



November 17, 2009

Public Works Committee Members
Attn: Adam Lid, Legislative Assistant
(Adam.Lid@lacity.org)

Re: November 18, 2009 Agenda - CF09-2645

Dear Committee Members:

Marina Peninsula Neighborhood Association (MPNA) is a non-profit organization consisting of some 1200 households in the Marina Peninsula neighborhood of Venice. We are uniformly and unabashedly committed to protecting not only the flora and fauna in our area (which includes the Least Tern Sanctuary, the Grand Canal and Environmentally Sensitive Habitat Environments (ESHAs)), but we are also very concerned with aesthetics, and in that regard have undertaken considerable efforts to underground utility poles in our area. Accordingly, we are wholeheartedly in favor of Councilman Bill Rosendahl's motion relative to exploring the tools available to the City to regulate the placement of cell towers and equipment.

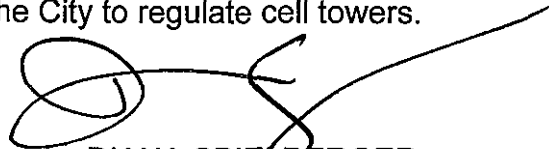
The proliferation of unsightly cell towers in our city is shocking - and it seems their placement is usually on public land (hey, it's free), despite the existence of other suitable locations, but which they might have to pay for. Last year, in our area, several of our members caught T-Mobile in the act of erecting a new pole bristling with cellular equipment on Pacific Avenue and Jib Street, adjacent to an ESHA, without any permit from the Coastal Commission. Members of our organization assisted Citizens Law Enforcement Network (CLEAN) in commencing a lawsuit against T-Mobile to force it to remove its unsightly, unpermitted cell tower. As a result, T-Mobile, while maintaining it did not need a permit from the Coastal Commission, nevertheless applied for one retroactively. Although Coastal Commission staff recommended that the Commissioners grant the permit retroactively, with Councilman Bill Rosendahl's strong voice against such action, the Coastal Commission ultimately denied the permit.

The recent decision by the Ninth Circuit Court of Appeals in Sprint PCS Assets, LLC v. City of Palos Verdes (Oct. 14, 2009) supports the Coastal Commission's right to deny the permit based on aesthetic concerns, as it does the City's authority under the federal law and applicable state law to impose reasonable restrictions on the placement of cellular towers and equipment (based on aesthetic reasons), so long as they do not

CF 09-2645
Page Two
November 17, 2009

amount to a prohibition on the provision of personal wireless services, or prevent a wireless provider from closing a "significant gap" in coverage.

Accordingly, we cannot thank Councilman Rosendahl enough for taking such a strong position in the fight against this urban blight, and fully support his motion relative to exploring the tools available to the City to regulate cell towers.

A handwritten signature in black ink, consisting of a large, stylized loop on the left and a long, sweeping line extending to the right.

DIANA SPIELBERGER
Board Member MPNA