



Adam Lid <adam.lid@lacity.org>

FW: Cell Tower Regulation - Additional Information

1 message

Chris Spitz <ppfriends3@hotmail.com>

To: adam.lid@lacity.org

Cc: Barbara Kohn <barbara@kohn.com>

Thu, Jun 17, 2010 at 11:21 AM

RE Council File No. 09-2645

Dear Mr. Lid:

Please file the message below plus attached documents in the above referenced council file.

Thank you.

Christina Spitz

PPRA

From: ppfriends3@hotmail.com

To: ctrutanich@lacity.orgCC: william.carter@lacity.org; ted.jordan@lacity.org; jane.usher@lacity.org; barbara@kohn.com

Subject: Cell Tower Regulation - Additional Information

Date: Wed, 16 Jun 2010 10:13:57 -0700

Pacific Palisades Residents Association

P.O. Box 617

Pacific Palisades, CA 90272

Dear Mr. Trutanich:

Following up on our previous message, we commend to you the attached report prepared by a concerned citizens' group in connection with recent study sessions on the issue of cell tower regulation conducted by the City of Burbank (which is considering comprehensive reform of its regulations, as per the new ordinance recently enacted by the City of Glendale).

The report (pages 1-19 of the attached document) details **regional and national developments** in cell tower regulation; highlights **examples of unregulated facilities in Los Angeles** (including the photo which we showed last night as well as *additional photos of unregulated facilities in Pacific Palisades and Cheviot Hills*); and **discusses issues relevant not only to Burbank but also to the City of Los Angeles**, including recent law governing the ability of municipalities to regulate cell towers consistent with the federal Telecommunications Act. **PPRA endorses this report, in particular the specific recommendations set forth on pp. 1-6.**

We also attach for your information a Summary of facts and law which we submitted in January to City officials and members of the City Attorney's office specifically related to current regulation of cell facilities in the public right of way (PROW). Over the past year we have also sent to City officials a great deal of additional information based on our investigation of cell tower regulation issues -- including a comparison of the various Los Angeles statutes involving cell towers (at the request of Councilman Rosendahl's office); information as to the scope and

effect of the Joint Pole Agreement; information involving the issue of "co-location" of cell facilities on existing poles; information about FCC efforts to limit or restrain local regulation of cell towers (including the so-called "shot-clock" timeline for permit applications); information about the lack of environmental reviews and/or failure to follow CEQA requirements; and concern about the City's failure to impose continuing use fees on telecom companies who install poles and equipment in the PROW. ***Many of PPRA's messages pertaining to these issues can be found in CF 09-2645.***

I also wish to clarify the following points that came up at last night's meeting:

- The Planning Dept. purports to have no authority over installations in the PROW (ie, Planning is only involved in issuing CUPs for *private property installations*, under the relevant zoning regulations). Installations in the PROW are governed instead by the AGF ordinance (LAMC sec. 62.03.2) and are regulated under the auspices of the *Bureau of Engineering/Board of Public Works*. I emphasize that PROW cell site installations are NOT regulated by either DWP or by the Joint Pole Agreement (**see attached Summary**), nor are utility pole cell site installations regulated *at all by any authority* (they are specifically exempt under the current ordinance).
- Most utility pole cell site installations in PROWs (*including replacement poles*) that we are aware of are NOT installed by DWP but instead are installed and maintained by telecom companies themselves (again without any regulation, without imposition of continuing use fees, etc.); most of these installations are unmarked/unidentified; DWP has publically stated that the number and extent of all such installations are unknown (again see attached Summary).

Should you have any questions or wish further information, my colleague Barbara Kohn and I would be happy to meet with you at your convenience.

Thank you again.

Sincerely,

Christina Spitz

V.P., PPRA

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2 attachments

 **Residential Report 2010-06-14.pdf**
4072K

 **Summary of Cell Tower Regulation,Proliferation.doc**
73K