



Pls file: CF09-2645/AGF ordinance revisions

Chris Spitz <ppfriends3@hotmail.com>
To: "sharon.gin@lacity.org" <sharon.gin@lacity.org>

Tue, Oct 8, 2013 at 2:10 PM

Please file in CF 09-2645 (AGF ordinance revision). Thank you.
Chris Spitz, PPCC

From: ppfriends3@hotmail.com
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Subject: CF09-2645/AGF ordinance revisions
Date: Sat, 5 Oct 2013 16:17:46 -0700

For filing in CF 09-2645; agenda item no. 1, 10/8/13 joint meeting of PLUM and Public Works Committees re draft revised AGF ordinance – PPCC Position: SUPPORT the draft revised ordinance, with requested amendments.

Honorable PLUM and Public Works Committee Chairs and Members:

Pacific Palisades Community Council (PPCC) has been the recognized voice of the Palisades community for over 40 years. Since 2009, PPCC has been calling for revision of the City's regulation of cell towers and other structures in the public right of way (the "AGF ordinance"). I and my colleague, PPCC President Barbara Kohn, co-founded the Los Angeles Wireless Telecommunications Working Group (WTF Working Group -- membership includes community leaders City-wide). For the past 4 years we have worked directly with the City Attorney and the Council in efforts to move this process forward.

We commend the Council for directing the City Attorney, in September 2012, to draft a revised AGF ordinance with new, key provisions to better regulate cell towers. After careful review of the report submitted this summer by the City Attorney, PPCC has concluded that it supports the draft revised AGF ordinance *but with important requested amendments*. PPCC's position and "talking points" explaining this position are attached for your review.

In summary, PPCC is calling for further amendment of the AGF ordinance in the following respects:

- 1) Expanded **notice and appeal** rights.
- 2) Additional required proof of "**significant coverage gap**."
- 3) Enhanced **aesthetics and design** standards.

4) Certification regarding ongoing **compliance with FCC requirements and load/structural safety standards** (critical to ensure that the types of fires caused by downed, overloaded utility poles that devastated Malibu Canyon in 2007 – leading to settlement payouts of \$60+ million (ref. LAT, May 2013) – will not occur in the City's many high-fire zones (including Pacific Palisades and other hillside areas).

More detail regarding each of these points is set forth in the attached documents. I would be happy to answer any questions about PPCC's position.

Thank you for your consideration.

Sincerely,

Christina Spitz

Vice-President, PPCC

Chair, PPCC Land Use Committee

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

Co-Founding Member, WTF Working Group


[WTF Working Group Members: Chris Spitz and Barbara Kohn, Pacific Palisades; Cindy Cleghorn, Sunland-Tujunga; Jerry Askew, Granada Hills South; Alexander von Wechmar, The Hills Homeowners Assn./Hollywood Hills]

Ph. 310-721-0532

2 attachments

PPCC2Talking Points re

 **Recommended Position on Draft Revised AGF Ordinance.pdf**
128K

 **PPCC 3 Position AGF.pdf**
159K

PPCC LUC Talking Points –
Recommended Position on Draft Revised AGF Ordinance (07.10.2013)

The City Attorney submitted a report and draft revisions to the AGF (above ground facilities) ordinance on 6/27/13. PPCC has long awaited this development. The draft ordinance *does* comply with the City Council's directive: it expands notice; it **eliminates the utility pole exemption for wireless devices and antennas**; it enhances the aesthetic provisions in some respects, in part by including a required "Least Intrusive Means" standard¹; it includes a required certification of compliance with FCC requirements; and it requires a somewhat greater showing of gap in coverage. The report and draft ordinance can be read at: http://clkrep.lacity.org/online/docs/2009/09-2645_rpt_atty_06-27-13.pdf.

The LUC recommends SUPPORT for the draft ordinance, but with certain proposed revisions relating to 1) Notice and Appeal; 2) Coverage Gap; 3) Aesthetics and Design; 4) Certification. The LUC's recommended revisions are set forth in full in the accompanying PPCC position paper on the draft ordinance. In summary, the recommended revisions, in relative order of importance, are:

1. NOTICE AND APPEAL:

- Notice shall (a) be expanded to **all owners and residents within 500 feet in all directions of a proposed AGF involving a pole structure** (i.e., cell tower) or any AGF structure that exceeds height and density limits; (b) include **posting of notification on-site for all AGFs**. *[The draft ordinance requires notice of AGFs exceeding allowed height limits to all owners and residents along both sides of the street for a distance of 250 linear feet in either direction, which the City Attorney acknowledges will not result in notice to all owners and residents potentially affected.]*²
- Notice for all AGF applications shall be given by **registered mail**. *[The existing ordinance requires registered mail but the word "registered" is eliminated in the draft revised ordinance.]*
- **"Community Councils" shall be added** to all notice provisions contained in the proposed ordinance along with HOAs and residents' associations, as entities entitled to receive notice of the AGF application. Community Councils shall be entitled to the same right of appeal as HOAs and residents' associations.

2. COVERAGE GAP:

- Proof of a "significant coverage gap" shall be included in specific requirements for permit applications for (a) AGF installations in residential zones, (b) requests for variances from the height limit, and (c) requests for hardship waivers.
- The draft ordinance shall be amended to include new paragraphs giving discretion to the BOE to hire an engineering expert to review and evaluate "significant coverage gap claims" and any relevant technological issues, at the applicant's expense.

3. AESTHETICS AND DESIGN:

- New language shall be drafted and inserted that requires the Cultural Affairs Commission to

¹Least Intrusive Means is defined as "the least amount of physical or aesthetic intrusion in the Public Right-of-Way, taking into account the physical characteristics of an AGF, including but not limited to, size, shape, height, volume, color, noise, camouflaging, and screening, as well as any identified significant gaps in coverage or capacity that will be reduced by the AGF" (Sec. 62.00, Definitions).

²The draft ordinance limits notice for all other AGFs (e.g., cabinets) to owners and residents of adjoining, abutting and across-the-street lots (the current notice provision); for all AGFs (cabinets and pole structures alike), it provides for additional notice to Neighborhood Councils, Council District offices, HOAs and residents' associations, but not Community Councils (Sec. 62.08.VII.D.1-2, Notification of AGF Installation). The draft ordinance further provides (new) that owners, residents, HOAs and residents' associations which receive notice are entitled to appeal; Neighborhood Councils are not entitled to appeal (Sec. 62.08.VII.E, Appeal of a Bureau of Engineering Determination to the Board).

give notice and receive input from affected communities in regard to design of pole structures, and to apply the “Least Intrusive Means” standard in design decisions. *[Both the existing and the revised draft ordinance require all designs to be approved in advance by the Cultural Affairs Commission; currently there is no process for community input nor any particular design standards that PPCC is aware of; PPCC has witnessed the approval of thousands of cabinets at a time using “bulk design” approvals devoid of community input.]*

- PPCC opposes the “density threshold” contained in the draft ordinance as it relates to pole structures (cell towers). PPCC believes that further review and community input are needed.³ At a minimum, PPCC proposes that language be drafted which strengthens the requirements for a variance from the maximum number of installations (in the case of pole structures) by requiring a showing that all reasonable alternatives have been exhausted, and that the applied-for AGF is necessary to reduce a significant coverage gap and represents the Least Intrusive Means to install the AGF.
- The draft ordinance shall be amended to include other language changes for clarity and consistency, e.g., changing titles of paragraph headings involving required design and identification requirements from “Cabinet” to “AGF Installation” to make clear that the requirements of those subsections⁴ apply to pole structures (cell towers) as well as cabinets.

4. CERTIFICATION:

- A new paragraph shall be added to require a structural engineer’s certification of load/structural safety at time of application and allow for the ability of the BOE (using their reasonable discretion) to hire a structural engineer to evaluate an AGF for load/structural safety in the event of significant events such as storms or seismic activity, at the AGF owner’s expense.⁵
- A new paragraph shall be added to require ongoing compliance with FCC requirements.⁶ This language shall require the owner’s periodic certification of continuing compliance and allow the BOE (using their reasonable discretion) to engage an RF engineer to review said periodic certifications, with the AGF owner to reimburse the City for costs of any such review.
- Along with other specific acts of noncompliance contained in the draft ordinance, a new paragraph shall be added to impose fines for an AGF owner’s failure to comply with certification requirements or operation of an AGF within all applicable FCC requirements.

Notwithstanding the LUC’s conditional support of the draft ordinance as set forth above, the LUC recommends that PPCC OPPOSE a suggested possible further change (proposed in the City Attorney’s report but not in the draft ordinance) which would retain the utility pole exemption in commercial and industrial zones and for so-called “small” antennas (undefined). The LUC believes that this exemption should only remain, *if at all*, for strictly industrial zones, and there should be no exemption based on antenna size or type.

³The draft ordinance provides that the maximum number of AGFs (including pole structures) per City Block shall be three for blocks with intersections less than 1000 feet apart; and three for blocks with intersections 1000 feet apart or more, plus “one additional AGF for every additional 250 feet of adjacent intersection separation,” with no threshold for Parking or Industrial zones (Sec. 62.08. IV.I. Density Threshold). The LUC has various issues with this language and believes that the allowed density is too high for pole structures (cell towers) but was unable to decide on possible alternative language. See objection and comments on pp. 2-3 of the PPCC Position on the Draft Revised Ordinance (Sec. 62.08.IV.I Aesthetic Requirements; Density Threshold).

⁴Secs. 62.08.IV.F, G, H Aesthetic Requirements; Treatment and Graffiti Mitigation, Identifiers and Foundations.

⁵Devastating fires occurred in Malibu Canyon in 2007, caused by over-loaded downed utility poles that resulted in settlement pay-outs of \$60+million (ref: Los Angeles Times, May 2013).

⁶The draft ordinance requires certification only at the time of application (Sec. 62.08.II.D.8).

Pacific Palisades Community Council Position re: City Attorney Report dated 6/27/2013 and Draft Ordinance for the Installation of Above Ground Facilities (“AGF”s) in the Public Right-of-Way (LAMC Sec. 62.00, et seq.) Council File No. 09-2645

I. PPCC’S OVERALL POSITION.

SUPPORT the Draft Ordinance for the Installation of Above Ground Facilities (“AGF”s) in the Public Right-of-Way (the “Draft Ordinance”) *with proposed revisions* as set forth below.

II. PPCC’S POSITION ON 6/27/13 CITY ATTORNEY REPORT.

First full paragraph, p. 2:

PPCC agrees with the City Attorney that some property owners and residents outside of the notification pattern Subsection 62.08.VII.D.1 may be impacted by monopoles or other pole-mounted AGF installations. PPCC SUPPORTS revision of Subsection VII.D.1 to increase the notification pattern (reference suggested language herein and below).

Second full paragraph, p. 2:

PPCC SUPPORTS elimination of the utility pole exemption as set forth in Section 62.08.VIII.C. As to the City Attorney’s comments regarding possible elimination of the exemption in certain zones or for certain types of antennas, PPCC OPPOSES suggested possible retention of the exemption in any zones other than *strictly* industrial zones. PPCC also OPPOSES suggested possible retention of the exemption for any types antennas and wireless communication devices, regardless of size.

III. PPCC’S POSITION ON THE DRAFT ORDINANCE; SEC. 62.08. SPECIFICATIONS AND PROCEDURES FOR ABOVE GROUND FACILITY INSTALLATIONS

62.08.I.D General Restrictions; Written Reports on Hardship Waiver Requests.

62.08.I.D.4 CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED): A report prepared by the AGF applicant containing evidence of the investigation of all reasonable technological or site alternatives, including locations on private property as well as other locations in the Public-Right-of-Way, and justification for not selecting any of those alternatives. The report must also demonstrate that there is a significant coverage gap and that the proposed AGF represents the Least Intrusive Means to improve the coverage or capacity of the area to be served by the AGF. At least two private property alternatives must be documented to satisfy this requirement.

62.08.I.D.7 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (7)): *At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the application for a hardship waiver request pursuant to Subsection I.C and I.D. All costs associated with such a review shall be the responsibility of the applicant, which shall submit a deposit with its application in the amount of \$1,000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1,000 the AGF applicant shall promptly upon request reimburse the City for any such cost.*

62.08.II.D Permit Requirements for AGF Installations; AGF Application Requirements.

62.08.II.D.9 CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/ RED): One or more maps prepared by the AGF applicant indicating the service area for the proposed AGF and showing existing gaps in coverage or capacity and how the AGF will impact the coverage and capacity

in the service area. If the proposed AGF installation is along a street where the adjoining land use is primarily residential, then the maps submitted by the AGF applicant must also demonstrate that there is a significant coverage gap and that proposed AGF represents the Least Intrusive Means to improve coverage or capacity in the area to be served by the AGF.

62.08.II.D.10 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (10)): For all monopoles and pole-mounted wireless telecommunications devices and antennas, a licensed structural engineer's certification of the structure's capacity to safely sustain all projected loads as well as such structure's compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas (the later of TIA-222-G or the most recent revision to TIA-222), and all federal, state and local laws, rules and regulations.¹

62.08.II.D.11 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (11)): At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the AGF application. All costs associated with such a review shall be the responsibility of the AGF applicant, which shall promptly reimburse the City for the cost of the review. All costs associated with such a review shall be the responsibility of the applicant, which shall submit a deposit with its application in the amount of \$1000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1000 the AGF applicant shall promptly upon request reimburse the City for any such cost.

62.08.IV.A Aesthetic Requirements; Cultural Affairs Commission Approval of AGF Design.

62.08.IV.A. CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED); PROPOSED REVISION (ADDITIONAL NEW SUBSECTIONS (1) AND (2)):

A. Cultural Affairs Commission Approval of AGF design:

1. Approval.

All AGF exterior designs shall be approved by the Cultural Affairs Commission prior to submission of an AGF application to the Bureau of Engineering, after notice and a hearing in accordance with the approval process set forth in Subsection IV.A.2 below. All approved designs shall be consistent with the Least Intrusive Means standard, represent the least amount of physical or aesthetic intrusion in the Public-Right-of-Way, and shall be consistent with the character of the community in which the designs are to be located. Once an AGF exterior design has been approved, that design shall be deemed approved unless a timely appeal is made as set forth in Subsection IV.A.3 below and the approval is reversed on appeal by either the Board or City Council, or the Cultural Affairs Commission later revokes its previously granted approval. Approval of the location and placement of AGF installations using Cultural Affairs approved AGF designs shall remain with the Bureau of Engineering and the Board pursuant to the provisions of this Section.

2. Notice and Approval Process.

Prior to approving any exterior designs of monopoles and pole-mounted wireless telecommunications devices and antennas, the Cultural Affairs Commission shall provide a meaningful opportunity for community input into the designs under consideration, including holding at least one hearing for community groups to provide input. The Cultural Affairs Commission shall give advance written notice to all potentially affected neighborhood councils, community councils, homeowners' associations and residents' associations ("community groups") and to the relevant Council District Offices. All costs associated with such notice shall be the responsibility of the AGF applicant or other persons or entities proposing the designs, who shall submit a deposit with the Cultural Affairs Commission in the amount of \$1,000 for this purpose, to be refunded to the extent unused. If the cost of such notice exceeds \$1,000 the AGF applicant

¹Adapted from Richmond Municipal Code Sec. 15.04.890.060.E.7.

or other persons or entities proposing the designs shall promptly reimburse the City for any such cost. The notice shall advise community groups of the date, time and location of the hearing, and shall also provide detailed information about the designs under consideration, including photographs or renderings provided by the AGF applicant or other persons or entities proposing the designs, depicting the proposed designs, the name and contact information for the AGF applicant or other persons or entities proposing the designs, the locations where the designs are proposed to be used, any time limits for community groups to provide input into the designs, and where and to whom such input should be directed. The notice shall be by registered mail posted at least 30 days in advance of the date of the hearing. All reasonable requests by community groups for additional time to provide input shall be granted by the Cultural Affairs Commission. Promptly upon reaching a decision the Cultural Affairs Commission shall give written notice to the community groups and Council District Offices by registered mail of approval or disapproval of the designs ("notice of decision").

3. Appeal.

The Cultural Affairs Commission approval of any designs pursuant to Subsection IV.A.2 above ("approval") shall be subject to appeal by any community groups who received written notice as set forth in Subsection IV.A.2, pursuant to the procedure established in LAMC Section 62.10. If no appeals are submitted to the City within 14 calendar days of the date of the notice of decision, the approval of the designs shall be final. The appeal of the approval shall be heard by the Board. The Board shall determine whether the approval complies with the Requirements of this Section. Subject to the City Council's right of review under Charter Section 245, the determination of the Board shall be final.

62.08.IV.C Aesthetic Requirements; AGF Volume Threshold and Height Limits.

PPCC believes that because the draft ordinance does not change the existing height limit of 5 1/2 feet for all AGFs (a height limit applicable to lower-in-height structures such as cabinets), the draft ordinance does not adequately address the issue of height limits related to monopoles and other pole-mounted wireless telecommunications devices and antennas. This Subsection should be subject to further review, input and revision in regard to specific height limits for monopoles and pole-mounted wireless telecommunications devices and antennas. Notwithstanding, PPCC proposes the following additional revisions to this Subsection.

62.08.IV.C. CURRENT DRAFT LANGUAGE PROPOSED REVISION (IN BOLDFACE/RED); ADDITIONAL NEW PARAGRAPHS FOLLOWING PARAGRAPH ENDING WITH THE WORDS “(2 ½ FEET)”:

A variance pursuant to this Subsection IV.C is required for all monopoles and pole-mounted wireless telecommunications devices and antennas exceeding the volume threshold or height limitation. In the case of all AGFs, the Board may grant a variance from the AGF volume and height limitation if all of the following conditions exist:

1. Suitable measures consistent with the aesthetic and camouflage requirement of this Section mitigate the excessive AGF volume or height.
2. The AGF applicant demonstrates that no financially or technically acceptable alternative exists that complies with the height and volume limits of Subsection IV.C.
3. In regard to monopoles and pole-mounted wireless telecommunications devices and antennas, the AGF applicant demonstrates that there is a significant coverage gap and the excessive height represents the Least Intrusive Means to improve the coverage or capacity of the area to be served by the AGF.

All coverage gap or other relevant technological issues associated with a request for a variance pursuant to this Subsection IV.C shall be subject to review by an independent expert at the reasonable discretion of the Bureau of Engineering, as set forth in Subsection 62.08.I.D.7.

62.08.IV.F, G, H Aesthetic Requirements; Cabinet Treatment and Graffiti Mitigation, Cabinet Identifiers and Cabinet Foundations.

62.08.IV.F-H PROPOSED REVISIONS (NEW HEADINGS): The word "cabinet" in each of these headings should be changed to "AGF Installation," e.g., "**H. AGF Installation Foundations.**"

62.08.IV.I Aesthetic Requirements; Density Threshold.

PPCC OBJECTS to the density threshold set forth in Subsections IV.I.1-3 as to AGF installations that exceed the height limit of Subsection IV.C (monopoles and pole-mounted antennas) in all zones other than Industrial zones. Given the differences in topography, density and neighborhood character throughout the City, PPCC is unable to propose an alternate "one size fits all" threshold and has not concluded whether any particular lower number or density threshold is appropriate for such potentially obtrusive structures in zones other than Industrial. This Subsection should be subject to further review, community input and revision. Revisions that might be considered include changing the definition of City Block, using linear feet and/or increased distances or set-backs as measures, or including Residential zones within the "Below Grade Requirement" set forth in Subsection IV.1.A.

As an example, **62.08.IV.I. p. 9, first full paragraph: CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):** Facilities exempt from the requirements of this Section shall not be counted in the number of AGF installations per City Block. The Board may grant a variance from the AGF density threshold per City Block at its discretion when the threshold is reached and when measures consistent with this Section mitigate the excessive number of AGF installations. AGF co-location may be required as a mitigation measure. ~~For all monopoles and pole-mounted wireless telecommunications devices and antennas and for any AGF installation that exceeds the height limit set forth in Subsection IV.C, a variance from the AGF density threshold shall not be granted except upon a showing that all reasonable alternatives have been exhausted, and that the proposed AGF installation is necessary to reduce a significant coverage gap and represents the Least Intrusive Means to install the AGF in the Public-Right-of-Way. At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the application for a variance request pursuant to Subsection IV.I. All costs associated with such a review shall be the responsibility of the AGF applicant, which shall submit a deposit with its application in the amount of \$1000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1000 the AGF applicant shall promptly upon request reimburse the City for any such cost.~~

62.08.V Public Safety Requirements.

62.08.V PROPOSED REVISION (ADDITIONAL SUBSECTIONS (G) AND (H)):

G. Load/Structural Safety Reevaluation. The Bureau of Engineering may reasonably require inspection by a licensed structural engineer of an AGF installation involving a monopole or pole-mounted wireless telecommunications devices or antennas, following significant storms, seismic events or other events that may jeopardize the structural integrity of the poles (or the facilities attached to the poles). Such inspections shall be at the AGF owner's cost, and the original "wet-stamped" engineer's written report shall be provided to the Bureau of Engineering within the time specified by the Bureau of Engineering.²

H. Operational Compliance with FCC Requirements. The AGF owner shall ensure that the AGF installation complies at all times with all applicable FCC requirements. In addition to the certification required by LAMC Section 62.08.II.D.8, the owner of any AGF installation

²Adapted from Richmond Municipal Code Sec. 15.04.890.080.

Involving wireless communication devices or antennas shall submit to the Bureau of Engineering an updated certification of such compliance (1) every year, on the anniversary of the submission of the original certification and (2) upon any proposed increase of at least ten (10) percent in the effective radiated power or any proposed change in frequency use. All such certifications shall be subject to review and approval by the Bureau of Engineering. At the reasonable discretion of the Bureau of Engineering, a qualified independent RF engineer, selected by and under contract to the City, may be retained to review such certifications for compliance with FCC regulations. All costs associated with such a review shall be the responsibility of the AGF owner, which shall promptly reimburse the City for the cost of the review.³

62.08.VII.D Permit Processing Requirements and Procedures; Notification of AGF Installation.

62.08.VII.D CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):
For each AGF installation, the AGF applicant shall notify, by registered mail, the following persons and organizations.

D.1: For all monopoles and pole-mounted wireless telecommunications devices and for any AGF that exceeds the height limit set forth in Subsection IV.C or the density threshold set forth in Subsection IV.I:

- a. ~~]~~ All owners of property within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.
- b. ~~]~~ All residents of property within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.
- c. ~~]~~ All Neighborhood Councils that include any properties within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.
- d. ~~]~~ City Council Offices for the Council Districts that include any properties within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.
- e. Homeowners' and residents' associations and Community Councils when, to the reasonable knowledge of the AGF applicant, the proposed location of the AGF installation falls within the boundary of the homeowners' or residents' association or Community Council. In order to determine whether any homeowners' or residents' associations or Community Councils are entitled to receive notice hereunder, the AGF applicant shall request information regarding homeowners' and residents' associations and Community Councils from the applicable Council Office.

f. (ADDITIONAL NEW SUBSECTION): Site Posting. The AGF applicant shall post written notice of the installation in a conspicuous place at the location of the proposed AGF installation. Such notice shall be posted at the same time that notification is mailed pursuant to Subsection VII.D.1 and shall contain all of the information required for notification in this Subsection VII.D. Following consideration of the AGF applicant's request by the Bureau of Engineering, and no later than 14 calendar days before expiration of the right of appeal set forth in Subsection IV.E, the AGF applicant shall also post written notice that includes Bureau of Engineering approval or disapproval and provides information detailing the AGF appeal process. Such notice shall also be posted in a conspicuous place at the location of the proposed AGF installation. The Bureau of

³Adapted from Glendale Municipal Code Sec. 12.08.037.V.1.

Engineering may adopt guidelines consistent with this section for the posting of notices if the Bureau of Engineering determines that those guidelines are necessary and appropriate.⁴

D.2.: For all other AGFs: the same changes to subsections VII.D.1. (c) and (f) set forth above shall also be made to VII.D.2.

Page 13, VII.D, first full paragraph:

CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):
Following consideration of the AGF applicant's permit request by the Bureau of Engineering, the AGF applicant shall notify by registered mail all persons and organizations listed in Subsection VII.D. of the status of the AGF application. . . .

IV. PPCC's POSITION ON THE DRAFT ORDINANCE; SEC. 62.09. FINE FOR NONCOMPLIANCE:

62.09. B. Failure to Comply

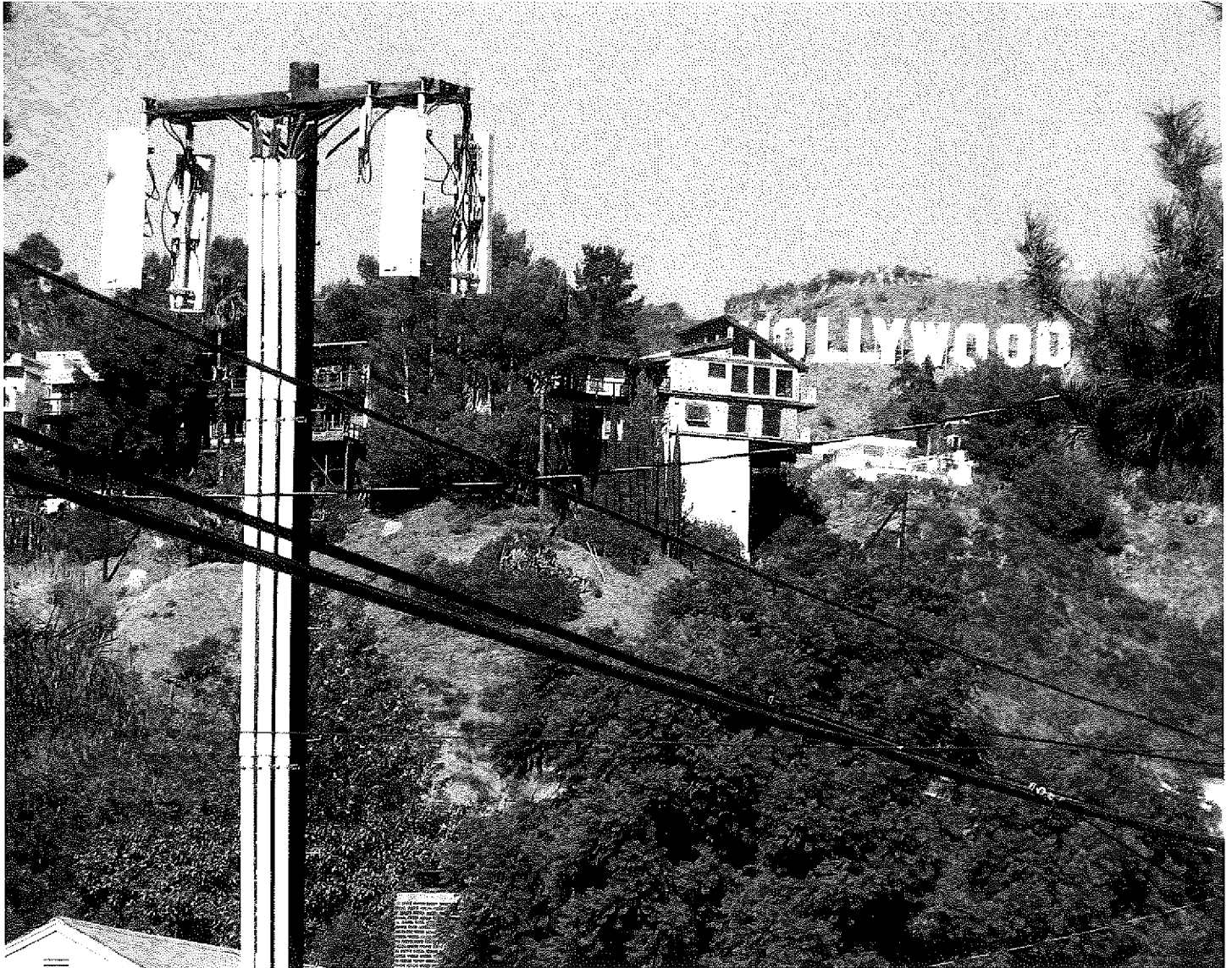
62.09.B.7 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (7): Failure to operate the AGF installation within all applicable FCC requirements or to comply with all certification requirements as specified in LAMC Section 62.08.II.D.8 [and Section 62.08.V.H⁵].

-- Approved unanimously by the PPCC board on July 11, 2013.

⁴Adapted from LAMC Sec. 12.24.D.3.

⁵This phrase should be inserted if proposed Subsection V.H is added.

#1



**AT&T CELLPHONE TOWER ON CANYON DRIVE
IN THE HOLLYWOOD HILLS (LOS FELIZ AREA)**

Contact:

Alexander von Wechmar

THE OAKS HOMEOWNERS ASSOCIATION

Phone (323) 467-9004

Email: Alexander.von.Wechmar@oakshome.org

**SPECIAL JOINT MEETING
OF THE
PUBLIC WORKS & GANG REDUCTION COMMITTEE
AND THE
PLANNING & LAND USE MANAGEMENT COMMITTEE
ON OCTOBER 8, 2013**

RE.: AGENDA ITEM #1 (FILE NO. 09-2645)

**STATEMENT SUBMITTED BY
THE OAKS HOMEOWNERS ASSOCIATION,
HOLLYWOOD HILLS (LOS FELIZ AREA)**

For more than seven years The Oaks Homeowners Association has pushed, along with other community groups, for legislation to regulate the placement of unsightly and potentially harmful cellphone towers in residential neighborhoods, such as ours. We are very pleased that lawmakers have moved forward and are soon to vote on a revised AGF Ordinance which will include regulations for the installation of cellphone towers.

The draft of the new Ordinance has our support - except for three provisions which we believe should be reviewed and revised before the Ordinance is presented to the City Council for a final vote:

(1) Notification of AGF Installation (Subsection VII.D.):

The draft of the new Ordinance calls for a notification of all residents who live along 250 (linear) feet, i.e. up and down a street, from a proposed installation.

We believe this requirement should be expanded to all residents who live within a 250-foot radius around a proposed AGF (cellphone tower).

Reason: People who live on hillsides near a proposed site are as much impacted - sometimes even more so - as residents living along a street where a new cell site is to be erected.

As antennas of cell towers pop up into the eyesight of hillside residents, they have a huge impact on the views these residents enjoy from their homes and raise concerns about the effects direct, around-the-clock exposure to radiation from RF signals may have on their health.

(2) Density Threshold (Subsection IV.I.):

The new Ordinance should not allow the spacing of cell sites by less than 1,000 feet.

Reason: As cellphone service providers compete for the best sites for their antennas, residents who live at or near "strategic locations" often find themselves surrounded by cellphone towers of competing carriers.

In our neighborhood, for example, the cell sites of three different companies have been erected only 300 feet apart from each other. As a result, nearby residents are burdened by a triple doses of negative impacts, including a decrease in value of their properties. Despite living so close to these cell sites, these residents - for technical reasons - do not even enjoy better cellphone reception as their neighbors do who live further away from the site.

In fairness to those who live close to those "prime sites", the new Ordinance should define a density threshold for AGFs that does not allow the clustering of cellphone towers at "strategic locations" along residential streets.

(3) Applicability to Existing AGF Installations (Subsection IX.A.):

The draft of the new Ordinance contains a provision for upgrades or repairs of existing AGFs (i.e. AGFs that have been installed prior to the adoption of the new Ordinance), but the draft does not contain any regulations for upgrades or repairs of future AGFs (approved and installed after the adoption of the new Ordinance.)

The lack of a provision for upgrades of future AGFs would allow service providers to obtain approval for a low-key installation, only to upgrade it then at a later time without having to go through another approval process. Closing this loophole would be important for the new Ordinance to work as intended.

We hope you share our concerns regarding these issues and will ask the City Attorney for a review of the provisions that apply to them.

Thank you,

Alexander von Wechmar
THE OAKS HOMEOWNERS ASSOCIATION
Member of the Los Angeles WTF Working Group
Phone (323) 467-9004
Alexander.von.Wechmar@oakshome.org

Print

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CF09-2645/AGF ordinance revisions

From: **Chris Spitz** (ppfriends3@hotmail.com)

Sent: Sat 10/05/13 4:17 PM

To: councilmember.huizar@lacity.org (councilmember.huizar@lacity.org);
councilmember.buscaino@lacity.org (councilmember.buscaino@lacity.org);
councilmember.englander@lacity.org (councilmember.englander@lacity.org);
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Cc: Ted Jordan (ted.jordan@lacity.org); Mike Bonin (mike.bonin@lacity.org);
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Norman Kulla (norman.kulla@lacity.org); tricia.keane@lacity.org (tricia.keane@lacity.org);
President PPCC (info@pacpalicc.org)

2 attachments

PPCC2Talking Points re Recommended Position on Draft Revised AGF Ordinance.pdf
(127.4 KB) , PPCC 3 Position AGF.pdf (158.9 KB)

For filing in CF 09-2645; agenda item no. 1, 10/8/13 joint meeting of PLUM and Public Works Committees re draft revised AGF ordinance -- PPCC Postion: SUPPORT the draft revised ordinance, with requested amendments.

Honorable PLUM and Public Works Committee Chairs and Members:

Pacific Palisades Community Council (PPCC) has been the recognized voice of the Palisades community for over 40 years. Since 2009, PPCC has been calling for revision of the City's regulation of cell towers and other structures in the public right of way (the "AGF ordinance"). I and my colleague, PPCC President Barbara Kohn, co-founded the Los Angeles Wireless Telecommunications Working Group (WTF Working Group -- membership includes community leaders City-wide). For the past 4 years we have worked directly with the City Attorney and the Council in efforts to move this process forward.

We commend the Council for directing the City Attorney, in September 2012, to draft a revised AGF ordinance with new, key provisions to better regulate cell towers. After careful review of the report submitted this summer by the City Attorney, PPCC has concluded that it supports the draft revised AGF ordinance *but with important requested amendments*. PPCC's position and "talking points" explaining this position are attached for your review.

In summary, PPCC is calling for further amendment of the AGF ordinance in the following respects:

- 1) Expanded **notice and appeal** rights.
- 2) Additional required proof of "**significant coverage gap.**"
- 3) Enhanced **aesthetics and design** standards.
- 4) Certification regarding ongoing **compliance with FCC requirements and load/structural safety standards** (critical to ensure that the types of fires caused by downed, overloaded utility poles that devastated Malibu Canyon in 2007 -- leading to settlement payouts of \$60+ million (ref. LAT, May 2013) -- will not occur in the City's many high-fire zones (including Pacific Palisades and other hillside areas).

More detail regarding each of these points is set forth in the attached documents. I would be happy to answer any questions about PPCC's position.

Thank you for your consideration.

Sincerely,

Christina Spitz

Vice-President, PPCC

Chair, PPCC Land Use Committee

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

Co-Founding Member, WTF Working Group

[WTF Working Group Members: Chris Spitz and Barbara Kohn, Pacific Palisades; Cindy Cleghorn, Sunland-Tujunga; Jerry Askew, Granada Hills South; Alexander von Wechmar, The Hills Homeowners Assn./Hollywood Hills]

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Engineering may adopt guidelines consistent with this section for the posting of notices if the Bureau of Engineering determines that those guidelines are necessary and appropriate.⁴

D.2.: For all other AGFs: the same changes to subsections VII.D.1. (e) and (f) set forth above shall also be made to VII.D.2.

Page 13, VII.D, first full paragraph:

CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):
Following consideration of the AGF applicant's permit request by the Bureau of Engineering, the AGF applicant shall notify by registered mail all persons and organizations listed in Subsection VII.D. of the status of the AGF application. . . .

IV. PPCC's POSITION ON THE DRAFT ORDINANCE; SEC. 62.09. FINE FOR NONCOMPLIANCE:

62.09. B. Failure to Comply

62.09.B.7 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (7): Failure to operate the AGF installation within all applicable FCC requirements or to comply with all certification requirements as specified in LAMC Section 62.08.II.D.8 [and Section 62.08.V.H⁵].

-- Approved unanimously by the PPCC board on July 11, 2013.

⁴ Adapted from LAMC Sec. 12.24.D.3.

⁵ This phrase should be inserted if proposed Subsection V.H is added.

Pacific Palisades Community Council Position re: City Attorney Report dated 6/27/2013 and Draft Ordinance for the Installation of Above Ground Facilities ("AGF"s) in the Public Right-of-Way (LAMC Sec. 62.00, et seq.) Council File No. 09-2645

I. PPCC'S OVERALL POSITION.

SUPPORT the Draft Ordinance for the Installation of Above Ground Facilities ("AGF"s) in the Public Right-of-Way (the "Draft Ordinance") *with proposed revisions* as set forth below.

II. PPCC's POSITION ON 6/27/13 CITY ATTORNEY REPORT.

First full paragraph, p. 2:

PPCC agrees with the City Attorney that some property owners and residents outside of the notification pattern Subsection 62.08.VII.D.1 may be impacted by monopoles or other pole-mounted AGF installations. PPCC SUPPORTS revision of Subsection VII.D.1 to increase the notification pattern (reference suggested language herein and below).

Second full paragraph, p. 2:

PPCC SUPPORTS the elimination of the utility pole exemption as set forth in Section 62.08.VIII.C. As to the City Attorney's comments regarding possible elimination of the exemption in certain zones or for certain types of antennas, PPCC OPPOSES suggested possible retention of the exemption in any zones other than *strictly* industrial zones. PPCC also OPPOSES suggested possible retention of the exemption for any types antennas and wireless communication devices, regardless of size.

III. PPCC's POSITION ON THE DRAFT ORDINANCE; SEC. 62.08. SPECIFICATIONS AND PROCEDURES FOR ABOVE GROUND FACILITY INSTALLATIONS

62.08.I.D General Restrictions; Written Reports on Hardship Waiver Requests.

62.08.I.D.4 CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED): A report prepared by the AGF applicant containing evidence of the investigation of all reasonable technological or site alternatives, including locations on private property as well as other locations in the Public-Right-of-Way, and justification for not selecting any of those alternatives. The report must also demonstrate that there is a significant coverage gap and that the proposed AGF represents the Least Intrusive Means to improve the coverage or capacity of the area to be served by the AGF. At least two private property alternatives must be documented to satisfy this requirement.

62.08.I.D.7 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (7)): At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the application for a hardship waiver request pursuant to Subsection I.C and I.D. All costs associated with such a review shall be the responsibility of the applicant, which shall submit a deposit with its application in the amount of \$1,000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1,000 the AGF applicant shall promptly upon request reimburse the City for any such cost.

62.08.II.D Permit Requirements for AGF Installations; AGF Application Requirements.

62.08.II.D.9 CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/ RED): One or more maps prepared by the AGF applicant indicating the service area for the proposed AGF and showing existing gaps in coverage or capacity and how the AGF will impact the coverage and capacity

in the service area. If the proposed AGF installation is along a street where the adjoining land use is primarily residential, then the maps submitted by the AGF applicant must also demonstrate that there is a significant coverage gap and that proposed AGF represents the Least Intrusive Means to improve coverage or capacity in the area to be served by the AGF.

62.08.II.D.10 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (10)): For all monopoles and pole-mounted wireless telecommunications devices and antennas, a licensed structural engineer's certification of the structure's capacity to safely sustain all projected loads as well as such structure's compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas (the later of TIA-222-G or the most recent revision to TIA-222), and all federal, state and local laws, rules and regulations.¹

62.08.II.D.11 PROPOSED REVISION (ADDITIONAL NEW SUBSECTION (11)): At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the AGF application. All costs associated with such a review shall be the responsibility of the AGF applicant, which shall promptly reimburse the City for the cost of the review. All costs associated with such a review shall be the responsibility of the applicant, which shall submit a deposit with its application in the amount of \$1000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1000 the AGF applicant shall promptly upon request reimburse the City for any such cost.

62.08.IV.A Aesthetic Requirements; Cultural Affairs Commission Approval of AGF Design.

62.08.IV.A. CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED); PROPOSED REVISION (ADDITIONAL NEW SUBSECTIONS (1) AND (2)):

A. Cultural Affairs Commission Approval of AGF design:

1. Approval.

All AGF exterior designs shall be approved by the Cultural Affairs Commission prior to submission of an AGF application to the Bureau of Engineering, after notice and a hearing in accordance with the approval process set forth in Subsection IV.A.2 below. All approved designs shall be consistent with the Least Intrusive Means standard, represent the least amount of physical or aesthetic intrusion in the Public-Right-of-Way, and shall be consistent with the character of the community in which the designs are to be located. Once an AGF exterior design has been approved, that design shall be deemed approved unless a timely appeal is made as set forth in Subsection IV.A.3 below and the approval is reversed on appeal by either the Board or City Council, or the Cultural Affairs Commission later revokes its previously granted approval. Approval of the location and placement of AGF installations using Cultural Affairs approved AGF designs shall remain with the Bureau of Engineering and the Board pursuant to the provisions of this Section.

2. Notice and Approval Process.

Prior to approving any exterior designs of monopoles and pole-mounted wireless telecommunications devices and antennas, the Cultural Affairs Commission shall provide a meaningful opportunity for community input into the designs under consideration, including holding at least one hearing for community groups to provide input. The Cultural Affairs Commission shall give advance written notice to all potentially affected neighborhood councils, community councils, homeowners' associations and residents' associations ("community groups") and to the relevant Council District Offices. All costs associated with such notice shall be the responsibility of the AGF applicant or other persons or entities proposing the designs, who shall submit a deposit with the Cultural Affairs Commission in the amount of \$1,000 for this purpose, to be refunded to the extent unused. If the cost of such notice exceeds \$1,000 the AGF applicant

¹Adapted from Richmond Municipal Code Sec. 15.04.890.060.E.7.

or other persons or entities proposing the designs shall promptly reimburse the City for any such cost. The notice shall advise community groups of the date, time and location of the hearing, and shall also provide detailed information about the designs under consideration, including photographs or renderings provided by the AGF applicant or other persons or entities proposing the designs, depicting the proposed designs, the name and contact information for the AGF applicant or other persons or entities proposing the designs, the locations where the designs are proposed to be used, any time limits for community groups to provide input into the designs, and where and to whom such input should be directed. The notice shall be by registered mail posted at least 30 days in advance of the date of the hearing. All reasonable requests by community groups for additional time to provide input shall be granted by the Cultural Affairs Commission. Promptly upon reaching a decision the Cultural Affairs Commission shall give written notice to the community groups and Council District Offices by registered mail of approval or disapproval of the designs ("notice of decision").

3. Appeal.

The Cultural Affairs Commission approval of any designs pursuant to Subsection IV.A.2 above ("approval") shall be subject to appeal by any community groups who received written notice as set forth in Subsection IV.A.2, pursuant to the procedure established in LAMC Section 62.10. If no appeals are submitted to the City within 14 calendar days of the date of the notice of decision, the approval of the designs shall be final. The appeal of the approval shall be heard by the Board. The Board shall determine whether the approval complies with the Requirements of this Section. Subject to the City Council's right of review under Charter Section 245, the determination of the Board shall be final.

62.08.IV.C Aesthetic Requirements; AGF Volume Threshold and Height Limits.

PPCC believes that because the draft ordinance does not change the existing height limit of 5 1/2 feet for all AGFs (a height limit applicable to lower-in-height structures such as cabinets), the draft ordinance does not adequately address the issue of height limits related to monopoles and other pole-mounted wireless telecommunications devices and antennas. This Subsection should be subject to further review, input and revision in regard to specific height limits for monopoles and pole-mounted wireless telecommunications devices and antennas. Notwithstanding, PPCC proposes the following additional revisions to this Subsection.

62.08.IV.C. CURRENT DRAFT LANGUAGE PROPOSED REVISION (IN BOLDFACE/RED); ADDITIONAL NEW PARAGRAPHS FOLLOWING PARAGRAPH ENDING WITH THE WORDS “(2 ½ FEET)”:

A variance pursuant to this Subsection IV.C is required for all monopoles and pole-mounted wireless telecommunications devices and antennas exceeding the volume threshold or height limitation. In the case of all AGFs, the Board may grant a variance from the AGF volume and height limitation if all of the following conditions exist:

1. Suitable measures consistent with the aesthetic and camouflage requirement of this Section mitigate the excessive AGF volume or height.
2. The AGF applicant demonstrates that no financially or technically acceptable alternative exists that complies with the height and volume limits of Subsection IV.C.
3. In regard to monopoles and pole-mounted wireless telecommunications devices and antennas, the AGF applicant demonstrates that there is a significant coverage gap and the excessive height represents the Least Intrusive Means to improve the coverage or capacity of the area to be served by the AGF.

All coverage gap or other relevant technological issues associated with a request for a variance pursuant to this Subsection IV.C shall be subject to review by an independent expert at the reasonable discretion of the Bureau of Engineering, as set forth in Subsection 62.08.I.D.7.

62.08.IV.F, G, H Aesthetic Requirements; Cabinet Treatment and Graffiti Mitigation, Cabinet Identifiers and Cabinet Foundations.

62.08.IV.F-H PROPOSED REVISIONS (NEW HEADINGS): The word “cabinet” in each of these headings should be changed to “AGF Installation,” e.g., “**H. AGF Installation Foundations.**”

62.08.IV.I Aesthetic Requirements; Density Threshold.

PPCC OBJECTS to the density threshold set forth in Subsections IV.I.1-3 as to AGF installations that exceed the height limit of Subsection IV.C (monopoles and pole-mounted antennas) in all zones other than Industrial zones. Given the differences in topography, density and neighborhood character throughout the City, PPCC is unable to propose an alternate “one size fits all” threshold and has not concluded whether any particular lower number or density threshold is appropriate for such potentially obtrusive structures in zones other than Industrial. This Subsection should be subject to further review, community input and revision. Revisions that might be considered include changing the definition of City Block, using linear feet and/or increased distances or set-backs as measures, or including Residential zones within the “Below Grade Requirement” set forth in Subsection IV.1.A.

As an example, **62.08.IV.I. p. 9, first full paragraph: CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):** Facilities exempt from the requirements of this Section shall not be counted in the number of AGF installations per City Block. The Board may grant a variance from the AGF density threshold per City Block at its discretion when the threshold is reached and when measures consistent with this Section mitigate the excessive number of AGF installations. AGF co-location may be required as a mitigation measure. For all monopoles and pole-mounted wireless telecommunications devices and antennas and for any AGF installation that exceeds the height limit set forth in Subsection IV.C, a variance from the AGF density threshold shall not be granted except upon a showing that all reasonable alternatives have been exhausted, and that the proposed AGF installation is necessary to reduce a significant coverage gap and represents the Least Intrusive Means to install the AGF in the Public-Right-of-Way. At its reasonable discretion the Bureau of Engineering may retain an independent qualified RF engineer or other qualified expert, selected by and under contract to the City, to review and evaluate coverage gap claims or any relevant technological issues presented by the application for a variance request pursuant to Subsection IV.I. All costs associated with such a review shall be the responsibility of the AGF applicant, which shall submit a deposit with its application in the amount of \$1000 for this purpose, to be refunded to the extent unused. If the cost of such expert review exceeds \$1000 the AGF applicant shall promptly upon request reimburse the City for any such cost.

62.08.V Public Safety Requirements.

62.08.V PROPOSED REVISION (ADDITIONAL SUBSECTIONS (G) AND (H)):

G. Load/Structural Safety Reevaluation. The Bureau of Engineering may reasonably require inspection by a licensed structural engineer of an AGF installation involving a monopole or pole-mounted wireless telecommunications devices or antennas, following significant storms, seismic events or other events that may jeopardize the structural integrity of the poles (or the facilities attached to the poles). Such inspections shall be at the AGF owner’s cost, and the original “wet-stamped” engineer’s written report shall be provided to the Bureau of Engineering within the time specified by the Bureau of Engineering.²

H. Operational Compliance with FCC Requirements. The AGF owner shall ensure that the AGF installation complies at all times with all applicable FCC requirements. In addition to the certification required by LAMC Section 62.08.II.D.8, the owner of any AGF installation

²Adapted from Richmond Municipal Code Sec. 15.04.890.080.

involving wireless communication devices or antennas shall submit to the Bureau of Engineering an updated certification of such compliance (1) every year, on the anniversary of the submission of the original certification and (2) upon any proposed increase of at least ten (10) percent in the effective radiated power or any proposed change in frequency use. All such certifications shall be subject to review and approval by the Bureau of Engineering. At the reasonable discretion of the Bureau of Engineering, a qualified independent RF engineer, selected by and under contract to the City, may be retained to review such certifications for compliance with FCC regulations. All costs associated with such a review shall be the responsibility of the AGF owner, which shall promptly reimburse the City for the cost of the review.³

62.08.VII.D Permit Processing Requirements and Procedures; Notification of AGF Installation.

62.08.VII.D CURRENT DRAFT LANGUAGE & PROPOSED REVISION (IN BOLDFACE/RED):
For each AGF installation, the AGF applicant shall notify, by registered mail, the following persons and organizations.

D.1: For all monopoles and pole-mounted wireless telecommunications devices and for any AGF that exceeds the height limit set forth in Subsection IV.C or the density threshold set forth in Subsection IV.I:

- a. ~~[strike and replace with:] All owners of property within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.~~
- b. ~~[strike and replace with:] All residents of property within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.~~
- c. ~~[strike and replace with:] All Neighborhood Councils that include any properties within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.~~
- d. ~~[strike and replace with:] City Council Offices for the Council Districts that include any properties within a radius of 500 feet in all directions from the property where the proposed AGF installation is to be located.~~
- e. Homeowners' and residents' associations and Community Councils when, to the reasonable knowledge of the AGF applicant, the proposed location of the AGF installation falls within the boundary of the homeowners' or residents' association or Community Council. In order to determine whether any homeowners' or residents' associations or Community Councils are entitled to receive notice hereunder, the AGF applicant shall request information regarding homeowners' and residents' associations and Community Councils from the applicable Council Office.
- f. (ADDITIONAL NEW SUBSECTION): Site Posting. The AGF applicant shall post written notice of the installation in a conspicuous place at the location of the proposed AGF installation. Such notice shall be posted at the same time that notification is mailed pursuant to Subsection VII.D.1 and shall contain all of the information required for notification in this Subsection VII.D. Following consideration of the AGF applicant's request by the Bureau of Engineering, and no later than 14 calendar days before expiration of the right of appeal set forth in Subsection IV.E, the AGF applicant shall also post written notice that includes Bureau of Engineering approval or disapproval and provides information detailing the AGF appeal process. Such notice shall also be posted in a conspicuous place at the location of the proposed AGF installation. The Bureau of

³ Adapted from Glendale Municipal Code Sec. 12.08.037.V.1.

Re CF 09-2645 – Revised AGF Ordinance
Key Amendments Requested by Pacific Palisades Community Council

- **Expand notice to radius of 500 ft.** in all directions from the property where the proposed AGF is to be installed (see p. 5 of attached motion).
- **Add Community Councils**, along with and on the same basis as homeowners' and residents' associations, as entities required to receive notice (see p. 5 of attached motion).
- **Require notice by registered mail** (see pp. 5 and 6 of attached motion; note: existing ordinance requires notice by registered mail but draft revised ordinance does not).
- **Require structural engineer's certification of load/structural safety – critical to prevent fires from overloaded utility poles, as occurred in Malibu in 2007 (ref. May 2013 Los Angeles Times article)** (see pp. 2 and 4 of the attached motion; note: suggested language adapted from City of Richmond Municipal Code).
- **Require ongoing compliance with FCC requirements** (see pp. 4-5 of the attached motion; note: suggested language adapted from the City of Glendale Municipal Code.)