



Adam Lid <adam.lid@lacity.org>

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

1 message

Chris Spitz <ppfriends3@hotmail.com>

Wed, Apr 28, 2010 at 10:25 AM

To: adam.lid@lacity.org

Dear Mr. Lid:

Would you please kindly file the email message below plus attachment in each of the above referenced files (CF 09-2645 and 10-0664)?

Thank you very much.

Sincerely,
Christina Spitz
V.P., PPRA

From: ppfriends3@hotmail.com

To: councilman.rosendahl@lacity.org; janice.hahn@lacity.org; councilmember.garcetti@lacity.org; paul.koretz@lacity.org; councilmember.huizar@lacity.org; councilmember.smith@lacity.org; councilmember.alarcon@lacity.org; councilmember.labonge@lacity.org; ctrutanich@lacity.org; cynthia.ruiz@lacity.org; paula.daniels@lacity.org; julie.gutman@lacity.org; andrea.alarcon@lacity.org; valerie.shaw@lacity.org; david.berger@lacity.org; jane.usher@lacity.org; norman.kulla@lacity.org; whitney.blumenfeld@lacity.org; jessyca.avalos@lacity.org; frank.hong@lacity.org; chris.koontz@lacity.org; jay.greenstein@lacity.org; kelli.bernard@lacity.org; renee.weitzer@lacity.org; shawn.bayliss@lacity.org; erik.sanjurjo@lacity.org; tara.devine@lacity.org; faisal.alserri@lacity.org; sarah.brennan@lacity.org; marisa.alcaraz@lacity.org; phyllis.winger@lacity.org; hannah.lee@lacity.org; paul.backstrom@lacity.org; councilmember.wesson@lacity.org; councilmember.reyes@lacity.org; councilmember.zine@lacity.org; rebecca.valdez@lacity.org; jonathan.brand@lacity.org; councilmember.krekorian@lacity.org; elizabeth.carlin@lacity.org; daniel.brumer@lacity.org; ted.jordan@lacity.org

CC: info@pprainc.org; 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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