

From: Barbara Broide [mailto:bbroide@hotmail.com]

Sent: Thursday, September 06, 2012 03:42 AM

To: Councilmember Ed Reyes <councilmember.reyes@lacity.org>; Councilmember Mitch Englander

<councilmember.englander@lacity.org>; ccouncilmember.huizar@lacity.org<ccouncilmember.huizar@lacity.org>; Councilmember Buscaino

<councilmember.buscaino@lacity.org>; paul.kortez@lacity.org <paul.kortez@lacity.org>; bill.rosendahl@lacity.org <bill.rosendahl@lacity.org>; Councilmember Tom LaBonge

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<councilmember.perry@lacity.org>; councilmember.koretz@lacity.org<councilmember.koretz@lacity.org>; Councilmember Eric Garcetti <councilmember.garcetti@lacity.org>;

Councilmember Richard Alarcon <councilmember.alarcon@lacity.org>; Councilmember Tony Cardenas <councilmember.cardenas@lacity.org>; Councilmember Dennis Zine

<councilmember.zine@lacity.org>; Councilmember Bernard Parks

<councilmember.parks@lacity.org>

Cc: City Clerk June Lagmay <june.lagmay@lacity.org>; Christopher Koontz

<chris.koontz@lacity.org>; Wesly Hernandez-CD 5 <wesly.hernandez@lacity.org>; Richard

Llewellyn - CD 5 <richard.llewellyn@lacity.org>; Patrice Lattimore - LA City

<patrice.lattimore@lacity.org>; ted.jordan@lacity.org <ted.jordan@lacity.org>

Subject: CF 09-2645 / AGF Ordinance Amendments--City Council meeting agenda 9/11

Honorable Councilmembers:

Attached you will find a letter from the Westwood South of Santa Monica Homeowners Association (WSSM) in reference to the above-noted

Council file pertaining to amendments to the City's Above Ground Facilities (AGF) Ordinance to be heard before the full City Council on September 11th.

Our organization continues to support the City Attorney's Report on this matter.

We also:

- support the proposed amendments to the AGF Ordinance as set forth in the reports to the Council from the Public Works and PLUM committees;
- request additional, reasonable amendments to the AGF Ordinance as set forth in the attached letter; and
- request enactment of an Interim Control Ordinance (ICO) that would impose a temporary moratorium for a specified period of time on applications for permits and installation of wireless facilities in the public right of way while the Ordinance amendments are being drafted.

WSSM requests that this letter be filed in Council File No. 09-2645.

Thank you.

Sincerely,

Barbara Broide
President
Westwood South of Santa Monica Blvd. Homeowners Association

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
P. O. Box 64213
Los Angeles, CA 90064-0213
www.westwoodsouth.org

September 4, 2012

Hon. Herb J. Wesson, Jr., President
President Pro Tempore Hon. Jose Huizar
Assistant President Hon. Paul Koretz
Pro Tempore Hon. Paul Krekorian
Hon. Councilmembers: Eric Garcetti, Ed P. Reyes,
Tom LaBonge, Richard Alarcon, Bernard C. Parks,
Joe Buscaino, Jan Perry, Jose Cardenas,
Bill Rosendahl, Mitchell Englander, Dennis P. Zine,

Los Angeles City Council
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012 Via email attn: Patrice.Lattimore@lacity.org

**Re: Council File No. 09-2645/Proposed Amendments to “Above
Ground Facilities” Ordinance, LAMC Sec. 63.03.2 (“AGF
Ordinance”) – City Council Agenda 9/11/12**

Honorable Councilmembers:

Our Westwood South of Santa Monica Blvd. Homeowners Association (WSSM) represents over 3,800 single family and condominium homeowners in a community located between Pico and Santa Monica Blvds. and Sepulveda and Beverly Glen Blvds. in West Los Angeles. We have participated in earlier hearings on proposed amendments to AGF regulations and trust that the Council will take action as soon as possible to resolve long-standing problems which our community and others have faced in the absence of a much-needed regulatory framework.

WSSM 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

WSSM urges the Council to adopt the Reports without delay. WSSM further requests that the Council direct and adopt 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. The ability to analyze technical information presented by applicants is of critical importance, especially when data appears to be contradictory in nature (which was the case in one application in our area).
- 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. The Pacific Palisades Community Council has submitted to the Council an analysis 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). Chris Spitz of the Pacific Palisades Community Council informs us that, to the best of her knowledge, there have been no legal challenges to any of these provisions.

At earlier hearings, WSSM has urged the City 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. It is in the best interest of our communities and our City to move forward with the drafting of the Ordinance while being protected by an ICO.

We thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Broide".

Barbara Broide
President

cc: Ted Jordan, Assistant City Attorney
June Lagmay, City Clerk
Chris Koontz, Planning Deputy CD 5

From: **theveny** <biptheveny@verizon.net>

Date: Thu, Sep 6, 2012 at 4:47 PM

Subject: CF09-2645/AGF Ordinance Amendments--Council meeting agenda 9/11

To: councilmember.reyes@lacity.org, councilmember.englander@lacity.org, councilmember.huizar@lacity.org, councilmember.buscaino@lacity.org, paul.koretz@lacity.org, bill.rosendahl@lacity.org, councilmember.labonge@lacity.org, councilmember.krekorian@lacity.org, councilmember.wesson@lacity.org, councilmember.perry@lacity.org, councilmember.koretz@lacity.org, councilmember.garcetti@lacity.org, councilmember.alarcon@lacity.org, councilmember.cardenas@lacity.org, councilmember.zine@lacity.org, councilmember.parks@lacity.org, "CC: ted.jordan"@lacity.org, june.lagmay@lacity.org, norman.kulla@lacity.org, joaquin.macias@lacity.org, mike.bonin@lacity.org

Dear City Council:

Attached is PPRA's letter supporting proposed amendments to the AGF ordinance and requesting additional amendments and a temporary moratorium.

City Clerk June Lagmay, please file in Council File No. 09-2645

September 6, 2012

Pacific Palisades Residents Association
P.O. Box 617
Pacific Palisades, CA 90272

All Councilmembers
Los Angeles City Council
City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: Council File No. 09-2645/Proposed Amendments to "Above Ground Facilities" Ordinance, LAMC Sec. 63.03.01 ("AGF Ordinance") – City Council Agenda 9/11/12

Honorable Councilmembers:

Pacific Palisades Residents Association (PPRA) 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

PPRA urges the Council to adopt the Reports without delay. We further request that the Council direct the following additional, reasonable amendments:

Expansion of the right of appeal to "all aggrieved persons."

Provision for a special purpose hearing prior to permit issuance, for all proposed installations in residential and other sensitive zones or areas, for the purpose of determining whether there is a significant coverage gap and lack of feasible alternatives.

Requirement for the applicant to bear the expense of an independent expert to assist the City, as needed, with technical analyses.

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

Requirement for the applicant to map all existing wireless facilities and to project anticipated future needs.

PPRA also urges the Council to enact an Interim Control Ordinance (temporary moratorium) for a fixed time period on PROW installations while the AGF Ordinance amendments are being drafted.

Thank you for your consideration.

Sincerely,

Brenda Theveny
President, Pacific Palisades Residents Association

cc: Ted Jordan, Assistant City Attorney
June Lagmay, City Clerk -- Please file this letter in CF 09-2645

September 6, 2012

Los Angeles City Council
City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: Council File No. 09-2645/Proposed Amendments to “Above Ground Facilities” Ordinance, LAMC Sec. 63.03.2 (“AGF Ordinance”) – City Council Agenda 9/11/12

Dear Council Members,

We write as private citizens, recently returned to Los Angeles after an absence of more than 50 years, during which we were living and teaching in Oregon. We purchased a house near the end of 2011 and moved in early this year.

Between those dates, we were horrified to discover that AT&T planned a large (industrial-size might be a better description) cell installation in the public right of way at our address. We only discovered this when neighbors contacted us; we never were notified directly by AT&T until the review period had almost elapsed. That is one reason we strongly support the ordinance revision you are considering.

The size of the proposed AT&T installation provides another compelling reason. A large set of pole-mounted antennae, plus a 20'x20'x17' cooling chamber will sandwich the front end of our lot, pose a serious threat to two beautiful trees now located there, and radically alter the look and feel of our house from the inside and outside. All this suggests that an expanded definition of 'aesthetic considerations' would allow us to address the real impact of such a mega-installation in a semi-rural residential neighborhood. For that matter, we would like to be able to address the aesthetics of the new equipment proposed for the utility pole itself, currently excluded from council review or citizen complaint.

There are, we must add, numerous other issues raised by the AT&T proposal; we plan to enumerate them in our appeal. For now, however, we think it best to focus on those most closely related to the amendments you are considering. We also give the strongest possible support to the amendments proposed for your consideration by the Pacific Palisades Community Council, with special emphasis on their recommendation that all applicants be required to provide an RF emissions analysis and/or a certificate of compliance with FCC regulations. We have requested precisely such information from AT&T concerning the installation proposed at our address; to date, we have received no response.

The AT&T project at our address is currently 'on hold.' So, therefore, is our appeal. Nevertheless, we are concerned that a reactivated project could be reviewed under the current ordinance, even if the Council is in the process of revising it. Therefore we request that the project at our address, and any others that might be affected by a revision in the ordinance, be included in a temporary moratorium (ICO) on any AGF proposals before the Council while the new ordinance is being drafted and considered.

We hope to be able to present our concerns to the Council at your 9/11 meeting and voice in person our strong support for revision of the current ordinance.

Thank you for considering this letter.

Yours sincerely,

Richard L. Stein
Carole A. Stein

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Los Angeles, CA 90049
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