



Adam Lid &lt;adam.lid@lacity.org&gt;

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## Re CF 09-2645/Community Advisory Group/Cell Tower Regulation

1 message

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**Chris Spitz** <ppfriends3@hotmail.com>  
To: adam.lid@lacity.org  
Cc: Barbara Kohn <barbara@kohn.com>

Thu, Jun 17, 2010 at 11:19 AM

### RE Council File No. 09-2645

Dear Mr. Lid:

Please file the message below and attached docs in the above-referenced council file.

Thank you.

Christina Spitz  
V.P., PPRA

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From: [ppfriends3@hotmail.com](mailto:ppfriends3@hotmail.com)  
To: [ctrutanich@lacity.org](mailto:ctrutanich@lacity.org)  
CC: [selz@markmatrix.com](mailto:selz@markmatrix.com); [jane.usher@lacity.org](mailto:jane.usher@lacity.org); [bill.carter@lacity.org](mailto:bill.carter@lacity.org); [ted.jordan@lacity.org](mailto:ted.jordan@lacity.org); [barbara@kohn.com](mailto:barbara@kohn.com)  
Subject: FW: Community Advisory Group/Cell Tower Regulation  
Date: Wed, 16 Jun 2010 09:20:40 -0700

### Pacific Palisades Residents Association

P.O. Box 617  
Pacific Palisades, CA 90272

Dear Mr. Trutanich:

It was a pleasure meeting you at last night's Community Advisory Group meeting, graciously hosted by Dr. Marcia Selz. We appreciate your willingness to tackle head-on the serious issues facing our City and to listen to community concerns.

Pursuant to your request, attached is a photograph of one of the many unregulated cell facilities that are being erected without regulation in residential neighborhoods throughout the City. Also attached is a list of over 41 councils and groups City-wide (representing over 76 organizations) who have to date publically expressed concerns and/or called for comprehensive reform of the City's cell tower regulations. Many of these letters and motions can be found in Council File No. 09-2645.

We request that you also review the email message below, sent in late April to City officials. This email highlights many of our concerns and provides background as to PPRA's efforts in this regard. In a nutshell, we ask you to consider the following:

- Cell tower proliferation in residential neighborhoods is growing exponentially;

- Wireless providers admit publically that their business plans demand the installation of thousands more antennas in residential areas where they had not heretofore been sited.
- Los Angeles' regulations are outdated and are not in line with recent federal case law on the issues; they and provide little or no protections to residents, particularly in regard to public right of way (PROW) installations.

We urge the City Attorney's office to complete its investigation and report regarding the City's authority to regulate these facilities, as directed more than a year ago by Councilman Rosendahl's motions in the Public Works Committee (including CF 09-2645), without further delay.

Thank you again for your attention to this important matter.

Sincerely,

Christina Spitz  
Vice-President, Pacific Palisades Residents Association  
Barbara Kohn  
President, Pacific Palisades Residents Association

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From: [ppfriends3@hotmail.com](mailto:ppfriends3@hotmail.com)  
To: [councilman.rosendahl@lacity.org](mailto:councilman.rosendahl@lacity.org); [janice.hahn@lacity.org](mailto:janice.hahn@lacity.org); [councilmember.garcetti@lacity.org](mailto:councilmember.garcetti@lacity.org); [paul.koretz@lacity.org](mailto:paul.koretz@lacity.org); [councilmember.huizar@lacity.org](mailto:councilmember.huizar@lacity.org); [councilmember.smith@lacity.org](mailto:councilmember.smith@lacity.org); [councilmember.alarcon@lacity.org](mailto:councilmember.alarcon@lacity.org); [councilmember.labonge@lacity.org](mailto:councilmember.labonge@lacity.org); [ctrutanich@lacity.org](mailto:ctrutanich@lacity.org); [cynthia.ruiz@lacity.org](mailto:cynthia.ruiz@lacity.org); [paula.daniels@lacity.org](mailto:paula.daniels@lacity.org); [julie.gutman@lacity.org](mailto:julie.gutman@lacity.org); [andrea.alarcon@lacity.org](mailto:andrea.alarcon@lacity.org); [valerie.shaw@lacity.org](mailto:valerie.shaw@lacity.org); [david.berger@lacity.org](mailto:david.berger@lacity.org); [jane.usher@lacity.org](mailto:jane.usher@lacity.org); [norman.kulla@lacity.org](mailto:norman.kulla@lacity.org); [whitney.blumenfeld@lacity.org](mailto:whitney.blumenfeld@lacity.org); [jessyca.avalos@lacity.org](mailto:jessyca.avalos@lacity.org); [frank.hong@lacity.org](mailto:frank.hong@lacity.org); [chris.koontz@lacity.org](mailto:chris.koontz@lacity.org); [jay.greenstein@lacity.org](mailto:jay.greenstein@lacity.org); [kelli.bernard@lacity.org](mailto:kelli.bernard@lacity.org); [renee.weitzer@lacity.org](mailto:renee.weitzer@lacity.org); [shawn.bayliss@lacity.org](mailto:shawn.bayliss@lacity.org); [erik.sanjurjo@lacity.org](mailto:erik.sanjurjo@lacity.org); [tara.devine@lacity.org](mailto:tara.devine@lacity.org); [faisal.alserri@lacity.org](mailto:faisal.alserri@lacity.org); [sarah.brennan@lacity.org](mailto:sarah.brennan@lacity.org); [marisa.alcaraz@lacity.org](mailto:marisa.alcaraz@lacity.org); [phyllis.winger@lacity.org](mailto:phyllis.winger@lacity.org); [hannah.lee@lacity.org](mailto:hannah.lee@lacity.org); [paul.backstrom@lacity.org](mailto:paul.backstrom@lacity.org); [councilmember.wesson@lacity.org](mailto:councilmember.wesson@lacity.org); [councilmember.reyes@lacity.org](mailto:councilmember.reyes@lacity.org); [councilmember.zine@lacity.org](mailto:councilmember.zine@lacity.org); [rebecca.valdez@lacity.org](mailto:rebecca.valdez@lacity.org); [jonathan.brand@lacity.org](mailto:jonathan.brand@lacity.org); [councilmember.krekorian@lacity.org](mailto:councilmember.krekorian@lacity.org); [elizabeth.carlin@lacity.org](mailto:elizabeth.carlin@lacity.org); [daniel.brumer@lacity.org](mailto:daniel.brumer@lacity.org); [ted.jordan@lacity.org](mailto:ted.jordan@lacity.org)  
CC: [info@pprainc.org](mailto:info@pprainc.org); [barbara@kohn.com](mailto:barbara@kohn.com)  
Subject: CF 09-2645 & 10-0664/PROW cell site installation-regulation  
Date: Wed, 28 Apr 2010 10:20:12 -0700

## **Pacific Palisades Residents Association**

P.O. Box 617  
Pacific Palisades, CA 90272

**Re: CF 09-2645 & 10-0664/PROW cell site installation-regulation**

Dear City officials:

Pacific Palisades Residents Association (PPRA) is a 51 year old organization whose public record in support of environmental protection and community preservation is well-documented in City archives. For almost a year, PPRA has been investigating cell tower proliferation in residential areas; expressing concerns about the City's inadequate regulations, particularly in respect to public right of way (PROW) cell site installations; and urging regulatory reform.

Attached is a photograph of a new cell site that PPRA Vice-President Christina Spitz

witnessed being erected on April 21 in a Brentwood PROW. The installation:

- is affixed to a "replacement pole" in a sidewalk next to a home in a residential neighborhood;
- is located along Sunset Blvd, a designated major scenic highway;
- bears no identification of the responsible party or installer of the pole, the antennas or other equipment (the antennas were erected by unidentified workers operating out of an unmarked van);
- has a 6 foot cross-arm extension supporting long antennas that: 1) hang 10-15 feet above and beyond a fence-wall which borders the adjacent residential back yard; and 2) appear to extend over airspace several inches away from the PROW and into private property;
- was apparently installed without notice or any regulation.

PPRA has previously emphasized to City officials that:

- the AGF ordinance expressly excludes antennas from the definition of exempt utility poles;
- the Joint Pole Agreement (JPA) does not prevent local regulation of poles or antennas;
- the PUC's goals as reflected in General Order 159A are to ensure CEQA reviews, notice and an opportunity for input by affected citizens in connection with all cell site construction; and
- state and federal laws and new case decisions interpreting those laws clearly **allow** local regulation of such facilities, under Telecom Act provisions as well as the "time, place & manner" provisions of the CPUC related to PROW regulation (subject to federal restrictions **against complete** prohibition of wireless facilities, unreasonable discrimination among wireless providers and consideration of health concerns based on RF emissions that meet FCC standards).

Telecom companies publicly confirm that thousands of antennas are now being installed at a rapid pace in residential PROWs. According to LADWP, the City does not even know how many of these installations exist or where they are located. Responding to these alarming developments, within the past several months 40 NCs/CCs/HOAs/federations (including the Westside Regional Alliance of Councils) -- representing 75 organizations and over a million stakeholders City-wide -- have formally expressed concerns and/or requested meaningful reform of Los Angeles' wireless facilities regulations (see, *e.g.*, many letters/motions on file in CF 09-2645).

We recognize that Councilmembers Reyes and Zine have recently called for expanded notice of AGF permit applications (CF 10-0664). While this is a step in the right direction, expanded notice under the current AGF ordinance would have *no effect on utility pole cell site installations* such as the facility depicted in the attached photograph, which are treated as "exempt" and therefore outside of notice requirements (or do not involve any AGF cabinets or structures requiring an AGF permit).

Meanwhile, with input from telecom companies and residents, Glendale (a fellow JPA member) recently enacted "one of the region's most restrictive sets of regulations for cellular equipment in residential neighborhoods" (from the Glendale News Press). Consistent with state and federal law, the new Glendale ordinance regulates cell site installations on utility poles and discourages the siting of cell facilities in residential areas (Ord. No. 5692). We understand that Burbank and Culver City are considering following suit. Glendale may be a different city, but Los Angeles residents should be afforded no less protections under the law than Glendale residents.

With respect, we ask our City officials:

**Can any recipient of this message honestly say that he or she would welcome a cell site such as the Brentwood facility installed within a few feet of their own home -- let alone looming directly over their front or back yard -- without notice or regulation of any kind?**

**No one in the City of Los Angeles should be subjected to the type of installation illustrated in the attached photograph -- an installation looming directly over their front or back yard -- without notice or regulation of any kind.**

PPRA will in due course submit for your consideration a summary of Glendale's new wireless facilities ordinance as it relates to PROW cell site installations.

We urge Los Angeles officials to adopt similar regulations for the protection of residents as soon as possible.

Sincerely,

Barbara Kohn, President

Christina Spitz, Vice-President

**Pacific Palisades Residents Association**

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## 2 attachments



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2121K



**list of cell tower motions-organizations.doc**  
36K