

PACIFIC PALISADES RESIDENTS ASSOCIATION
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March 4, 2010

Commissioners
Los Angeles Board of Public Works
Room 361-P, Mailstop 464
200 N. Spring St.
Los Angeles, CA 90012

Bureau of Engineering
Attn: AGF Group
Suite 770
201 N. Figueroa St.
Los Angeles, CA 90012

Re: City Reference No. 2009008353/AGF adjacent to 1297 N. Capri, Sunset/Capri, Pacific Palisades (the "Project Location"); appeals of determination by Bureau of Engineering that the referenced application meets the requirements of LAMC Sec. 62.03.2

Dear Board of Public Works Commissioners and Bureau of Engineering/AGF Group Officials:

Pacific Palisades Residents Association (PPRA) is a 51 year old, all-volunteer organization with a long-standing and respected public record of concern and action with respect to issues of environmental protection and community preservation in Los Angeles.

For much of the past year, PPRA has been investigating and researching cell tower proliferation and regulation issues. In 2009 alone, the Palisades community experienced an unprecedented *11 attempted cell tower installations*, primarily in the public right-of-way in residential neighborhoods, including the monopole cell site installation which is proposed for the above-referenced Project Location (the "Cell Site Installation"). PPRA strongly opposes the Cell Site Installation and supports adjoining residents who have filed appeals of the Bureau of Engineering's determination of the above-referenced application, on the following grounds:

1. The Cell Site Installation Should Not Be Permitted As It Is Located Along a Designated Scenic Major Highway (Sunset Blvd.) and Would Seriously Violate the Aesthetic Goals and Provisions of the Brentwood-Pacific Palisades Community Plan.

The Brentwood-Pacific Palisades Community Plan (the "Community Plan") was originally formulated in the 1970s; the current iteration, adopted in 1998, is the result of years of hard work by community leaders, including representatives of PPRA, who actively participated over the course of 20+ years in the public process which led to the creation of the Community Plan and its amendments. As reflected in all versions of the Community Plan (including the current version), one of the most important goals is *preservation of the aesthetics and distinctive character of our community*, especially in respect to scenic views and corridors, existing neighborhoods, roadways, streetscape design and the public right-of-way; this express goal is reflected in numerous provisions throughout the Community Plan (*see, e.g.*, pp. I-2, I-3, II-2, III-4, III-7, III-25 and V-5 of the Plan as adopted in 1998).

The Community Plan confirms in section 13-1.4 (p. III-25) that "Sunset Boulevard is designated as a Scenic Major Highway." There are no above-ground utility poles in the area of the Project

Location; the light standards are of consistent design (most being historic light poles less than 20 ft. in height); and the area – the Palisades Riviera – is one of the most scenic residential neighborhoods in the city of Los Angeles. The many residents and non-residents alike who travel along this stretch of Sunset Blvd. daily are privileged to enjoy the vistas and beauty of the area unmarred by multiple, inconsistent high poles or other commercial structures in the public-right-of-way. If permitted, the Cell Site Installation:

- will be entirely incompatible with neighborhood aesthetics;
- will constitute a substantial violation of the Community Plan;
- will lead to many more such installations in the public right-of-way along Sunset Blvd., further impeding scenic views and corridors and marring the aesthetics and distinctive character of the community; and
- will decimate the Community Plan’s express goals and negate the years of sustained hard work by the many community members who crafted the Plan and its amendments.

For these reasons, the Board should deny the subject application and any and all other applications for a Cell Site Installation in the Subject Location and/or in the public right-of-way along Sunset Blvd. in Pacific Palisades.

2. The Board of Public Works Can and Should Go Beyond the Limitations of the AGF Ordinance To Consider Issues of Aesthetics, Public Safety and Welfare.

PPRA respectfully submits that consistent with its broad authority to regulate the public right-of-way under City Charter Section 580, the Board should consider the Community Plan and issues of aesthetics, public safety and welfare as they relate to the Cell Site Installation and Project Location – especially as permitted under recent court rulings and standards for local regulation of wireless facilities in the public right-of-way, *e.g.*, *Sprint v. Palos Verdes Estates*, 583 F.3d 716 (9th Cir. 2009). In considering the totality of the Cell Site Installation, the Board should not be restricted to the narrow definitions or standards imposed by the AGF ordinance, which were drafted prior to recent rulings (at a time when the city’s ability to regulate wireless facilities was believed to be limited), which were not intended by the ordinance drafters to apply to poles, and on their face apply *only to cabinets*, not to poles. Rather, the only limitations on the Board’s decision should be any imposed under the City Charter and/or relevant state and federal law, as explained and defined in *Sprint, supra*, and *MetroPCS, Inc. v. City & County of S.F.*, 400 F.3d 715 (9th Cir. 2005).

For all of the above reasons, the appeals should be granted and any and all applications for a Cell Site Installation in or near the Subject Location should be denied.

This letter constitutes PPRA’s position with respect to all applications for a Cell Site Installation in the public right-of-way along scenic designated Sunset Blvd. in Pacific Palisades.

Sincerely,

Barbara Kohn, President
Christina Spitz, Vice-President
Pacific Palisades Residents Association

cc: Hon. Bill Rosendahl, Councilmember, CD 11