

5/6/2011

City of Los Angeles Mail - Fwd: CF 09-2...



Eric (Roderico) Villanueva <eric.villanueva@lacity.org>

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## Fwd: CF 09-2645/please file

2 messages

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Adam Lid <adam.lid@lacity.org>

Fri, May 6, 2011 at 11:10 AM

To: "Eric (Roderico) Villanueva" <eric.villanueva@lacity.org>

Another for you...

----- Forwarded message -----

From: **Chris Spitz** <ppfriends3@hotmail.com>

Date: Thu, May 5, 2011 at 5:24 PM

Subject: CF 09-2645/please file

To: adam.lid@lacity.org

Dear Mr. Lid:

Please file the following message and attached documents in **Council File No. 09-2645**.

Thank you.

Christina Spitz  
LA WTF Working Group

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From: ppfriends3@hotmail.com

To: ctrutanich@lacity.org

CC: william.carter@lacity.org; jane.usher@lacity.org; ted.jordan@lacity.org; valerie.flores@lacity.org;  
councilmember.huizar@lacity.org; councilmember.smith@lacity.org; councilmember.alarcon@lacity.org;  
councilman.rosendahl@lacity.org; norman.kulla@lacity.org; whitney.blumenfeld@lacity.org;  
joaquin.macias@lacity.org; selz@markmatrix.com; barbara@kohn.com; jerry@askew.net;  
cindy@cmprintmail.com; a.vonwechmar@germanvfilms.com

Subject: City Attorney Cell Report/Please Read

Date: Thu, 5 May 2011 08:45:28 -0700

### CF 09-2645

Dear Mr. Trutanich:

Belief in your *bona fides* regarding the long-awaited cell report is fast diminishing:

1) One month after you told community leaders at the April 5 meeting in Dr. Selz's home that the report had supposedly been completed but needed revisions (essentially the same thing we were told at a meeting in your offices seven months ago) -- and after you loudly assured us (apparently for short-term PR purposes), "I *promi* you I'll get it done" -- we have had no word as to when the report will be completed, if ever.

2) One week after I submitted summarized lists of other cities' ordinances -- prepared at *your office's* request with considerable time and effort on my part -- I have had *no response* (not even a polite acknowledgement of

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receipt, which would have sufficed).

3) A few days ago, at an appearance at a Greater Valley Glen NC board meeting, I am told that you ducked questions about the status of the cell tower report and instead publicly claimed that revision of our regulations isn't important anyway because new equipment as small as a Coke can (which you demonstrated) are supposedly coming soon.

For you to attempt to convince citizens that revised regulations are unnecessary under these circumstances is not only **beyond the scope of your directive in CF 09-2645 but completely inappropriate on many levels**. It flies in the face of your stern admonitions at the Selz meeting to the effect that *the City Attorney does not engage in policy assessment* (i.e., the City Attorney's job is to render the legal opinion requested by your client, the City, not to suggest action or inaction for policy reasons). Even if appropriate, however, your factual premise (that Coke can-sized antennas are coming soon to our neighborhoods to supplant large cell facilities) is incorrect: as we informed you a month ago, we have investigated this issue and an engineer at Alcatel-Lucent labs (allegedly developing a Rubik's cube-sized antenna that has been the subject of extensive media reports) has advised that these new antennas are only in the prototype stage and are nowhere near ready for deployment (certainly *not within a year, and not for every cell application*). And of course proper regulation of *all* cell facilities in the PROW (as cities throughout California are doing), regardless of antenna size, is still necessary and appropriate. Telling citizens something different in order to suppress the growing call for regulatory reform (or to deflect attention from your office's inaction) is misleading, at best.

Meanwhile:

- **Over 80 neighborhood councils and other groups** have publicly requested substantial reform of our cell tower regulations (including every member council of the Westside Regional Alliance of Councils, the Hillside Federation, and many others across a wide spectrum of the City; see attached listing).
- **At least 40 NEW TOWERS** are coming to Los Angeles, courtesy of AT&T (see attached full-page LA Times advertisement -- part of a recent, blatant media campaign in print, radio and television, trumpeting the roll-out of these facilities, with even more to come: "*and we're not stopping there!*"). Anyone who thinks that AT&T (and other carriers) will not take advantage of our lax PROW regulations (and the loophole/exemption for utility poles) -- and that these towers will *not* end up right next to homes -- is either seriously misguided or willfully blind to the evidence.
- **At least 15 other large and/or nearby California cities** -- unlike Los Angeles -- extensively regulate cell facilities, *including utility pole installations*, in the PROW (without legal challenges to date; again, see the lists prepared and submitted last week at your office's request). Los Angeles is clearly the odd man out on this important issue, to the detriment of its citizens.

There are no longer any justifiable excuses for the City Attorney's failure to complete the mandated cell report. I **urge the Public Works Committee take up this issue without further delay** and/or direct that the City Attorney attend a public Committee meeting to answer questions about this matter. If the City Attorney will not or cannot complete the report, then I stress that there is *more than sufficient information* for the Committee to proceed to recommend revised regulations in line with the numerous other California cities which have enacted effective regulations in this regard (information that we have already shared with the City Attorney and other City officials).

Sincerely,

Christina Spitz

For identification purposes:

Founding member, Los Angeles WTF Working Group

Vice President, Pacific Palisades Residents Association

Chair, Land Use Committee, Pacific Palisades Community Council

Member, Land Use & Planning Committee, Westside Regional Alliance of Councils

Members of the Los Angeles WTF Working Group: Jerry Askew, Granada Hills South; Cindy Cleghorn, Sunland-Tujunga; Alexander von Wechmar, The Oaks Association/Hollywood Hills; Barbara Kohn and Christ

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Spitz, Pacific Palisades Residents Association


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Adam R. Lid  
Legislative Assistant I  
Office of the City Clerk  
Council and Public Services

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**2 attachments**

 **AT&T Wireless advertising in the LA TIMES edition of 04-22-11.pdf**  
536K

 **VANC cell tower info.doc**  
39K

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**Eric (Roderico) Villanueva** <eric.villanueva@lacity.org>  
To: Adam Lid <adam.lid@lacity.org>

**Fri, May 6, 2011 at 11:51 AM**

Thanks!

[Quoted text hidden]

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*40 new cell sites.  
And we're not stopping there.*

Right now, upgrades are underway to make sure the experience for our customers here in the Los Angeles area is even better in 2011, including:

- Building more than 40 cell sites to increase coverage and network capacity
- Investing millions of dollars in 2011 to improve your network experience
- Improving data speed for even faster downloads
- Enhancing our in-building coverage
- Fine-tuning our network to make sure calls connect and stay connected

From a single phone call to the most advanced data download, AT&T is committed to giving you the best network possible.

To see our progress in your neighborhood, go to [att.com/LAnewnet](http://att.com/LAnewnet).

Rethink Possible™



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## Cell Tower Background Information

Cell towers are rapidly proliferating in residential neighborhoods of Los Angeles, particularly in public rights of way (PROWs) and on apartment buildings and churches on private property. Wireless providers claim that the exponential increase in smartphone usage requires thousands more antennas.

At the same time, new federal court rulings give local governments greater authority to regulate the placement and construction of cell towers (permitting consideration of aesthetics and more protection for residential areas than had previously been allowed). In one case in particular, *Sprint v. Palos Verdes* (reported in the *Los Angeles Times* in October 2009), the 9<sup>th</sup> Circuit found that cities have discretionary authority to bar cell towers from state PROWs on aesthetic grounds (subject to federal Telecommunications Act restrictions). This case has been described by telecom experts in industry publications as a significant departure from previous case law and a “major blow to the wireless industry” (*California Wireless Association Newsletter*, 12/11/09). As a result, cities throughout California, including **Glendale, Burbank and San Francisco**, have either already revised or are in the process of revising their ordinances to allow for expanded consideration of aesthetics in decisions whether to permit wireless facilities.

Unfortunately, current Los Angeles regulations – drafted long before the new technologies and new rulings – have no specific protections for residential areas and contain loopholes allowing the installation of tall cell towers in PROWs, with little or no notice and no hearings prior to permit issuance, *within a few feet of homes* (as has already occurred or been attempted in Hollywood, Hancock Park, Silver Lake, the Marina, Mar Vista, West Los Angeles, Pacific Palisades, Cheviot Hills, Tarzana, San Pedro, Granada Hills, Sunland-Tujunga, North Hills and Sherman Oaks).

Responding to the growing concern, 47 councils, associations and/or federations (representing 82 organizations city-wide) have to date formally expressed concerns to the city or called for reform of the city’s regulation of wireless facilities (including the Westside Regional Alliance of Councils and the Hillside Federation) – *not to ban all cell towers, but to provide for proper planning, community input in siting decisions and aesthetic protection for residents.*

The city attorney is also reviewing the City’s regulatory scheme (particularly in regard to PROW installations) in light of the court rulings, pursuant to a Public Works Committee motion passed in 2009 – **CF 09-2645**. A working group of community leaders from throughout the City has also recommended to the city attorney and other city officials the broad outline of an effective comprehensive ordinance (based upon the new Glendale ordinance) to regulate both private property and PROW installations. The city attorney’s report is uncompleted and its status remains unclear.

## Concerned Organizations

Organizations that have passed motions or publicly expressed concerns include:

### Westside Regional Alliance of Councils

Member councils:

Pacific Palisades CC  
Brentwood CC  
Westside NC  
Bel Air-Beverly Crest NC  
West Los Angeles NC  
Mar Vista CC  
Palms NC  
Venice NC  
Del Rey NC  
NC Westchester/Playa del Rey  
South Robertson NC  
Westwood CC

### Additional Councils

Chatsworth NC  
Granada Hills North NC  
North Hills West NC  
Northridge West NC  
Granada Hills South NC  
West Hills NC  
Encino NC  
Studio City NC  
Sunland Tujunga NC  
Northwest San Pedro NC  
Coastal San Pedro NC  
PICO NC  
Mid City West NC  
Greater Wilshire NC  
Hollywood Hills West NC  
Hollywood United NC  
Central Hollywood NC  
Sherman Oaks NC  
Silver Lake NC  
Mission Hills NC  
Tarzana NC (letter expressing concern to BPW)

Federation of Hillside and Canyon Assns.  
(35 members; [www.hillsidefederation.org](http://www.hillsidefederation.org))

### Additional Associations

The Oaks Homeowners Assn.  
Comstock Hills Assn.  
Westwood So. of SM Assn.  
Marina Peninsula Assn.  
Glassell Park Improvement Assn.  
San Pedro Peninsula Homeowners United  
Del Rey Homeowners & Neighbors Assn.  
Old Granada Hills Residents Group  
San Fernando Valley Historical Society  
Tarzana Property Owners Association  
Westchester Neighbors Association  
Pacific Palisades Residents Assn. (PPRA)

-- PPRA, [info@pprainc.org](mailto:info@pprainc.org), 4/12/11