



August 24, 2011

City of Los Angeles
Planning and Land Use Management Committee
Public Works Committee
200 N. Spring Street
Los Angeles, CA 90012

Via E-Mail and Hand Delivery

RE: Regulation of the Placement of Cell Towers and Related Equipment
Within Public Right of Way

Dear Planning and Land Use Management Committee and Public Works Committee
Members:

The California Wireless Association (“CalWA”)¹ writes this follow up correspondence (attached is our correspondence submitted to your bodies, via “hand delivery”, at your Joint meeting on July 26, 2011) in response to the City’s ongoing discussions concerning the possible addition of “aesthetic” regulations and the requirement of discretionary entitlements for the placement of wireless telecommunications facilities within the City’s public rights of way as well as the recently added consideration by this joint body of a “moratorium/urgency ordinance”. CalWA appreciates the effort of the Public Works Committee, Planning and Land Use Management Committee, and City Attorney to date however **we strongly oppose the City’s further consideration of a “moratorium/urgency ordinance” at this time.**

We present this correspondence in support of our recommendation above and sincerely thank the City for this opportunity.

As presented in our July 26, 2011 correspondence the wireless telecommunications industry is facing tremendous pressure in order to meet and support the current and future wireless communications needs of the City of Los Angeles’s citizens, business community, and public safety professionals. As the industry moves to meet this current and ever increasing demand and expectation, we provide and support hundreds of jobs to the City’s local and regional economy.

¹ CalWA is a non-profit organization made up of volunteers who work in the wireless/telecommunications industry throughout California. Its goal is to raise awareness about the benefits of and to promote the wireless industry, to educate the public and political leaders on issues of importance to the wireless industry, and to cultivate working relationships within and between the industry, the public and political leaders.

As we all continue to struggle with the current economic environment, this is not the time for the City of Los Angeles to stop one of the few growing and healthy sectors of the City's greater economy.

CalWa understands the City's efforts to investigate the potential aesthetic impacts associated with this land use, however, it should not be the only "value" considered in this debate.

Again as was presented in our prior correspondence on this matter, there are significant "additional values" that must be considered in this discussion in addition to the value of "aesthetics".

- Economic Development;
- Traffic Demand Management; and
- Public Safety and Emergency Preparedness/Response/Coordination.

CalWA is ready to assist and support in whatever capacity the City requires/requests/sees fit as it moves forward with a "task force" to further investigate the current regulations under consideration.

We strongly encourage that at this time the City of Los Angeles not consider further a moratorium/urgency ordinance, but rather move quickly with the previously discussed "task force".

In the event that the City decides to further investigate a more extreme approach of implementing some measure (moratorium) that could result in significant economic consequences we provide the following option be considered instead.

Attached to this correspondence is a copy of the City's current AGF ordinance, Section 62.03.2. The attached version of said ordinance highlights the following sections: I. AGF Definition; III. Permit Requirements for AGF Installations C. 2. and 3.; and VIII. D. Notification of AGF Installation. All the above identified/highlighted sections speak to the City's current notification process for AGF's. Although the AGF ordinance clearly exempts pole mounted facilities, it could be a reasonable policy interpretation that these facilities are shown on the required applications as "additional appurtenant facilities" not subject to the purview of the permit but "identified for notification purposes only".

The Joint Committee could adopt a BOE policy directive concerning notifications based on the reasonable interpretation of the sections highlighted above which could serve as an "interim measure" to address any issues with public noticing which as we understand it, appears to be one of the root causes for concern.

Conclusion

We ask that each Committee look at the totality of the issues surrounding this critical land use and embrace the "additional values" cited within your City's own General Plan and articulated in our prior correspondence attached. We also ask that your

Committees' make the most responsible decision on this matter and not adopt a moratorium/urgency ordinance at this time and move instead to quickly investigate this matter with a "task force".

If the City feels compelled to act more quickly to affect some immediate measures, rather than adopting a moratorium/urgency ordinance, we request that the City pursue the proposed policy directive as an "interim measure". This more reasonable approach would address the City's immediate concerns without the potentially profound negative impacts to the City's/regions overall economy. This will also allow the City to further investigate the issues of "aesthetics and noticing" with the "task force" and other interested parties in a thoughtful and comprehensive manner while still allowing this critical land use to be deployed.

Thank you for taking the time to review our comments. We look forward to participating in this process as it progresses.

Again Best Regards,

Sean Scully
Board member
Co-Chairman Regulatory Committee
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Attachments:

Prior Correspondence from CalWA dated, July 26, 2011; and
Proposed "Interim Measure/Additional Public Noticing Policy/Highlights" to Section 62.03.2.