



## PACIFIC PALISADES COMMUNITY COUNCIL

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June 20, 2016

Hon. Senator Ben Hueso, 40 <sup>th</sup> Senate District, Chair, Senate Committee on Energy, Utilities & Communications	Via email
Hon. Senator Mike Morrell, 23 <sup>rd</sup> Senate District, Vice-Chair, Senate Committee on Energy, Utilities & Communications	Via email
Additional Members, Committee on Energy, Utilities & Communications:	
Hon. Senator Fran Pavley, 27 <sup>th</sup> Senate District	Via email
Hon. Senator Bob Hertzberg, 18 <sup>th</sup> Senate District	Via email
Hon. Senator Connie Leyva, 20 <sup>th</sup> Senate District	Via email
Hon. Senator Ricardo Lara, 33 <sup>rd</sup> Senate District	Via email
Hon. Senator Ben Allen, 26 <sup>th</sup> Senate District	Via email

Re: AB 2788 (Committee hearing date 6/21/16) -- OPPOSE

Dear Senators:

Pacific Palisades Community Council (“PPCC”) is the most broad-based community organization and voice of the Palisades since 1973. PPCC has been on public record for many years as strongly supporting enhanced local regulation of wireless telecommunications facilities (“WTF” – more commonly known as “cell towers”) in the public right of way. AB 2788 (Gatto) has come to our attention only in the past few days. I write on behalf of PPCC to express concern and opposition to the bill based on our long held positions in support of local regulatory authority.

Last year, PPCC opposed another bill involving WTF regulation (AB 57) based on concerns that the bill would severely restrict the ability of local governments to regulate WTF and/or make local decisions about cell tower siting and aesthetics; see: <http://pacpalicc.org/wp-content/uploads/2016/03/letterreAB57.pdf>. PPCC’s opposition to AB 57 was consistent with opposition also submitted by numerous California cities, counties and governmental coalitions, including the County and City of Los Angeles (City resolution: [http://clkrep.lacity.org/online/docs/2015/15-0002-S62\\_reso\\_06-09-2015.pdf](http://clkrep.lacity.org/online/docs/2015/15-0002-S62_reso_06-09-2015.pdf)), San Francisco, the California State Association of Counties, the American Planning Association (California Chapter), the Urban Counties Caucus and the League of California Cities.

AB 2788 appears to be even more sweeping in scope than AB 57, in that it would deny local governments locational and aesthetic authority over most WTF located *in all public rights of way throughout the state (in front of homes, adjacent to parkland and scenic highways and in otherwise protected coastal and mountain areas)*, as well as on all public property, including city and county *parks and recreational facilities and all schools* (with one public property exception – fire stations).<sup>1</sup>

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<sup>1</sup>See commentary on SB 2788 by nationally known attorney and telecommunications expert Jonathan Kramer: <http://celltowersites.com>. The bill’s overly broad definition of so-called “small cells” (dimensions of up to 6 cu. ft. in antenna volume and up to 28 cu. ft. for associated equipment) encompasses facilities so large that it effectively exempts *virtually all WTF in public rights of way and on public property statewide from local regulatory review*.

Moreover, as we previously brought to your attention, substantial portions of Pacific Palisades are located within the Coastal Zone and are thereby afforded important environmental protections under the California Coastal Act. Depending on location, new WTF within the Coastal Zone are required to undergo additional review by local governments and/or the California Coastal Commission. PPCC is greatly concerned that under AB 2788, such required environmental review may be effectively eliminated and significant protections afforded by the Coastal Act may be rendered meaningless.

It is my understanding that municipalities and counties statewide are becoming aware of AB 2788 and that opposition to the bill is mounting among local governments, community groups and residents, including those located in Assembly Districts 43 (Gatto), 50 (Bloom) and 62 (Burke) as well as in the Senate Districts represented by this letter's recipients.

Based on PPCC's previous positions in support of enhanced local WTF regulation and its prior opposition to AB 57, on behalf of PPCC I urge that (1) the members of the Senate Energy, Utilities & Communications Committee vote NO on AB 2788; and (2) Senator Ben Allen (26<sup>th</sup> District) take all available measures to help defeat this ill-advised bill. To the extent possible, I further request that Assemblymember Gatto withdraw AB 2788.

Thank you for your consideration.

Sincerely,

Christina Spitz  
President, Pacific Palisades Community Council

cc (via email):

Hon. Assemblymember Mike Gatto, Assembly District 43  
Hon. Assemblymember Richard Bloom, Assembly District 50  
Hon. Assemblymember Autumn Burke, Assembly District 62  
Hon. Los Angeles City Councilmember Mike Bonin, 11<sup>th</sup> Council District