

## PPCC Minutes re Cell Tower Siting & Regulation – 2002-2018, 2023

2002 (first year in which PPCC minutes reference cell matters; continuous thereafter for 16+ years)

December 12, 2002:

### 3.4 Proposed Installation of a 62' "Monopalm" Cellular Antenna at Riviera Country Club.

Marty Zimmerman on behalf of AT&T and Cindy Sage on behalf of neighboring Riviera residents made presentations. Mr. Zimmerman is President of MMI Titan, Inc. (mzimmerman@mmit.biz). Cindy Sage is the owner of SAGE Associates, Environmental Consultants (sageassociates@earthlink.net). Mr. Zimmerman appeared in support of AT&T's pending application for a conditional use permit, Case No. ZA2002-5107(CU). Ms. Sage appeared in opposition.

Mr. Zimmerman stated that small cellular antennas like the one proposed are essential for providing cell service to the community. He pointed out there is no AT&T cell service in Topanga Canyon because of inadequate cellular antennas. He stated that the closest home to the proposed cellular antenna on the Riviera site was 200' away. The proposed monopalm antenna had the appearance of a palm tree and presented no health hazard.

Ms. Sage stated that the proposed antenna would generate potentially cancer causing radio-frequency radiation. She stated further testing was necessary to assess the proposed antenna's land-use compatibility. There was extensive discussion of differing governmental standards defining what are safe levels of exposure for humans.

The conditional use permit at issue requests a height exception: 62' instead of the allowable 32.' A variance is not requested.

There was extensive discussion involving Mr. Zimmerman, Ms. Sage and the community about alternatives and dangers. It was noted that proposals to construct cellular antennas near Paul Revere, the Methodist Church and Calvary Church had been withdrawn due to community opposition. Ms. Sage noted the reorientation of a Nextel antenna at the Summerland-Carpenteria fire station due to sleep disorder complaints by fire fighters after installation.

Mr. Zimmerman stated that Riviera Country Club has not yet signed the necessary lease.

On motion of Barbara Kohn, seconded by Marguerite Perkins Mautner, the Board unanimously passed a motion to write a letter to appropriate Los Angeles city authorities requesting postponement of the scheduled December 19, 2002 zoning hearing so neighboring residents can obtain further information of the impact of the cellular antenna upon the residents.

## 2003

January 9, 2003

### 3.5. Letter Received from Chief Zoning Administrator re 1250 N. Capri Dr.

This matter concerns the proposed installation of a cell phone antenna by AT&T in the form of a monopalm adjacent to trees in a parking lot of Riviera Country Club. Representatives of AT&T and concerned residents made presentations to the Board at our prior meeting. The Board had requested that the Zoning Administrator continue the hearing to allow residents the opportunity to obtain and present further information.

The Chair stated that the written response of the Zoning Administrator explained that the hearing could only be continued upon the request of the applicant under current practices. This was in part due to managing a busy calendar and in part due to avoid the appearance of manipulation in favor of one side or the other. The Chair announced that Councilwoman Miscikowski had met with concerned residents today and agreed to write a letter requesting additional technical information from AT&T. There was discussion that the residents objected on health concerns, namely that radio-waves from antenna were potentially carcinogenic, but that health concerns was not considered by hearing due to federal pre-exemption by FCC of health effects from radio-waves. Nonetheless, the several members of community expressed viewpoint that despite federal pre-exemption, if health concerns were substantive, the PPCC should continue to take appropriate action nonetheless.

Bill Bruns then raised the question of whether or not the Board was not going to oppose the antenna based upon the precedent of not granting exceptions to height limitations. The antenna will be over sixty feet high while the height limitation is thirty-two feet. A discussion ensued.

Carl Mellinger, an arborist, stated that he's familiar with these monopalms and "they fool me quite regularly." He pointed out that times change, people rely on cell phones extensively today and we need to consider all the facts. Jack Allen stated the Board considers the issue on a case-by-case basis.

Kurt Toppel moved, and Lorraine Oshins seconded, that the Board expresses its opposition in principle to any variation to the existing height limitations for structures. The motion passed with 9 in favor, 2 opposed, 2 abstentions. The Chair will send a letter to the ZA and the Council office expressing the Board's view.

July 24, 2003:

3. Announcements and Concerns . . .

60 ft Cell Tower. The West LA Planning Commission sent out notice of its decision to turn down the proposed 60 ft. cell tower in the Rivera area.

Additional Cell Sites Approval. Norm Kulla requested a coordinated effort to help with gathering information on "cell site health hazards." There has been a recent approval for a new cell site for Sprint at 1515 Palisades Drive. Cingular is trying to get an approval at the Santa Ynez Reservoir. Debbie Dwyer commented that because it is on public land there is a "different" public hearing for this process. Norman will follow up with Monique Ford.

September 10, 2003:

3.3. Cell Sites.

It was reported by George Wolfberg that the Executive Committee has agreed to appeal the decision to approve a Cell Site at 1515 Palisades Drive. As proposed by Tony Sain, it was agreed that a community meeting should be held to decide at what locations it would be acceptable to have a cell antenna. Upon agreement by the community, the companies who are interested in a Cell Site in the Palisades will be informed of those locations. George Wolfberg will set up a community meeting for this purpose. Patti Post made a motion to ask for a City Council Review of the Cell site approval process and to follow up with the City to have a more public process in approving Cell Sites. The motion was seconded by Norm Kulla and unanimously approved by the board. [Note: Councilwoman Miscikowski's staff indicated that the Cell Site, or AGF, ordinance was created over a several year period with much community input and that it was too soon for a review of the process.]

November 13, 2003:

5. New Business.

Should the community identify preferred locations for cellular antennae? Tony Sain, former education representative on the Board, favored the Board with his appearance to start the discussion that he had proposed while serving on the Board. A wide-ranging discussion ensued with participation by the Board, community and Scott Longburst ([slongjurst@trilliumtelecom.com](mailto:slongjurst@trilliumtelecom.com), 562-799-9245) President of Trillium Telecom Services, L.L.C., and Adan Madrid ([amadrid@trilliumtelecom.com](mailto:amadrid@trilliumtelecom.com), 562-799-9235) Project Manager of Trillium Telecom Services, L.L.C.. After extensive consideration it was the consensus that a committee be created to develop standards for future cellular transmission sites that would take into account the requirements and capabilities of cellular networks, the community's health and aesthetic concerns, and report back to the Board. The Chair appointed the following Board members to the committee: Norman Kulla, Jack Allen, and former member Tony Sain. The Chair also appointed the following community members, including former Chair Flo Elfant, Geraldine Scally, Chris Tesari, John Strauss, Soren Eilertsen. Additional interested parties may be appointed to the committee.

Upon motion of Barbara Kohn, the Board of Public Works will be requested to continue its public hearing regarding proposed cell sites at 1085 Palisades Drive [subject of a PPCC appeal], 17959 Tramonto [subject of an appeal by six neighborhood residents], 1197 Bienveneda [subject of an appeal by Christopher Cole], 443 Chautauqua Blvd [subject of an appeal by Huntington Palisades Property Owners Corp. Ltd. and Paul Keller]. The representatives of Trillium stated that they would not oppose this extension of time for the first three sites, although they could not speak for Cingular Wireless, applicant for the fourth site.

## 2004

February 26, 2004:

4.2. Cell Sites.

Norman Kulla reported there have been three meetings with interested and involved parties and another planned this month. There are memos circulating between interested parties and Tony Sain has continued to be involved. Norman's feeling is that the outcome may be an effort to change Local State and Federal law to make the system more unified. The industry is as frustrated as the community is. There was discussion on the lack of consistent regulatory efforts.

May 14, 2004:

#### 4.1. Cell Site Committee.

Norman Kulla reported that he has been speaking with an expert on the biological effects of radio frequencies generated by wireless cell sites. Because the regulatory authorities are doing nothing about it there is a proposal to buy equipment that measures the frequencies and be trained on how to use it. The money will need to be raised for this project.

July 22, 2004:

#### 3.5. Report of Committees.

. . . b. Cellular Site Committee. The Chair reported that the Committee will have an expert measure RF radiation that emits from the Sprint site near 16820 Sunset at the July 28th cell site committee meeting. Sprint has volunteered to pay for this. For the future, the Committee may purchase equipment to do the measuring or require cellular companies to undertake measurements. In addition, recommended administrative practice and legislative changes will be forthcoming intended to protect the public health and aesthetics as well as promote better cell service in the Palisades-Brentwood area.

August 26, 2004:

#### 3.5. Report of Committees.

. . . b. Cellular Site Committee. Laurie Newman of Senator Kuehl's office has reported back to the cell site committee that the California Public Utilities Commission (CPUC) is not exercising any regulatory authority over the Southern California Joint Pole Agreement (JPA). Since Los Angeles City's Above Ground Ordinance (AGF), which is intended to regulate time, manner & place (aesthetics) of cellular base stations and antennas, exempts facilities installed pursuant to the JPA, there is no effective regulation of these facilities whatsoever, as the committee suspected. With this being confirmed, the committee will now turn to consideration of a legislative agenda to remedy gaps and deficiencies in the regulatory scheme.

### 2005

May 26, 2005:

#### 3.3. (Chair's announcement):

There have been a number of issues of concern raised since last meeting which the Chair has hopefully addressed to the concerned citizens satisfaction which I will not list, except to mention that yesterday he received word that a cell site has been constructed on our beautiful Mt. Holyoke without benefit of notice to the neighbors or this council. With the Board's unanimous consent the Chair was authorized to write a letter to appropriate parties expressing the Board's disapproval of the lack of notice and community input prior to such installation.

June 9, 2005:

#### 3.3. (Chair's announcement):

The Chair indicated that Susan Strick of the City Attorney's neighborhood program is scheduled for the PPCC's June 23, 2005 agenda, as is . . . the ongoing Cingular cell site installation on the 300 block of Mt. Holyoke at the request of Andy Dintenfass. The Chair noted that a cell site on 1361 Bienvenida has been disapproved by the Bureau of Engineering

June 23, 2005:

4.2. Cellular site, 300 block of Mt. Holyoke — This agenda item was deferred to a future meeting.

### 2006

March 9, 2006:

#### 9.1. Cingular Wireless briefing on cellular sites.

Stephen Garcia, assisted by Stella Nguyen, provided a briefing on various options for wireless antennas in the Palisades. He stated that each antenna covers a ¼ radius (1/2 mile circle) and line of sight reach. The increasing number of cell phone users require a larger number of antennas with less reach to avoid overlap. Mr. Garcia stated that Cingular's desire is to provide wireless service that is compatible with the community desires. The antennas are smaller and less obtrusive than the old models. Part of the equipment can be placed underground. He mentioned that Cingular is in negotiation with Pali High to place an antenna near the football field.

April 27, 2006:

7.1. Announcements from the Chair.

The Chair stated that two items were discussed at the Executive Board meeting last week: . . .

*Cellphone antennas:* The Council has received numerous requests for information, opposition, and requests for a pro/con position. Three basic issues emerged: noise, potential health issues, and aesthetics. The Council cannot get involved in health issues; they are preempted by Federal agencies. PPCC might be able to address noise and looks despite a recent 9th Circuit Court of Appeals ruling that “aesthetics cannot be regulated.” The Chair announced that this would be scheduled as an agenda item when more information is available.

July 13, 2006:

7.2.1. Councilman Rosendahl’s Office (Andrea Epstein).

. . . (d) Cingular’s Field Meeting on 7/20. Cingular will hold a meeting with abutting homeowners neighbors re the pending Chautauqua and Almoloya Drive cell installation. Stuart Muller requested that he receive notice of the meeting. He or Karyn Weber will report back. A discussion was had of the installation done at Capri & Sunset. Andrea Epstein will ask the Bureau of Engineering to report to the Board on the Capri pole.

September 14, 2006:

7.3.2. Report/update on Cingular cellsite located at Chautauqua/Almoloya.

Karyn Weber reported that she met with Doug Meyer, of BMS Communications (a company hired by Cingular to help find cellular sites), Dale Williams of the L.A. Bureau of Engineering, Andrea Epstein of Bill Rosendahl’s office and neighbors adjacent to the proposed site regarding a possible new Cingular cell site at Chautauqua and Almoloya. Cingular wants the site because as part of the AT&T merger deal, some of the sites previously owned by AT&T are being sold to other companies. Many issues have to be resolved before the proposal can go forward, include a site distance survey on safety, whether the existing light pole can be used, and whether the neighbors would prefer a new, fake tree, with additional new real trees, instead. If the Bureau of Street Lighting determines that the existing pole can be used, a new pole cannot be constructed. Doug Meyers advised that Cingular is in negotiations with the Bureau of Street Lighting and that if the negotiations do not result in a contract, Cingular will not be able to use the existing pole even if it is technically feasible. Karyn Weber advised the neighbors to request that the existing pole be used, even if they in fact preferred the aesthetics of a new fake tree, if the goal is to delay negotiation of a new contract. Hagop Tujian of the Bureau of Street Lighting advised that the reason the negotiations were taking so long is that Cingular has so far refused to agree to replace existing poles if they will be required to share them. Resolution of these issues may take years. Cingular is listening to the neighbors’ concerns and investigating other options, including placing the cell equipment lower on the pole and using a site near Corpus Christi.

**2007**

March 3, 2007:

9.1. Proposed Sprint Cell Tower/motion.

Barbara Kohn reported that a celltower has again been proposed for the top of Surfview Drive and that Sprint has taken the position that the issue is not whether it will be installed but only what it will look like. Pacific View Estates Homeowners’ Ass’n and residents, as well as Councilman Rosendahl’s office, are opposed to this installation. Sprint has said that there is no other location option. Public right of way does not allow the city to intervene, but public opposition may have an effect. Barbara Kohn moved that the PPCC oppose the installation of a cell tower in the residential neighborhood of Pacific View Estates. Alice Beagles seconded the motion. Harry Sondheim moved to table the motion to allow Sprint to present its side of the issue. Marguerite Perkins Mautner seconded the motion to table. Motion passed by a vote of 13 to 2. The Chair will invite Sprint representatives to appear as soon as possible. Dr. Walter O’Brien, a resident of the area, has Sprint contact information.

April 12, 2007:

8.1. Proposed Sprint Cell Tower.

Sprint representative Courtney Schmidt provided information on the proposed Surfview Cell Tower site as follows: Sprint has 27 sites providing coverage to Pacific Palisades and has been working on this one for many years. Local residents met with Sprint on February 14 and as a result the design was altered and the site was moved to the opposite side of the street. (The current design proposal is attached.) [Note: attachment not included/unavailable.] Additional design input will be considered. Adding a security light is still a possibility. Landscaping options will be reviewed in the future. The proposed site will comply with FCC regulations regarding power output. Ms. Schmidt was not aware of the offer by Councilman

Rosendahl's office to obtain review of power output by outside evaluators but noted that Sprint has agreed to similar reviews at other sites. She explained that the site was selected because it is on a right-of-way, near the end of the drive, and will provide coverage to the residential area rather than back of the hillside. In response to questions as to the actual wattage emitted by the proposed tower and the effect of the tower on improving coverage for the area or local residents, she agreed to provide the Council with the information.

Dr. Walter O'Brien made a presentation as to his view of the health risks of cell phone towers. (See attached.) [Note: attachment not included/unavailable.] Dr. O'Brien stated that the standards for power output set in the Telecommunications Act of 1996 are outdated and do not accurately take into account the risks.

Richard Cohen commented that exposure to cell phone tower radiation decreases dramatically in a very short distance. Jack Allen noted that in his years of experience with this issue, no credible scientific evidence has been put forth of any harmful effects. Barbara Kohn reported that the local homeowners' association has taken a position against this proposed site and asked the Council to do the same, noting that the area CC&Rs prohibit above-ground utilities other than street lights. A height waiver may be required for this pole. The issue will be re-considered when further information is available.

October 11, 2007:

### 10.3. T-Mobile cell phone tower.

Janet Turner reported that T-Mobile has proposed leasing DWP property on Charmel Lane to put a 35-foot palm tree cell tower with three antennas. Amy Peña, SureSite Consulting Group, 805.722.5399, an agent for T-Mobile, stated that the design is a monopalm, with the antennas located inside the pole and a meter pedestal on the curb.

Questions: Jack Allen pointed out code requirement that such facilities have no substantial impact on surrounding properties and stated that the proposal is out of character with the neighborhood and would definitely have such an impact. He also asked whether antennas could be put on the existing DWP tower and disguised. Response was that there are 5-6 existing, taller palm trees; the proposed palm will not exceed the treeline and complies with zoning requirements; and many communities don't want antennas on water towers post-911. This site will fill a T-Mobile coverage gap, and there are no existing utility poles that can be used to fill this gap. T-Mobile has met with residents, who proposed a different site on the fire road, which was investigated and found to not meet coverage needs even with a tower of 140+ feet. Hearing with Zoning Administrator will be held on Oct. 18 concerning request for a conditional use permit because it is a modification to the land's use. A building permit will also be required.

Shamin Ashraf, neighbor to the left of proposed site, pointed out that the project was to be in a cul de sac of homes with families and children and that alternative sites exist. His concerns are health, aesthetics, effect on property values, and the tower falling over. He stated that T-Mobile could avoid using the 140 foot tower on the alternate site by moving the site nearer to the top of the hill or to the side of the hill. Richard Cohen suggested that T-Mobile consider making the pole look more like a real palm tree. Joe Begnel, engineer for project, that T-Mobile is endeavoring to provide better coverage in homes, which is the major complaint received these days. Alternate location proposed by neighbors is behind a hill and would not provide sufficient coverage. Radio frequencies as measured at this location 13 feet from pole will be at 9% of the FCC public threshold. A baby monitor inside a house would emit higher radio frequencies than this tower. Ms. Pena stated that she had reviewed the plans and that the tower would only be 35 feet high.

Harry Sondheim moved and George Wolfberg seconded that the Council take no position on the cell tower at the ZA hearing. Eight in favor, motion passed. Both sides were encouraged to continue to discuss aesthetics and other issues.

October 25, 2007:

### 9.1. T-Mobile Cell Phone Tower.

T-Mobile corrected the erroneous information provided at the October 11 Council meeting and stated that the proposed cell tower will in fact be 45 feet high, not 35 feet, as previously stated. Based on this new information, Jack Allen moved (1) to rescind the previous motion adopted on 10/11 not to take a position on the matter; and (2) to invite T-Mobile back to the next meeting and allow for the presentation of further facts. Janet Turner seconded the motion, which passed unanimously. The hearing officer agreed to extend the time public comment period for 30 days.

## 2008

March 27, 2008:

7.2.1. Councilman Rosendahl's office.

. . . (4) T-Mobile tower. Jennifer reported that Charmel Lane residents were successful in stopping the proposed T-Mobile tower. The Councilman's office was thanked for its help on this issue. Janet Turner asked that a representative from the Councilman's office be present at T-Mobile's appeal;

May 8, 2008:

7.1.2. Letter re continuing opposition to T-Mobile Tower. The Chair has sent a letter to the Planning Commission reiterating PPCC's opposition to T-Mobile's application for a conditional use permit in connection with the proposed cell phone tower on Charmel Place and requesting that the appeal be denied.

## **2009**

May 14, 2009:

### **3. Announcements from Board Members and Advisors.**

Cell Tower installations. Chris Spitz reported that in the last few months T-Mobile has proposed 4 installations in areas where there is no particular lack of coverage by T-Mobile clients. The upper El Medio project is on appeal; the appeal is supported by PPRA. Several issues pertaining to the application and installation of cell towers should be explored for legality and the assistance of Councilman Bill Rosendahl's office could be helpful. Of special interest is the AGF (Above Ground Facility) ordinance which governs installation in the public right of way. This issue may come back to the Council as an action item in the future.

May 28, 2009:

### **9.1. Cell Tower Installations.**

Chris Spitz voiced concern over the proliferation of proposals for cell towers in public rights of way in residential areas of Pacific Palisades. They are not in character with the community and its aesthetics when placed adjacent to a residential area. At least four such towers have been proposed by T-Mobile in recent months (one of which was erected without notice). More are likely in the near future.

Chris reported that meetings with the City are underway, participants are Chris Spitz, Barbara Kohn, George Wolfberg, Kurt Toppel and Whitney Blumenfeld from Councilman Rosendahl's office to discuss restoring or strengthening local authority over placement of cell towers. Public comment on this issue is due June 8 on Section 704 of the Telecommunications Act. Several members of the Board gave testimony or commented on the lack of local control or notification of neighbors when a new installation is planned. Chris Spitz emphasized that health issues were not part of the discussions due to considerable disagreement on that subject.

Chris Spitz presented two items for consideration by the Board. Item 1 discussed the, one for discussion, and one for a motion. A handout detailed the issues presented (see attached). Item 1 discussed the inappropriate cell tower installations in residential neighborhoods when such towers are demonstrated to be over-height, unsafe, aesthetically inappropriate, inappropriately located, or would result in commercialization of the residential neighborhood. Item 2 asked that PPCC endorse the repeal or modification of Section 704 of the Telecommunications Act of 1996 in order to restore local authority over cell tower regulations. Chris Spitz stated that another provision of the Act, namely the provision that prevents local governments from prohibiting or effectively prohibiting cell towers, has been interpreted by courts in such a way that municipalities regard their ability to reasonably regulate cell towers as being severely limited.

Chris Spitz made the motion below, seconded by Barbara Kohn. Chris Spitz accepted a friendly amendment by Harry Sondheim to delete the words "on the basis of health and environmental effects of such facilities." Jack Allen asserted that Congress amended the Telecommunications Act to insert Section 704 to preserve local zoning authority over the placement, construction, and modification of personal wireless service facilities. He further asserted that Section 704 did not restrict the City's Bureau of Engineering in regulating facilities in the right of way.

The motion passed, 14 yes, 2 no, 2 abstentions:

MOTION:

"1. Endorsement of Repeal or Modification of Section 704: PPCC endorses the repeal or modification of Section 704 of the Telecommunications Act of 1996 in order to restore local authority over cell tower regulation. Specifically, it endorses the language of the national petition on [www.cloutnow.org](http://www.cloutnow.org) as follows;

‘We the undersigned call for the U.S. Congress to repeal limitations on the state and local authority imposed by the Telecommunications Act of 1997 and permit state and local governments to regulate the placement, construction, and modification of telecommunications tower and other personal wireless service facilities on the basis of health and environmental effects of such facilities.’

PPCC hereby urges Councilman Rosendahl to endorse the repeal or modification of Section 704 as set forth above and to take all actions within his authority necessary to cause the City to adopt a legislative policy in furtherance of the goal of repeal or modification of Section 704 as set forth above, including seeking the endorsement of the Mayor of Los Angeles and the Los Angeles City Council. The Councilman is requested to notify PPCC’s chair on a regular basis on the actions being taken as requested in this motion.

2. Public Comment on the National Broadband Plan: PPCC, through its chair, shall forthwith 1) submit public comment to the FCC on the National Broadband Plan and the repeal or modification of Section 704 as set forth above; and 2) urge that Councilman Rosendahl also submit public comment to the FCC as set forth above, as soon as possible prior to the June 8, 2009 deadline for public comment.”

October 8, 2009:

7.1. Announcements from the Chair.

Wireless telecommunications. The FCC has been asked by the wireless industry to impose a new rule that new wireless facilities will be approved if there is no objection raised within 45 days from the time that a wireless contractor requests installation. Pending the Chair’s further investigation of details and deadlines, the Council agreed that the consensus of opinion was opposed to such a rule.

October 22, 2009:

7.1.4. Wireless Tower & AGF at Sunset and Capri. Verizon has filed an incomplete application which was rejected by the City. It is uncertain if Verizon will re-apply.

## **2010**

January 14, 2010:

10.2. Cell Tower, Sunset/Capri or Riviera Country Club.

Kyle Sutherland spoke on behalf of AT & T. There was a lengthy discussion about placing the proposed tower in the parking lot of the Riviera Country Club or on Sunset at Capri. A consensus emerged that the community is opposed to a tower at Sunset and Capri on the South/West corner. However, an alternative site on the south side of Sunset east of Capri, where a Sprint monopole is currently installed, was suggested by some present. An informal vote was taken of everyone in the room. Opinion was approximately evenly split between those who preferred locating a new tower in the parking lot of the country club and those preferring adjacent to or atop the Sprint tower. The group agreed that a determination of the will of the community would depend upon the height and design of the alternatives. Accordingly, the Chair asked Mr Sutherland to report back to the Council with better descriptions of the towers proposed for the two locations.

January 28, 2010:

7.1.3. Paul Glasgall announced that Verizon is reportedly considering modifications to their plans for installing cell towers in the Highlands.

February 11, 2010:

7.3.4. Paul Glasgall announced that Verizon has agreed to move two of its proposed five new cell towers in the Highlands, but they have not yet agreed to move them to the reservoir as Paul requested.

March 11, 2010:

9.1. AT&T Issue (Sunset/Capri vs. Riviera CC).

Kyle Sutherland spoke on behalf of AT&T. The Chair announced that he was hopeful that we could reach a consensus so that we will have an impact on the decision as to placement of the facility and final design, thus setting a positive example of community input and cooperation. Attorney Kevin McDonald spoke on behalf of several Riviera homeowners in opposition to the cell tower being placed on the grounds of the Riviera Country Club. Mary Tanner also spoke in opposition, saying that

we should use micro and pico cells instead. There was extensive discussion about the merits of the site at the Riviera Country Club versus the existing site on Sunset east of Capri. Jack Allen also informed the Council that he, Barbara Kohn and Chris Spitz recently attended a pre-hearing of the residents' appeal of a Verizon permit for a tower at the SW corner of Sunset and Capri, at which Board of Public Works Commissioner Andrea Alarcon directed Verizon to investigate co-locating its equipment on the site east of Capri and at the Riviera Country Club. Community members in attendance at the Council meeting expressed strong opposition to the Riviera Country Club site and a preference for AT&T to co-locate on the site east of Capri (along with Verizon if necessary).

Janet Turner made a motion which was seconded by Marguerite that the Council prefers a co-location at Sunset east of Capri, but would like AT&T to find a more aesthetically pleasing design for the tower. The motion carried, with 13 in favor, 7 abstentions, and Harry Sondheim and Steve Cron in opposition.

May 27, 2010:

#### 8.2. Report on Cell Towers on Palisades Drive and Reservoir Project.

Paul Glasgall reported that the DWP has completed work on re-surfacing the reservoir and will start filling it this week until November when it will be emptied, colored, and a top placed on it. It should be finished in the Spring of 2011. Paul also reported that there was a meeting regarding the cell towers in the Highlands. He said it did not look promising that the cell towers could be placed at the reservoir because DWP will only allow a 5 year lease so it's not feasible for cell companies to build towers knowing that they could only be used for 5 years. He said that it's unlikely that DWP would extend the length of those leases. Another possibility is to use only 4 microcell towers, made up of 3 in the residential areas, one at the base of the canyon, thereby leaving the canyon unspoiled by cell towers. The only disadvantage of that proposal is that there would be minimal reception in the canyon.

June 24, 2010:

#### 9.1. AT&T renderings of proposed new cell site at Sunset and Capri.

John Delavigne, representing AT&T, showed renderings of cypress simulated cell towers. He also indicated that neither Verizon nor Sprint were willing to co-locate their cell towers. Mr. Delavigne was asked about the possibility of putting cell phone antennas on light poles, and he said this has been done in other locations and that the Bureau of Street Lighting is receptive. A straw vote of Council members indicated that the Council was generally in favor of placing cell towers on light poles, and AT & T was asked to consider the possibility of combining light poles and cell phone antennas. He indicated that he would look into it and report back to the Council at a future meeting.

July 8, 2010:

7.1.5. Cell Towers. According to Norm Kulla the City Attorney is reviewing its policies concerning the regulation of cell towers. The City Attorney has also hired Jonathan Kramer, an expert who Chris Spitz and Barbara Kohn introduced to them.

August 12, 2010:

#### 7.3.5. Verizon in Highlands Update.

Paul Glasgall said that there was a good meeting with Verizon representatives, and Board of Public Works Commissioner Paula Daniels. Verizon agreed to consider moving the first tower on Palisades Drive 100 feet closer to Sunset, and the second tower will remain in the proposed location in the canyon. Verizon has indicated that it will consider utilizing street light poles for the additional three facilities on upper Palisades Drive, and will consider constructing the two towers in the canyon with a similar design. One of the benefits of this is the likelihood that this will set a precedent for future towers in the canyon. The Above Ground Facility (AGF) ordinance controls these facilities because they are in the public right of way. Although the ordinance by its terms covers only AGF cabinets, not poles, "monopoles" such as those proposed for Palisades Drive are still required to go through the AGF permit process. Chris Spitz reported that a working group of community leaders City-wide, including Chris and Barbara Kohn on behalf of PPRA, has formed and will discuss the cell tower regulation issue with Ted Jordan and others in the City Attorney's office at a meeting scheduled for September 22.

#### 9.1. AT&T renderings of proposed new cell tower at Sunset/Amalfi.

John Delavigne of AT&T presented the redesigned cell tower using an existing street light at Sunset and Napoli. The final pole will be wider in diameter b/c coaxial will be inside pole. Bureau of Street Lighting (BSO) is considering the plan making sure electrical and other requirements are met. The Council said it was a great design and Harry said that we should go on record to thank AT&T for their efforts.

Marguerite Perkins Mautner proposed and Chris Spitz seconded the motion. MARGUERITE PERKINS MAUTNER'S

MOTION: "I propose a motion that we, as the Community Council of Pacific Palisades, extend our appreciation to AT&T for the efforts they have done to facilitate the best cell tower for our neighborhood. We would hope that it would become the model for future installations."

The Motion was passed with one abstention.

September 23, 2010:

10.2. Verizon Presentation.

Cell Tower on Sunset in the Riviera – Rob Searcy, Consultant to Verizon. The current proposal is to locate a cell tower on the SW corner of Sunset and Capri. Proposed facility would be 35' above ground. A design option was presented that would conform to current old fashioned street lights by using a similar green base structure to help it assimilate into the current environment. Additional landscaping will be provided to help cover the above ground facility cabinets.

The proposed location is objected to by a resident (Mr. Starrels) as the location is right in front of his house. It is also objected to by other residents of the Riviera in attendance. Mr. Searcy explained that the location has to remain on the south side of Sunset with other considerations being line of sight, technology, vegetation challenges and underground challenges. Mr. Starrels says an eastern location is preferable. Since children are at the bus stop, no tower should be located there. He suggested the Verizon pole be placed near the Sprint Tower which is East of Capri. Anita Jewison, a neighbor who represents a group of Riviera residents, and other Riviera residents present, said the west side of Capri is not acceptable. They would prefer a location near the current Sprint Tower and state that Sprint tower is not near a home and generally not that visible when you are driving in the area. She asked if we can have a sculpture there. The overall reaction was that a sculpture would bring the tower to everyone's attention when we really want it to blend into the scenery. Mr. Searcy suggest a standard Pole similar to Sprint's but perhaps in a brown muted color. Residents agreed that was more acceptable than the old fashion design.

George Wolfberg asked if the box with the equipment could be buried if at all possible. Mr. Searcy responded that the underground structure might be a problem but he will try to come up with a solution. Mr. Searcy will come back to us with options, and is tentatively set for October 28, 2010 meeting.

## 2011

January 27, 2011:

7.2.1. Councilman's Rosendahl's office – Joaquin Macias.

Councilman's Rosendahl's office is looking into the issue of turning Street Lights into cell towers on a City wide basis.

June 9, 2011:

7.2.1. Councilman Rosendahl's office

Joaquin will meet with Paul Glasgall and Highlands residents regarding the cell towers on Palisades Drive.

June 23, 2011:

8.3. Cell Tower Update. The LUC has met and determined that cell towers will be going up in the Highlands, as well as the Verizon tower at Sunset/Capri.

July 14, 2011:

7.2.1. Councilman Rosendahl's office – Joaquin Macias.

. . . (4) There will be a cell tower meeting with the PPCC, CD-11 and the Bureau of Street Lighting on July 27th or 28th (to be confirmed) to address using light standards for new cell installations. . .

November 10, 2011:

7.2.1. Councilman Rosendahl's office. Joaquin Macias, no report.

Chris Spitz – LUC Cell Mtg w/Riviera residents & AT&T, there is disagreement among the neighboring residents about the location of the cell tower.

## 2012

March 8, 2012:

7.2.1. Councilman Rosendahl's office – Joaquin Macias.

. . . (2) Verizon Cell Tower on Palisades Drive – Verizon agreed to move the pole of the appealing neighbor further away from their residence and CD-11 is pleased that a consensual agreement was reached.

April 12, 2012:

8.1. LUC.

Cell Tower approved East of Capri in the Riviera. Chris Spitz – this is an old issue from 2010. Tower was approved for east of Capri, south side of Sunset, near the existing monopole antenna.

May 10, 2012:

7.2.1. Councilman Rosendahl's Office.

Norman Kulla reported . . . (4) Cell Towers / Public Works Committee – Norman is hopeful that there will be an ordinance proposed shortly by the City Attorney to close with the regulatory exemption for construction of installations on poles (recommendation is to delete). The City is also seeking to broaden the standards and criteria used to judge aesthetics relative to being “in character” with the location under consideration. In addition, the City is seeking to broaden the notice provisions and to limit permit time periods such that they are not indefinite but will expire. Further, people are very concerned about health but federal law pre-empts health concerns. However, there is a regulatory scheme that deals with equipment specifications that still must be met; the federal government defers to the industry. Thus, the City would like a certification from providers that the carrier's equipment complies with federal requirements; . . .

August 9, 2012:

7.3.1. Cell Towers/New Installations and Updates (Chris Spitz).

Chris Spitz gave a detailed description of the cell tower installations proposed and on going in the Palisades. (1) Mt. Holyoke – Chris reported on the last LUC meeting regarding this installation and read portions of the Palisadian Post article. This article explained that the permit was on hold and would not be filed while AT&T is exploring all other options. Chris explained that the LUC has taken no action because of the early stage and now because of the fact that AT&T has put the matter on hold. Chris stated that the PPCC would put the matter on its agenda if this proposed installation were going to go forward. (2) Riviera – the Verizon tower proposed for East of Capri on Sunset has gone through the permitting process, along with an appeal that was denied. Construction will begin at the end of 2012. AT&T's light pole tower at Sunset and Napoli is now on hold indefinitely. (3) Highlands – five towers have gone through the permitting process and the Coastal hearing was yesterday (likely approved because of little or no opposition. (4) Riviera Ranch Road and Sunset – no information. (5) Amalfi, south of Sunset – must be further modified and we do not have further information. All of these installations are in the public rights of way. Cell Tower Ordinance – the City Attorney has suggested we need a “champion” to bring forward cell tower reform legislation and get it onto the City Council agenda. Discussion: (1) Jack Allen expressed that Councilmember Rosendahl began this effort three years ago and he should be the one to lead this legislation through.

10.1. Councilmember Eric Garcetti, Candidate Mayor Los Angeles.

. . . 2. For more than three years, the issue of cell towers in the public right of way has concerned our community; to address this concern, PPCC has been calling for much-needed revision of the City's Above Ground Facilities Ordinance. As you know, both the PLUM Committee and Public Works Committee, on which you serve, recently approved the City Attorney's recommended revisions to the ordinance, specifically including: expansion of the notice requirements, enhancement of the aesthetic provisions, limitation of the utility pole exemption, and imposition of permit duration limits. (A) Where does this recommendation stand in regard to the full Council? YES I will support getting the ordinance on the agenda. (B) Do you support these proposed revisions and will you pledge to use your best efforts to agendize the matter in Council at the earliest opportunity? YES. (C) Mr. Garcetti says that we cannot use increased demand to take away full scale our aesthetic standards and view sheds. One big problem is that there are no design standards within the City and Los Angeles should be the leader in terms of beauty and design. Cell towers a good example of where aesthetics have just been ignored.

September 13, 2012:

8.1. Land Use Committee, September 2012 (Chris Spitz).

Opposition to Cell Tower Installation at 302 Mt. Holyoke; AGF Ordinance heard before City Council on September 11, 2012; Report and Motion Below (AT&T, Residents, Chris Spitz; LUC Recommended Motion [see attachment].

AGF ORDINANCE: Chris Spitz: the PPCC and PPRA have worked for more than 3 years to procure a municipal ordinance regulating structures in the public right of way. Note report below. They City Attorney has been directed to draft an ordinance encompassing the five key points, read by Chris to the public audience. 302 MT. HOLYOKE CELL TOWER: (A) AT&T Representatives (AT&T (Kevin Tanaka and Rob Searcy)) – Kevin talked about the current level of phone and data usage. Kevin expressed that AT&T would like to have a community meeting to present alternatives that their engineers have been working on in order to get recommendations from the community and answer resident’s questions and concerns. Rob stated that the challenge was to optimize a site that had been in existence for eight years and to find a consensus on a site with the community. Rob expressed that the concerns of the community had been heard and they are now looking at a design and location more agreeable to the community. One thing they considered was the existing facility via replacing the existing equipment and putting it in an underground vault. A second was going north of the current location but that is more in proximity to other homes. (B) Residents – Trevor Nielson expressed that AT&T has not been working with the community. The community does not want this facility in the neighborhood. The coalition supports the PPCC’s Motion. Roz Nieman spoke about her concerns with four children residing directly next to the proposed tower and relative to her concerns about children and the public who use the park. Roz asked that AT&T suspend its installation until AT&T delivers a master plan that gets approved by the City and community. Rod Aragon spoke on behalf of local real estate agents and property owners located next to the proposed tower. Rod suggested that transferability of property is the issue going forward. The coalition presented the PPCC with its book, petition, and signatures. Karen Dawn spoke about the buzzing and noise from the existing facility. Karen expressed that it is unfair for AT&T to now come back and expose this same neighborhood to a second tower. (C) PPCC – Chris Spitz reported that the LUC unanimously supports the motion presented. Chris Spitz read the LUC’s Motion. Chris Spitz moved and Jennifer Malaret seconded the motion. Discussion: (1) Jim Rea said the most significant aspect of the motion is the master plan process. Does AT&T do this in other communities? (2) Gil Dembo asked if the master plan included all carriers and expressed that it should include all carriers. (3) Reza Akef asked why AT&T doesn’t work with other carriers more often. (4) Jack Allen stated that there are reasons to oppose cell phone towers but fear is not a reason to oppose cell phone towers based on his understanding of science. Action: The motion passed unanimously.

**ITEM 8.1 – AGF ORDINANCE REPORT AND MOTION**

[Link to document: <https://pacpalicc.org/wp-content/uploads/2026/05/PPCC-Position-Draft-Revised-AGF-Ordinance.pdf>]

**2013**

July 11, 2013:

8.1. Land Use Committee (“LUC”) – Chris Spitz, Chair; Jennifer Malaret presenting.

Report on the City Attorney’s recently completed draft of the revised AGF ordinance as directed in September 2012 by the City Council (this is the proposed municipal legislation regulating facilities, including cell towers, in the public right of way). Jennifer reported that the City Attorney’s report and draft ordinance were submitted to City Council last week. CD-11 is investigating the status; PPCC has learned that the matter has been referred back to the PLUM and Public Works committees. The City Attorney’s report and draft ordinance may be found at: [http://clkrep.lacity.org/onlinedocs/2009/09-2645\\_rpt\\_atty\\_06-27-13.pdf](http://clkrep.lacity.org/onlinedocs/2009/09-2645_rpt_atty_06-27-13.pdf). Jennifer Malaret reviewed the Talking Points with the Board. See below. Jennifer Malaret moved for approval of the 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. See below. Stuart Muller seconded. Discussion: Jack Allen. Jack submitted a proposal to amend PPCC’s Position relative to Section IV.C. Aesthetic Requirements. Jack pointed out that this particular section confuses or overlooks the height limit for monopoles by erroneously subjecting them to the 5 ½ foot height limit obviously intended for cabinets. Without a separate height limit for monopoles, Jack’s opinion was that the entire ordinance would be subject to legal challenge. Jennifer Malaret responded that this language was reviewed by the LUC whereby the same issue was noted; however, the existing language would arguably be better because it applied to more than just monopoles and set limits which would effectively subject every installation to a variance or hardship waiver. Jennifer expressed that the LUC had not

spoken with the City Attorney, was unaware why the prior language remained unchanged and that was why (pursuant to the Talking Points) the LUC proposed that 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 relevant subsections apply to pole structures (cell towers) as well as cabinets. Jack Allen proposed a 35-foot height limit for all monopoles. Jennifer Malaret responded that height limits for monopoles should vary depending on factors that may include zoning, topography and residential height limits. George Wolfberg objected to a uniform 35-foot height limit, noting that in some areas of Los Angeles homes are limited to 25 feet. Richard Cohen proposed that in response to Jack’s friendly amendment, the motion remain on the table as it was with the motion to approve to include the board’s approval of new language by the LUC that amended PPCC’s Position to the extent possible relative appropriate height limits for monopoles. Jack Allen approved the motion as articulated by Richard Cohen. The motion passed unanimously.

October 10, 2013:

8.1. Land Use Committee (“LUC”) – Chris Spitz, Chair.

Regarding Old Business, Chris reported that: . . . (3) Draft AGF ordinance, SEE EMAIL CONTENT BELOW (sent with previously attached PPCC talking points and board approved motion). Chris reported that this week a joint committee of the City Council heard the matter. The joint committee recommended only one change that PPCC asked for: the expansion of notice to a radius rather than a straight line. The suggestion that Community Councils be given notice was ignored and all of the other changes requested by PPCC were not recommended. Worse, protections were chipped away, in that the City Attorney was directed to: (a) delete the requirement of submitting proof of coverage gap with an application, (b) retain the utility pole exemption for both commercial and industrial zones, and (c) retain the utility pole exemption for “very small antennas and wireless devices (small cell technology)” in all zones – thus the City must define what is a ‘small antenna’. The latter recommendation will likely be impacted by a new proposed “Rule Making Order” that would require all ‘small cell facilities’ nationwide to be installed on utility poles in the PROW without local review. The result is that PPCC is now waiting for the City Attorney to draft revisions which will then go to the full Council for a vote.

**ATTACHMENT: ITEM 8.1 — DRAFT ABOVE GROUND FACILITIES (“AGF”) ORDINANCE – CONTENT OF EMAIL SENT 10/5/2013.**

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”). My colleague, PPCC President Barbara Kohn, and I 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]

## 2014

February 13, 2014:

### 8.1. Land Use Committee ("LUC") – Chris Spitz, Chair.

Chris reported that: . . . (B) Report of 2/6/14 LUC Meeting: The LUC considered the following matters and took action as indicated: . . . 4) the design and placement of Verizon cell towers remains an issue in the Highlands; . . .

November 13, 2014:

7.1.7. Above Ground Facilities ("AGF") Ordinance (regulating cell towers and other structures in the public rights of way ("PROW")) Update. Chris stated that PPCC has long-supported much needed revisions to the AGF ordinance, including elimination of the so-called utility pole exemption for wireless antennas. A draft-revised ordinance from the City Attorney has been stalled in City Council committee for over a year. Last month, the Federal Communications Commission (FCC) issued a complex 155-page order imposing new federal requirements that will streamline the process of wireless facilities deployment on a nationwide basis. The cellular industry is calling the FCC's order the "Super Bowl of wireless regulation," while local governments are expressing concern about expanded federal preemption of local land use authority. The City of Los Angeles was in fact among many cities that filed comments in opposition to the proposed order. The City Attorney has now advised that he is analyzing the order to ascertain whether the AGF ordinance as revised complies with the new federal requirements. One of many troubling aspects is the FCC's apparent decision to categorically exempt from federal environmental review all antenna deployments on utility poles in the public right of way nationwide. Translation: it is likely, in Chris' view, that the City will ultimately decide that wireless antenna deployments on utility poles (i.e., many cell towers in the public right of way) must remain exempt from regulation and we will be back at square one in this regard. It is possible but probably unlikely that there will be an appeal of the FCC's order. Stay tuned for further developments.

## 2015

May 28, 2015:

7.1.4. Update on AB 57 (limiting local government authority to regulate cell towers). See attached message. Passed in Assembly May 22. More information: <http://blob.capitoltrack.com/15blobs/793a8209-30cc-40f1-9f71-ed5f9154660b>. (opposition of California State Association of Counties and American Association of Planners, California Chapter); <http://blob.capitoltrack.com/15blobs/aa02035b-46c0-41c1-a4be-e46ebef40d2f> (opposition of League of California Cities); <http://ab57.info> (arguments in opposition by telecom law expert Jonathan Kramer). Chris explained that the details of the bill would not be addressed in detail. The bill is now before the senate and relates to the regulation of above ground facilities (cell towers). Interested persons should contact Chris Spitz.

June 11, 2015:

7.1.9. Proposed Motion to Oppose AB 57 (limiting local government authority to regulate cell towers). Chris reported that this is bill passed in the Assembly and is now in the Senate. AB 57 would greatly limit local governments' authority to regulate cell towers. It is a complicated subject and if anyone wants to know more details, please contact me. Chris stated that briefly, on an emergency basis, the Executive Committee yesterday unanimously approved a letter opposing this bill that was submitted to the Senate Committee that is now considering it. The deadline for comment was this morning. For this reason, PPCC will not be taking up the proposed motion in the agenda tonight. Chris said that she had distributed the PPCC letter to the board and to the press and a copy will be attached to the minutes. See letter below. We have also learned that the San Francisco Board of Supervisors passed a resolution this week opposing this bill. In Los Angeles, Mike Bonin introduced a resolution to oppose the bill. PPCC has learned that the motion will be heard next Friday. Other organizations citywide, including Brentwood Community Council, are

submitting letters in opposition. We will continue to monitor its status. For More information:  
<http://blob.capitoltrack.com/15blobs/793a8209-30cc-40f1-9f71-ed5f9154660b> (opposition of California State Association of Counties, American Association of Planners, California Chapter, and Urban Counties Caucus);  
<http://blob.capitoltrack.com/15blobs/aa02035b-46c0-41c1-a4be-e46ebef40d2f> (opposition of League of California Cities); <http://ab57.info> (arguments in opposition by telecom law expert Jonathan Kramer). Board discussion and vote.

### **7.1.9 — OPPOSITION TO AB 57 (bill to limit local government authority to regulate cell towers).**

June 10, 2015

Hon. Ben Hueso

California State Senator, 40th Senate District

Chair, Senate Committee on Energy, Utilities & Communications

Via email: [senator.hueso@senate.ca.gov](mailto:senator.hueso@senate.ca.gov)

Re: AB 57 (Committee hearing date 6/16/15) – OPPOSE

Dear Senator Hueso:

Pacific Palisades Community Council (“PPCC”) has been the voice of the Palisades community 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 rights of way. PPCC opposes AB 57 because this bill will severely restrict the ability of local governments to regulate WTF and/or make local decisions about cell tower siting. PPCC opposes AB 57 based on all of the grounds set forth in the letters in opposition dated (1) May 6, 2015, by the California State Association of Counties, the American Planning Association (California Chapter) and the Urban Counties Caucus (<http://blob.capitoltrack.com/15blobs/793a8209-30cc-40f1-9f71-ed5f9154660b>), and (2) May 11, 2015, by the League of California Cities (<http://blob.capitoltrack.com/15blobs/aa02035b-46c0-41c1-a4be-e46ebef40d2f>), and specifically on the grounds that:

By “deeming approved” all applications for colocation or siting of new WTF if a city or county fails to act on such applications within time periods established by the FCC, AB 57 goes beyond the requirements of federal law and unnecessarily and significantly impacts and constrains the authority of local governments to regulate the placement of WTF; and despite language to the contrary in AB 57, WTF are matters of municipal as well as statewide concern.

PPCC also brings to your attention the fact that 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 concerned that under AB 57, such required environmental review may be severely curtailed or effectively eliminated and significant protections afforded by the Coastal Act may be rendered meaningless.

In addition, PPCC notes that on June 9, 2015, (1) the San Francisco Board of Supervisors unanimously passed a resolution in opposition to AB 57; and (2) a resolution in opposition was introduced in Los Angeles City Council by Councilmembers Bonin, Koretz and O’Farrell ([http://clkrep.lacity.org/onlinedocs/2015/15-0002-S62\\_reso\\_06-09-2015.pdf](http://clkrep.lacity.org/onlinedocs/2015/15-0002-S62_reso_06-09-2015.pdf); vote not yet scheduled as of this writing).

PPCC urges you to vote NO on AB 57. Thank you for your consideration.

Sincerely,

Christina Spitz

President, Pacific Palisades Community Council

cc (via email):

Senator Ben Allen, 26th Senate District

Senator Fran Pavley, 27th Senate District

Senator Bob Hertzberg, 18th Senate District

Los Angeles City Councilmember Mike Bonin, 11th Council District

July 23, 2015:

7.1.6. AB 57 Update.

Chris announced that the bill would limit local governments' ability to regulate cell towers. <http://ab57.info>. The bill passed as amended on 7/15 in Senate Governance & Finance Committee, despite opposition of Sen. Fran Pavley, Los Angeles City and County and numerous other governmental entities statewide. Hearing date in full Senate TBD.

October 22, 2015:

7.1.5. AB 57 Update.

Chris reported that this legislation (which limits local governments' ability to regulate cell facilities and was opposed by LA City and County as well as numerous other governmental entities and organizations statewide) was signed into law by Governor Brown on Oct. 9, 2015 and will go into effect as of Jan. 1, 2016.

7.1.6. AGF (Above Ground Facilities) Ordinance Revision Update.

Chris reported that PPCC has long supported revision of the City's regulations involving cell towers and other facilities located in the public right of way. Three years ago the City Council unanimously directed that a revised ordinance be drafted (including elimination of the "utility pole exemption"). A revised ordinance was drafted but has been under review by the City Attorney for almost a year (due to a November 2014 FCC directive and more recently the AB 57 legislation); the review is still pending but the Council File related to this matter (CF 09-2645) expired as of October 8, 2015. The City Attorney's office advises that it expects to complete the required review and have a new revised ordinance to City Council within approximately 30 days; Councilmember Bonin is following up to extend the Council File or, as necessary, make a motion to officially bring the matter back within the Council's purview.

November 12, 2015:

7.1.6. Above Ground Facilities (AGF) Ordinance Revision Update. Council File 09-2645 pertaining to this matter had expired but is now extended until 2017 pursuant to recent motion by Councilmember Bonin. The City Attorney's review of draft revised ordinance is still ongoing. PPCC strongly supports revision of the local ordinance regulating cell towers and other facilities in the public right of way.

## **2016**

January 14, 2016:

9.1. Above Ground Facilities (AGF) Ordinance.

1) Background: A revised draft ordinance regulating cell towers and other structures in the public right of way (PROW) was transmitted by the City Attorney on December 8, 2015 to relevant City Council committees (hearing TBD). <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=09-2645>. Revisions include: removal of the existing exemption for utility-pole mounted antennas (in certain circumstances); expansion of notice for cell towers in the PROW; and (limited) enhancement of aesthetic criteria. Contact President Chris Spitz for a more detailed summary ([info@pacpalicc.org](mailto:info@pacpalicc.org)). 2) Proposed MOTION by the Executive Committee (as time allows): "PPCC supports the AGF Ordinance revised as of December 8, 2015, but with a request that "Community Councils" be included among the organizations entitled to receive notice under LAMC Sections 62.08.VII.D.1(e) and 2(e)." Due to time constraints the matter was deferred until the next meeting.

January 28, 2016:

9.1. Above Ground Facilities (AGF) Ordinance.

Chris Spitz reported the following: 1) Background: A revised draft ordinance regulating cell towers and other structures in the public right of way (PROW) was transmitted by the City Attorney on 12/8/15 to City Council committees (hearing TBD).

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=09-2645>. Revisions include: removal of the existing exemption for utility-pole mounted antennas (in certain circumstances); expansion of notice for cell towers in the PROW; and (limited) enhancement of aesthetic criteria. Chris stated that interested persons should contact President Chris Spitz for a more detailed summary ([info@pacpalicc.org](mailto:info@pacpalicc.org)). Chris showed several visuals of types of poles – and explained the information contained in the attachments below. See attachments below. 2) MOTION by the Executive Committee: That PPCC support the AGF Ordinance revised as of December 8, 2015, but with a request that "Community Councils" be included among the organizations entitled to receive notice under LAMC Sections 62.08.VII.D.1(e) and 2(e). Discussion: None. Action: The Motion passed unanimously.

June 23, 2016:

7.1. Announcements from the President, Chris Spitz

AB 2788 (Gatto). New bill that would remove local government control over location and aesthetics of virtually all cell towers in *all* public rights of way (including in front of homes, along scenic highways, adjacent to parklands, in coastal areas, etc.) and on *all* government property (including schools, parks and recreational facilities) other than fire stations, throughout California (passed in Assembly; Senate Committee hearing 6/21/16). See opposition of various California State governmental coalitions: <http://www.apacalifornia.org/wp-content/uploads/2016/04/AB-2788-Gatto-Coalition-Oppose-SEN-Utilities-Final.pdf>. See commentary by telecom attorney and expert Jonathan Kramer: <http://celltowersites.com/2016/06/14/massive-land-grab-wireless-hit-california- legislature/>. See also attached PPCC letter. Chris was pleased to report that this bill – which would have removed local government control over location and aesthetics of most cell towers in the public right of way and on public property statewide – was wisely withdrawn by the author, Assemblymember Gatto, on Tuesday afternoon. This was a result of a concerted effort by a network of community leaders on a state, regional and local level over the course of several days, including an extensive effort on Chris' part to reach out to all relevant State and local officials as well as community networks. Chris explained that this was a dangerous bill that would have had *direct negative impact on the Palisades*. It would have prevented the City and the public from any say whatsoever in the siting and aesthetic design of most cell towers in the public right of way in front of homes, along scenic highways, in Specific Plan areas and the Coastal Zone. It was opposed or about to be opposed by numerous cities, counties and governmental coalitions statewide, including the City and County of Los Angeles, San Francisco, the League of CA Cities, the CA Urban Counties League and the American Planning Association (CA). Chris reflected that she was proud of her own and PPCC's involvement in this effort, which directly led to the decision by ASM Gatto to pull the bill. PPCC's letter in opposition was attached to the agenda and posted on the PPCC website, had also been forwarded to ASM Gatto. Chris thanked Councilmember Bonin, who acted immediately after she advised him of the bill to introduce a Resolution in opposition in City Council that was set to be voted on next week; her assumption is that it likely would have passed, as did a similar Resolution in opposition to AB 57 which passed last year. Chris indicated that the prospect of opposition by the City of Los Angeles – where many of Gatto's constituents live – no doubt weighed heavily in his deliberations. Those interested in further information are urged to take a look at the website of nationally-known and respected telecom expert and attorney Jonathan Kramer: [celltowersites.com](http://celltowersites.com). Chris and others following the matter fully expect this bill to be resurrected in some form by another legislator in the coming year. We will remain vigilant. Chris also reminded the board that PPCC has never taken a position against the erection of cell towers. Certainly everyone recognizes the need for improved reception. PPCC's general policy – a community consensus, consistent with existing federal law – is that local government control over siting and aesthetics is necessary and appropriate and should not be denied as this bill would have done. Chris again invited anyone with questions about this matter to contact her.

## 2017

June 8, 2017:

7.2.2. Chris Spitz (Chair/President Emeritus).

Chris reported on WRAC LUPC issues, including SB 649 (a bill to regulate so-called “small cell” wireless facilities in the public right of way and other property). SB 649 removes local discretionary decision making over cell towers and severely restricts local control. The bill passed in the California Senate by all but one vote; Ben Allen was a “No Vote Recorded.” Bonin's office is opposed. A resolution in opposition is pending in City Council. WRAC LUPC recommended a motion in opposition to SB 649, which, if passed in leadership, will go to member councils for a vote, per WRAC process.

August 24, 2017:

7.2.2. Chris Spitz (Chair/President Emeritus).

Chris reported that SB 649, which would eliminate local discretionary control over cell towers in the public right of way and on public property, is moving through the legislature with a possible vote in the Assembly Appropriations Committee (where the bill is now in suspense) possibly expected next week. Assembly Member Bloom is opposed. 11 of 13 members of WRAC are opposed. The City has not yet passed a resolution in opposition. Chris advocates for all concerned to write letters to the Governor urging him to veto the bill should it pass in the Assembly.

Oct. 26, 2017:

ITEM 8.2.1 – CHRIS SPITZ (CHAIR/PRESIDENT EMERITUS) REPORT

Regarding SB 649: Governor Brown vetoed the bill on October 15, 2017. In his veto statement the Governor acknowledged the value of 5G technology but also affirmed the need to preserve local government control. A revised bill is expected to be introduced in the State legislature in the coming months. We will monitor. We are also pressing the City Council to take up the matter of necessary revisions to the City’s Above Ground Facilities Ordinance (regulation of cell towers and other structures in the public right of way), stalled in the Public Works Committee for almost two years. The Council File expires on December 8 and we will seek an extension if necessary and possible.

**2018**

May 24, 2018:

10.2. Crown Castle – Michael Cintron from SureSite Consulting presented plans for Small Cell towers in the public right of way.

Several locations have been identified for AT&T and SureSite wants to get community feedback. Crown Castle is a Telecommunications infrastructure company which is now the 2nd largest fiber company in the country. Facts; 50% of all people use their cell phones exclusively. Teleconferences are increasingly popular. Data must be transmitted; need to increase capacity; small cells are being deployed throughout the community. Issue: What is the right infrastructure for this community.

Crown Castle plans to install new fiber and eight small cellular transmitters (see table below). Michael Cintron gave a PowerPoint presentation which showed existing fiberoptic lines and proposed routes for new lines which need to be placed. The PowerPoint included a map with of proposed sites in the Huntington area of the Palisades, as well as two in the Alphabets and one at Entrada/PCH. Three will be on existing utility poles, five new poles are planned. Richard Cohen expressed concern that the proposed sites were just the beginning – that there would be a proliferation of new cell sites. Mr. Cintron acknowledged that a full 5G upgrade would involve many more sites throughout the Palisades. Richard expressed concern and suggested a viewpoint shared by the board: that all new cell sites be designed to accommodate co-location with other carriers so as to minimize the overall impact of the impending system upgrade. Reza Akef asked if Crown Castle can assure PPCC that they will allow others to co-locate, or if AT&T held an exclusive right to the towers. David Kaplan asked for assurances from Crown Castle that they would be open to co-location.

Cintron invited the community to view the locations. Zar suggested Area Reps take the time to see the locations in their area, and said she’d put Cintron in touch with all Area Reps for that purpose. David Card requested a map with street names. Daphne Gronich (audience) asked if Cintron will take into account community concerns about proliferation. Zar restated the spoken concerns anchored in the inevitable proliferation of interest for access to the Palisades and asked Cintron to get back to us with respect to collocation and outreach to other service providers. She pledged to inform our Council office about this exchange and gained an assurance from Cintron that any progress/plans would not take place without PPCC input. See [Crown Castle’s presentation](#), and [catalogue of small cell designs](#).

**ATTACHMENT: ITEM 10.2 — Table of Proposed Cell Site Locations**

**Proposed current locations** (undecipherable from the PowerPoint presentation):

Jurisdiction	CROWN ID	Type of Pole	Structure Owner	Current Address	CIT
Los Angeles	ATTSMW03	New Pole	Crown	14959 Camarosa Dr.	Paci Pali
Los Angeles	ATTSMW04	New Pole	Crown	741 Ocampo Drive	Paci Pali

Los Angeles	ATTSMW06	New Pole	Crown	14901 Ramos Pl.	Paci Pali
Los Angeles	ATTSMW07m1	New Pole	Crown	600 N. Toyopa Dr.	Paci Pali
Los Angeles	ATTSMW08	New pole	Crown	14801 Pacific Coast Hwy	Paci Pali
Los Angeles	ATTSMW05m1	Utility wood pole	DWP	14721 Bestor Boulevard	Paci Pali
Los Angeles	ATTSMW02m1	Utility wood pole	DWP	1290 Monument St.	Paci Pali
Los Angeles	ATTSMW01m1	Utility wood pole	DWP	15321 West Friend Street	Paci Pali

[Note: No comments on cell tower / cell site matters in PPCC minutes for the next 4 years (2019-2022).]

## 2023

June 22, 2023:

### **7. General Public Comment.**

Victoria Escalante from Palisades Highlands discussed concerns of 5G Verizon wireless Tower to be placed on the public right of way, less than 30 feet away from the 100 residential unit on the corner of Sunset and Palisades Dr. The President said there has historically been resistance to cell towers in the Palisades, and we are happy to learn more and take this matter up, if we can. She suggested the LUC might hear this or the neighbors can confer with the at-Large Rep who is well versed in cell tower matters in the Palisades. The neighbors made clear that health is a concern, not aesthetics or cell tower reception, but people's health. There was a Coast Development hearing, and the outcome is yet unknown. The President suggested they update us on the outcome of the hearing so we can determine what the PPCC can do, if anything.

Linda Tealeaf also spoke in concern of 5G Tower. She said residents of the building at the corner of Sunset and Palisades Drive are concerned about the placement of the tower and urge that it be moved to a safe distance (1,320 feet recommended from residential units) from residents and people living in this area. She asked PPCC for help to keep this cell tower away from the location currently proposed by Verizon. There is not enough time, she said, for the next meeting.

PPCC President, Maryam Zar, said the item is not agendized for action today, but we appreciate being made aware of this issue and are happy to agendize the matter once we learn more information. She asked residents to make her, as well as the Area 2 Reps and the At-large Rep, aware of developments and include her on updates of the situation.

*[Following the meeting, Spitz spoke with the above residents about cell tower regulation and limits under federal law on the ability to oppose the structure based on health concerns; the matter was not raised again in PPCC.]*

[Note: No further comments on cell tower / cell site matters in PPCC minutes after 2023.]

--- Prepared by Chris Spitz, At-large Rep, 5/24/26