

Sunland-Tujunga Neighborhood Council

IMPROVING THE QUALITY OF LIFE IN SUNLAND TUJUNGA

7747 Foothill Blvd., Tujunga, CA 91042 • www.stnc.org • 818-951-7411 • FAX 818-951-7412

09-2645 22


September 10, 2012

Los Angeles City Council
RE: Council File No. 09-2645
Agenda Item #22 – City Council Agenda 9-11-12



Honorable City Councilmembers:

The Sunland-Tujunga Neighborhood Council (STNC) strongly supports the reports of the PLUM and Public Works Committees ("Reports"), which recommend that the AGF Ordinance be amended in the following respects:

- Elimination of the utility pole exemption
- Expansion of the notice provisions
- Enhancement of the aesthetic provisions
- Imposition of permit duration limits

STNC urges the Council to adopt the Reports without delay. STNC further requests that the Council direct the following additional, reasonable amendments to the AGF Ordinance:

- Expansion of the **right of appeal to "all aggrieved persons."** Currently, appeal of AGF permits in the public right of way ("PROW") is only afforded to the limited number of owners/occupants who received notice, i.e., adjoining/abutting/across the street occupants/owners -- a highly restrictive provision which stands alone among other California cities' regulations. Expanding the right of appeal would be consistent with appeal rights granted under the Los Angeles Zoning Code for CUPs in connection with private property installations. At a minimum, appeal rights should also be granted to **all persons who request notice.**
- Provision for a **special purpose hearing prior to permit issuance, for all proposed installations in residential and other sensitive zones or areas** (e.g., all Residential Zones and areas immediately adjoining Residential Zones, Open Space Zones and areas adjoining Open Space Zones, Specific Plans, Historic Preservation Overlay Zones and areas adjoining Historic Sites, Scenic Highways, Pedestrian Oriented Districts, Community Design Overlay Districts). The purpose of such a hearing would be to conduct a "justification" analysis to determine whether there is a **significant coverage gap and a lack of feasible alternatives** to the proposed location (standards imposed by federal law).

Requirement for the applicant to bear the expense of an **independent expert** to assist the City, as needed, with analysis of technical issues such as coverage gap claims, RF emissions and alternative location feasibility.

Requirement for the applicant to provide an **RF emissions analysis and/or a certification of compliance with FCC requirements.**

Requirement for the applicant to **map all existing wireless facilities and to project anticipated future needs** in the area or community served by the proposed facility. Numerous large and/or nearby California cities include several of the above provisions in their ordinances governing PROW installations (see attached analyses of other California cities' PROW regulations, prepared in 2011 by the Los Angeles Wireless Telecommunications Facilities Working Group). More recently, in June 2012 the City of Calabasas enacted a new ordinance regulating cell towers (including PROW facilities) that includes most of the above provisions (CMC Sec. 17.12.050).

To the best of our knowledge there have been no legal challenges to any of these provisions.

STNC also urges the Council to enact a **temporary moratorium on PROW installations** (not on private property installations) while the Ordinance is being drafted (which 10 of the 15 cities surveyed also imposed while they were drafting their own ordinances, without legal challenge; the City of Calabasas also successfully imposed a temporary moratorium during the process of drafting its recent ordinance). As reflected in the numerous letters and motions on file in CF 09-2645, many other Los Angeles organizations have also called for a moratorium or ICO pending enactment of the amended AGF Ordinance. Time-specific moratoria are permissible under the law and have long been recognized, even by the telecom industry, as appropriate legislative tools while new ordinances are being drafted.

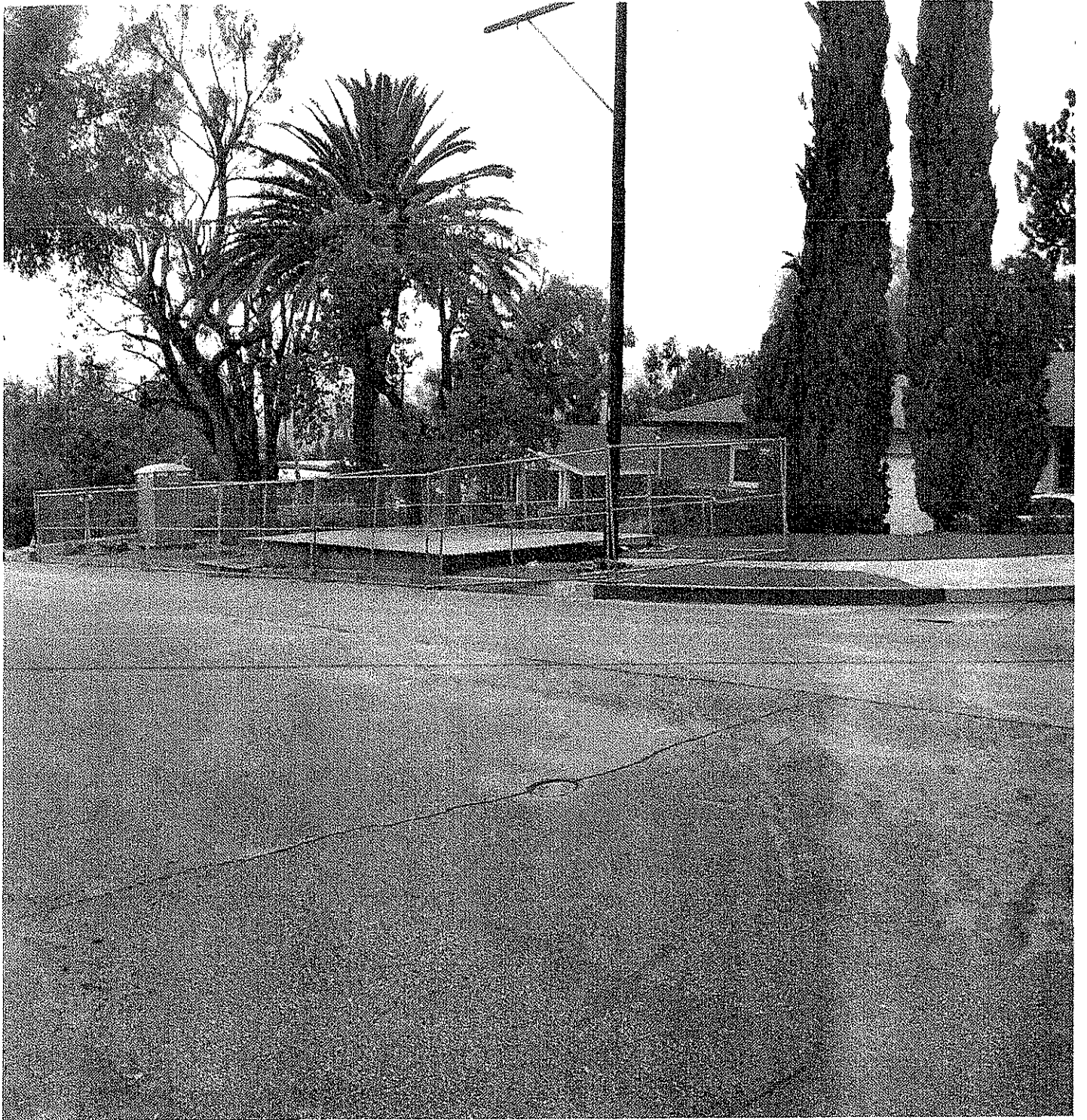
This action is long overdue and we encourage your support of this motion today and trust that you will expedite this request.

Respectfully,

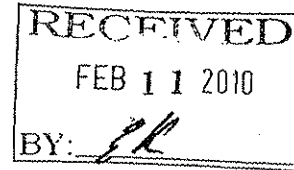


Cindy Cleghorn, Secretary
Sunland-Tujunga Neighborhood Council

cc: Richard Alarcon, Council District 7



February 8, 2010



Property Owner

Subject: INSTALLATION OF AN ABOVE GROUND FACILITY (AGF)
City Reference No. 2009009770
Summitrose Street, 10' west of Las Lunitas Avenue

Dear Property Owner,

T-Mobile is proposing to install an above ground facility (power meter pedestal) along the roadside within the public right-of-way near your property. The intent of this letter is to provide you with information regarding this proposal.

The proposed facility consists of a metal cabinet measuring 20.25" wide X 17.25" deep X 48" high. We have enclosed a photo rendering and a site plan of the proposed installation for your review.

T-Mobile has filed a formal application with hardship waiver and variance with the City of Los Angeles Bureau of Engineering requesting approval of the City's Above Ground Facilities (AGF) Ordinance for this proposed facility. The City requires adjoining and abutting property owners to and adjoining and abutting property owners across the right-of-way from a proposed facility to be notified, giving the property owners the opportunity to provide input on the application prior to making a determination. LA City will also be mailing you information about this project in the near future.

For now you may direct any questions or concerns you may have, prior to or during construction, to Trent Ramirez at (805) 581-6532.

Respectfully,

A handwritten signature in cursive script that reads "Trent Ramirez".

Trent Ramirez
Zoning Coordinator
BMS Communications (representing T-Mobile)

Attachments:
Photo Rendering and Site Plan

CC:
Sunland-Tujunga Neighborhood Council
City Council District 2