



WESTSIDE NEIGHBORHOOD COUNCIL

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November 16, 2009

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Re: Cell Towers Regulation

I am writing on behalf of the Westside Neighborhood Council Governing Board (WNC) representing approximately 80,000 stakeholders in the Century City, Rancho Park and Cheviot Hills area.

BOARD MEMBERS

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Cell tower proliferation is ongoing in or near residential areas throughout the City of Los Angeles, including many installations in public rights of way which are either unregulated or minimally regulated under the City's current regulatory scheme.

In order to preserve and protect the quality of our communities and residential neighborhoods and in light of the recent Ninth Circuit decisions in *Sprint v. County of San Diego* and *Sprint v. City of Palos Verdes Estates*, clarifying that municipalities have greater legal authority to regulate based on aesthetic considerations than had been believed at the time the City's current ordinances were adopted, the WNC supports changes in the method of regulating the installation of Wireless Telecommunications Facilities (WTFs) in the City.

WNC supports the recent motion introduced by Councilmember Bill Rosendahl on October 27, 2009 (Council File 09-2645), calling for reconsideration of the City's regulatory scheme and for the City Attorney (who had been reviewing the City's current regulations pursuant to an earlier motion in Council File 08-2440) to report to the City Council on what new tools are available to regulate WTFs in light of the *Sprint v. San Diego* and *Sprint v. Palos Verdes* cases.

The WNC urges the City Council to enact a comprehensive new ordinance for the regulation of WTFs, clearly and unambiguously authorizing local regulation of aesthetics to the full extent of the law in light of the recent judicial determinations. WNC further requests that the City Council seek guidance from the City Attorney in crafting the new ordinance.

At our regularly held public meeting on November 12, 2009, the Governing Board of Westside Neighborhood Council passed the following Motion and Resolution:

The Westside Neighborhood Council requests that:

1. The City Attorney continue to review the City's current regulatory scheme and report to the City Council on what new tools are available to regulate wireless telecommunications facilities in light of recent judicial determinations clarifying the City's ability to regulate such facilities on aesthetic grounds, as directed by the motion introduced by Councilmember Rosendahl on October 27, 2009 (Council File No. 09-2645).
2. In connection with the above review the City Attorney continue to research the extent of the City's involvement in the Joint Pole Agreement and whether and to what extent it has authority to regulate wireless telecommunications facility installations involving utility poles and replacement poles notwithstanding the Joint Pole Agreement's provisions.
3. The City immediately establish a task force composed of appropriate city departments, including but not limited to Department of Water and Power, Planning, Building and Safety, Public Works and the CAO; representatives of Neighborhood Councils and other community organizations and stakeholder groups such as the Sierra Club, to assist in the development of a City policy on the siting of telecommunications facilities.

4. With the City Attorney's guidance and consistent with his recommendations, the City enact a comprehensive new ordinance with clear and consistent standards and procedures regulating all wireless telecommunications facilities in the City, authorizing regulation of aesthetics and providing protection to communities and residential neighborhoods to the full extent of the law.

Thank you for your time and consideration in this matter.

Sincerely,

Terri Tippit, Chair

Cc Adam Lid
Councilmember Rosendahl
Councilmember Koretz
Chirs Spitz