (AGFs) associated with them.
15. A moratorium exists for DWP leased space on poles.
16. A master standard agreement for all carriers is desirable.
17. Does the imposition of fees waive telecommunication's right to be in the public right of way? From Legal: No. Fees do not waive franchise agreements either.
18. Regarding jointly owned poles, who will be exempt from the City's policy?
19. Pole-mounted facilities allow for easier access into residential communities where AGFs are less desirable.
20. Mulholland Scenic issue is primarily aesthetic degradation.
21. Do pole-mounted facilities pose a high fire risk?
22. What are the safety issues regarding pole-mounted facilities?
23. Wireless companies need to provide wireless service where it is demanded.
24. What do whole pole-mounted facilities look like? Viewing the installation in its entirety is important.
25. Mapping of pole-mounted facilities is important.
26. There is no compelling reason for mapping.
27. Past mapping information provide little value.
28. Mapping should not be too detailed as to represent a security risk.
29. Utility Stakeholders desire an individual report from each company in lieu of mapping.

BOSL comments by Jonathan Levy, BOSL Director

- Changes in appearance to Street Light will require Cultural Affairs review.
- Street Lighting assessment districts (the community) may have input. Street Lighting assessments are paid by the community. The community therefore, may want benefits of pole-mounted facilities lease agreements.
- Monies paid by lessee are deposited into Street Lighting assessment funds.
- BOSL desires to balance the communities needs and demand for pole-mounted facility leases.

- Weight load of Street Lights depends on type of pole. BOSL will create weight guidelines that will cover the different types of Street Lighting poles.
- BOSL will inspect each pole-mounted facility site under an overall lease agreement.
- BOSL requests guidelines from the utility industry.
- BOSL will create a joint report regarding pole-mounted facilities that is consistent with the AGF report.

DWP comments:

- DWP pole lease agreements are subject to City Council approval. Council offices are notified of each DWP lease agreement.
- DWP will create guidelines that will be consistent with BOSL guidelines, and the AGF report.

Outstanding questions:

1. How will jointly owned power poles be impacted?
2. What is the intention of the Council motion regarding pole-mounted facilities?

**Westwood South of Santa Monica Blvd**  
**Homeowner's Association**  
*Incorporated November 8, 1971*  
P. O. Box 64213  
Los Angeles, CA 90064

June 15, 2011

Chairperson Jose Huizar  
Committee Members Greig Smith and  
Richard Alarcon  
LA City Council Public Works Committee  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

VIA EMAIL ATTN: Mr. Eric Villanueva, Legislative Assistant to the Committee  
Eric.Villanueva@lacity.org

Re: Los Angeles City Council File No. 09-2645 // June 15, 2011 Agenda Item #2

Dear Council Members Huizar, Alarcon and Smith:

We last wrote you in support of a new ordinance for the regulation of wireless telecommunications facilities in November of 2009. At that time, we requested that new regulations be adopted by the City to take into account new judicial rulings that gave municipalities greater legal authority to regulate cellular installations than existed at the time that Los Angeles' ordinances were adopted. We further asked that the Council seek guidance from the City Attorney in crafting a new ordinance.

It has been over a year and half since your Committee considered this matter. Since that time numerous installations have been placed in our community, some on private properties and others in the public right-of-way with no advance notification. In fact, an installation recently completed was to have been located directly outside of a single family home's bedroom windows (on the side of a corner lot). Had the owner been away from the house at the time that workers were surveying the property, she would have been completely unaware that an installation was planned beside her home. As a result of her unplanned but fortunate viewing of the company representatives, she and our homeowners association obtained information that allowed us to contact the company and lobby for the relocation of the installation across a small cul-de-sac so that it would be placed nearer to Olympic Blvd. (at Olympic and Prosser) and away from her home. However, there was and is no formal process for notification and it was very likely that the construction plans would have been finalized with the installation directly adjacent to the home had the owner not happened by. We cannot leave such matters to chance. And, I must add that although the installation was moved, it is still near the home and is a hideous addition to the neighborhood that should have been required to meet additional standards.

It has further been suggested that this installation may have been one where "bootlegging" of wires took place where lines were removed from other poles to make this pole non-freestanding. We have heard from residents in Tarzana (and elsewhere) that new poles go up overnight in front of homes where old poles did not exist, and the carrier/contractor simply goes over and takes wires from another nearby pole and runs them to the new pole

Committee to recommend changes in the City's regulation of PROW WTF as set forth above, in order to "minimize cell tower environmental, aesthetic and public safety impacts" (the C.A. Report, p. 6, fn. 10).

In addition, we request that the Committee recommend enactment of a **temporary moratorium** on PROW WTF while new ordinance provisions are being drafted. Locally-enacted moratoria on new towers for fixed periods of time have long-been approved by the wireless industry by agreement with the FCC (see attached CPUC internal memorandum dated 11/30/09, authorized for public release and previously submitted to the City Attorney). Such moratoria (or holds on applications) during the drafting process have been enacted without legal challenge in at least 10 large or nearby California cities, in order to prevent an inevitable onslaught of WTF PROW construction before stricter regulations are in place. We heartily endorse a moratorium on new installations to give the City the time needed to thoughtfully enact a new ordinance and to halt a rush to install new installations inspired by this legislative process.

We stand ready to continue to work cooperatively with the City Attorney, the Council, and other public officials as this process moves forward. We ask to be included in the drafting process should new regulations be recommended or directed by the Public Works Committee and/or City Council.

We also request that Mr. Villanueva please file this letter and attachments in CF 09-2645.

Thank you for your consideration and attention to this important matter.

Sincerely,



President

cc: Councilmember Paul Koretz, CD 5  
Planning Deputy Chris Koontz, CD 5  
Christina Spitz, LA WTF Working Group, Founding Member

C

Date: 6/15/11  
Submitted in PW Committee  
Council File No: 09-2645  
Item No.: 2  
Deputy: RBCU

**Additional Submission  
to the Public Works Committee  
(supplementing letter and documents  
submitted on 6/13/11)**

By the Los Angeles Wireless Telecommunications  
Facilities (WTF) Working Group<sup>1</sup>

Wednesday, June 15, 2011

Meeting Agenda Item #2  
Council File No. 09-2645

---

Contents

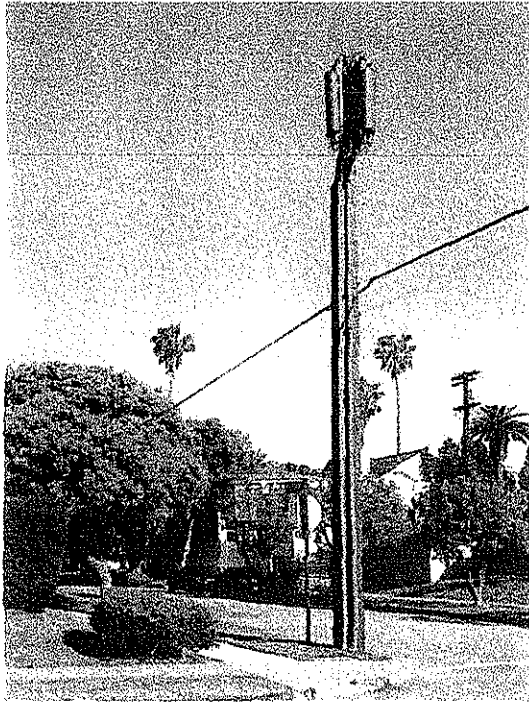
1. **Examples of unregulated/exempt utility pole WTF in residential areas of Los Angeles**
2. **Agreement between FCC and cell industry dated 8/5/98 re authority of local governments to adopt fixed time period moratoria for purposes of amending WTF regulations**

The Los Angeles WTF Working Group  
[ppfriends3@hotmail.com](mailto:ppfriends3@hotmail.com)

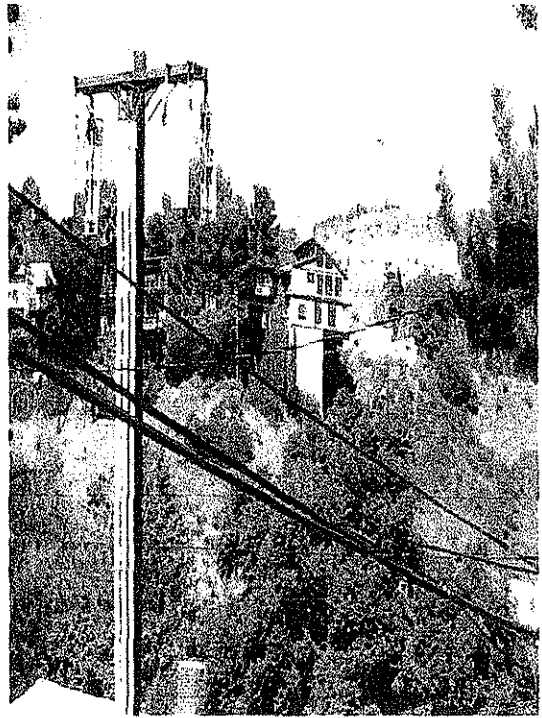
---

<sup>1</sup> The Los Angeles WTF Working Group (Group) is a coalition of community leaders who have been extensively involved with investigating and researching the issue of WTF proliferation and regulation for the past several years. The Group has met with and exchanged materials and information with the City Attorney and has sought to work reasonably with the City Attorney and other public officials to advance the cause of WTF regulation reform. The Group's members are: Jerry Askew, Granada Hills South NC; Cindy Cleghorn, Sunland-Tujunga NC; Alexander von Wechmar, The Oaks Homeowners Association, Hollywood Hills; and Barbara Kohn and Christina Spitz, Pacific Palisades Residents Association.

**Pacific Palisades**



**Hollywood Hills – The Oaks**



**Brentwood**





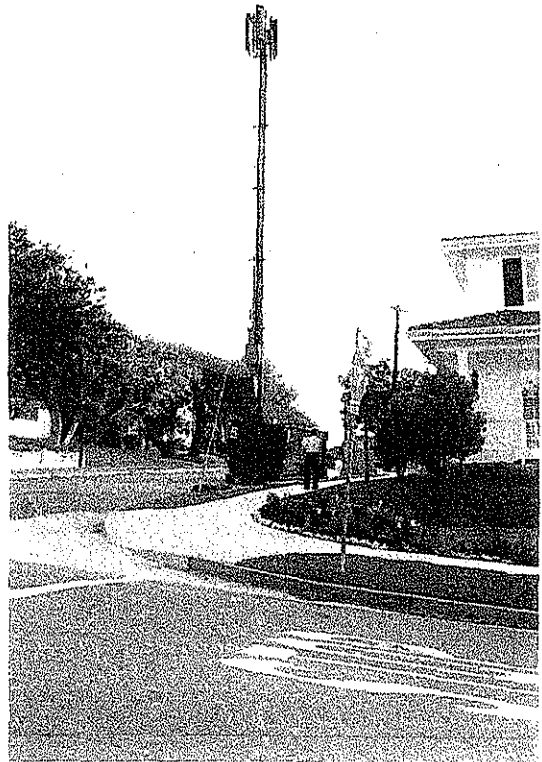
## San Pedro



## Cheviot Hills (before)



## Cheviot Hills (after)



ADOPTED AUGUST 5, 1998

**THE FOLLOWING GUIDELINES FOR FACILITIES SITING IMPLEMENTATION AND INFORMAL DISPUTE RESOLUTION PROCESS ARE AGREED TO BY THE FEDERAL COMMUNICATIONS COMMISSION'S LOCAL AND STATE GOVERNMENT ADVISORY COMMITTEE (LSGAC), THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION (CTIA), THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION (PCIA) AND THE AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION (AMTA). THE LSGAC IS A BODY OF ELECTED AND APPOINTED LOCAL AND STATE OFFICIALS, APPOINTED BY THE CHAIRMAN OF THE COMMISSION IN MARCH, 1997. A ROSTER OF LSGAC MEMBERS IS ATTACHED. CTIA, PCIA AND AMTA ARE TRADE ASSOCIATIONS REPRESENTING THE WIRELESS INDUSTRY.**

---

## **I. GUIDELINES FOR FACILITY SITING IMPLEMENTATION**

A. Local governments and the wireless industry should work cooperatively to facilitate the siting of wireless telecommunication facilities. Moratoria, where necessary, may be utilized when a local government needs time to review and possibly amend its land use regulations to adequately address issues relating to the siting of wireless telecommunications facilities in a manner that addresses local concerns, provides the public with access to wireless services for its safety, convenience and productivity, and complies with the Telecommunications Act of 1996.

B. If a moratorium is adopted, local governments and affected wireless service providers shall work together to expeditiously and effectively address issues leading to the lifting of the moratorium. Moratoria should be for a fixed (as opposed to open ended) period of time, with a specified termination date. The length of the moratorium should be that which is reasonably necessary for the local government to adequately address the issues described in Guideline A. In many cases, the issues that need to be addressed during a moratorium can be resolved within 180 days. All parties understand that cases may arise where the length of a moratorium may need to be longer than 180 days. Moratoria should not be used to stall or discourage the placement of wireless telecommunications facilities within a community, but should be used in a judicious and constructive manner.

C. During the time that a moratorium is in effect, the local government should, within the frame work of the organization's many other responsibilities, continue to accept and process applications (e.g., assigning docket numbers and other administrative aspects associated with the filing of applications), subject to ordinance provisions as may be revised during the moratorium. The local government should continue to work on the review and possible revisions to its land use regulations in order that the moratorium can terminate within its defined period of time, and that both local planning goals and the goals of the Telecommunications Act of 1996 with respect to wireless telecommunications services be met. Wireless service providers should assist by providing appropriate, relevant and non-proprietary information requested by the local government for the purposes of siting wireless telecommunications facilities.

D. Local governments are encouraged to include both the community and the industry in the development of local plans concerning tower and antenna siting. Public notice and participation in accordance with the local government's standard practices should be followed.

## **II. INFORMAL DISPUTE RESOLUTION**

A. The parties have agreed to an informal dispute resolution process for the wireless industry and local governments to utilize when moratoria may seem to be adversely affecting the siting of wireless telecommunications facilities. The purpose of the process is to expeditiously resolve disputes in a manner consistent with the interests of all parties.

B. The LSGAC will publicize and promote the moratoria guidelines reflected in Part I of this document and the availability of this informal dispute resolution process in a press release, and will also urge the national organizations working with the LSGAC to promote and publicize the guidelines and the dispute resolution process to their respective members. CTIA, PCIA and AMTA also will publicize and promote the guidelines and informal dispute resolution process utilizing their respective websites, and in subsequent forums and educational materials.

C. Local government experts in the area of land use siting of wireless telecommunications facilities in accordance with Section 704 of the Telecommunications Act, as well as industry representatives will be encouraged to serve as volunteers to assist in the resolution of problems relating to moratoria. The process will work as follows:

1. Two volunteers, one representing local government and one representing the wireless industry, shall be assigned to each case. Any company seeking to locate wireless telecommunications facilities, that felt it was being adversely impacted by a moratorium that does not comply with the guidelines described above, could contact the Wireless Telecommunications Bureau ("WTB") and ask for the name of a volunteer to review the matter. Any local government seeking advice on zoning moratoria issues may also contact the WTB for volunteers. The LSGAC will provide the FCC with a list of volunteers representing local governments. The list will be maintained at the FCC by the WTB. A list of volunteers representing wireless service providers will be selected and maintained by their national associations (CTIA, PCIA, and AMTA).

2. Best efforts will be exercised in attempting to select volunteers who reflect a range of experience with different forms and sizes of local government and wireless service providers. Efforts will be used to assign volunteers whose experience has been with similarly situated local governments to those at issue. After the individual's name is provided it will be moved to the bottom of the list, so as to create a procedure where volunteers do not have a disproportionate number of cases to review. Volunteers cannot mediate a dispute if they have a direct interest of any type in the geographic area under review.

3. If, for any reason, the volunteer[s] was [were] not able to review the issue at that time, the complainant may contact the WTB and obtain the next name [or names] on the list. It is anticipated that the amount of time that will be spent by the volunteers reviewing and opining on these issues will be one to three hours per case.

4. The local government volunteer will review and listen to the local government's explanation of the issues. The wireless service provider volunteer will review and listen to the wireless service provider's explanation of the issues. If necessary, the volunteers will ask appropriate follow-up questions, then will make appropriate contacts, as [they] he or she deems necessary. The volunteers will then discuss the issues as they understand them, and attempt to reach a mutually agreeable proposed course of action. The volunteer[s] will then contact each party individually, (the local government volunteer contacting the local government, and the wireless service provider volunteer contacting the wireless service provider) and will inform each party of his or her opinion as to whether the present activities comply with the moratoria guidelines, making recommendations as may be appropriate. The recommendation and mediation process by the volunteers should be concluded within 60 days.

5. Neither party is bound by the recommendations of the volunteer[s]. Should the complaining part[ies] be dissatisfied with the result, the part[ies] retain the option to bring legal action.

6. This process is intended as a mechanism to resolve issues short of court action, if possible. As a result, none of the discussions, statements, or information conveyed in the

informal process, or even the fact that the informal process was undertaken, are subject to discovery, or admissible in a judicial or quasi-judicial proceeding.

D. Upon agreement with LSGAC on the moratoria guidelines and informal dispute process described herein, CTIA will withdraw without prejudice its petition seeking preemption of zoning moratoria, docket number DA96-2140, FCC97-264.



Eric (Roderico) Villanueva &lt;eric.villanueva@lacity.org&gt;

## Cell Tower report & CF 09-2645; June 15 PWC meeting

1 message

Karen Gilman &lt;gilperson2@gmail.com&gt;

Wed, Jun 15, 2011 at 7:20 AM

To: councilmember.huizar@lacity.org, councilmember.alarcon@lacity.org, councilmember.greigsmith@lacity.org, eric.villanueva@lacity.org

Cc: Chris Spitz <ppfriends3@hotmail.com>, Greater Wilshire Neighborhood Council <info@greaterwilshire.org>, "<councilmember.labonge@lacity.org>" <councilmember.labonge@lacity.org>, Doug Mensman <doug.mensman@lacity.org>, sheila.irani@lacity.org, gilperson2@gmail.com, Faisal.Alserrri@lacity.org, Phyllis.winger@lacity.org

Greater Wilshire Neighborhood Council

Los Angeles, California

[info@greaterwilshire.org](mailto:info@greaterwilshire.org)

The Honorable Jose Huizar, Chair

The Honorable Richard Alarcon

The Honorable Greig Smith  
Public Works Committee  
City Hall  
200 N. Spring St.  
Los Angeles, CA 90012

Dear Honorable Chairperson Huizar and Members of the Public Works Committee:

It is the consensus of the Greater Wilshire Neighborhood Council that cell tower equipment and related installations should only be allowed in locations that are necessary and appropriate from an aesthetic and land-use standpoint. Cell tower equipment has proliferated in our neighborhood and around the City of Los Angeles to the significant detriment of our residents. Cell towers and other wireless telecommunications equipment in the public right of way are one aspect of the problem. Timely notification (or lack thereof) of plans to install such equipment in the public right of way in front of homes and businesses is one of our highest priorities. Design elements are another priority. The equipment is unsightly, attracts graffiti, degrades the value of the property where it's sited as well as that of adjacent properties. The City had claimed to have no right to regulate their placement or require public notice and hearings. Recent court decisions and the actions of other California cities challenge that assumption. Now, the pending outcome of the City Attorney's Report in response to CF 09-2645, at today's meeting of the Public Works Committee, has the potential to propel the City to move forward.

Cell towers and support equipment on private property pose a slightly different problem. While public notice and hearings do take place, the City has been reluctant to impose meaningful restrictions on number, location, and appearance, regularly ignoring zoning, regulations and restrictions such as height limits in community and specific plans. Our neighborhood council created a screening tool for all proposals brought to the attention of our land use committee and our full council. We would like to see recommendations for a consolidated ordinance at the City level to assist in the permitting-with-notice and enforcement process regarding private property as well.

We recognize the need for cell towers and supporting equipment to accommodate the ever increasing use of cell phone and accompanying bandwidth requirements. We strongly feel, however, that the City of Los Angeles is ready to provide meaningful regulation of the industry and to forcefully interpret various Federal and State laws and inter-government agreements in a way that protects the rights of our residents and stakeholders.

6/15/2011

City of Los Angeles Mail - Cell Tower re...

The Greater Wilshire Neighborhood Council voted at our Board meeting on June 8, 2011 to urge the City Attorney's office to complete the cell report directed by the Public Works Committee in CF 09-2645 as a first step in the drafting of a comprehensive new ordinance to regulate cell towers and their support equipment and to allow the ordinance to progress through the normal City approval process. We feel that the Position Paper on Wireless Telecommunications Facilities (WTF) Regulation, prepared by the Los Angeles WTF Working Group, provides a sound basis for the proposed ordinance and strongly recommend that the cited provisions be included. Thank you for following this issue. We are encouraged by the City Attorney's Cell Tower Report and support in general its recommendations regarding aesthetic considerations, expanded notice and elimination of the utility pole/light pole exemption. We encourage the Public Works Committee of the City Council to take steps to initiate regulatory reform as recommended in the report at today's hearing.

Thank you for helping us advocate to control the unregulated proliferation of cell towers and their detrimental effects on our residents.

Sincerely,

James Wolf, President, The Greater Wilshire Neighborhood Council

Delegates, alternates, Land Use Committee members and Stakeholders

Cc: The Honorable Tom La Bonge, CD 4

City Attorney's Office

Eric Villanueva, Legislative Staff, PWC Committee



Cell tower letter 061511 PWC cmte from GWNC.doc

30K