

Dear Mr. Lid:

On Dec. 8, as an interested party I received a copy of the following communication from North Hills West NC, requesting that you place a copy of the accompanying motion and resolution in CF No. **09-2645**. This file is related to a current motion by Councilman Rosendahl which supercedes an earlier motion (CF No. [08-2440](#)) on the same topic (cell tower regulation).

In reviewing the council files online today, and judging from the documents that are posted online in the respective files, I note that this Dec. 8 communication from North Hills West NC was apparently filed again in CF No. 08-2440, *not in the current CF No. 09-2645*, as had been requested.

I request that you place a copy of the Dec. 8 North Hills West email and attached motion and resolution in the correct file -- No. 09-2645 -- as previously requested. I assume this will be posted online in 09-2645 in due course. Thank you.

Sincerely,  
Christina Spitz  
VP, Pacific Palisades Residents Association

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From: master32@earthlink.net  
To: adam.lid@lacity.org; pattrice.lattimore@lacity.otg  
CC: councilmember.smith@lacity.org; lcandleray@yahoo.com; PEGGY8960@aol.com; goldman9759@yahoo.com; aralara@verizon.net; miwhite818@yahoo.com; ted.jordan@lacity.org; norman.kulla@lacity.org; ppfriends3@hotmail.com; master32@earthlink.net; councilman.rosendahl@lacity.org; councilmember.alarcon@lacity.org; councilmember.huizar@lacity.org  
Subject: FW: Motion & Resolution and Letter Council File No. 08-2440  
Date: Tue, 8 Dec 2009 20:43:28 -0800

Dear Legislative Assistants,

On behalf of the North Hills West Neighborhood Council (NHWNC) Property & Land Use Committee, I would like to resubmit the Motion and Resolution (see attachments) passed by the NHWNC Board of Governors on October 21, 2009 for re-consideration under the new file number **CF no. 09-2645**, which will be before the committee in January 2010 or later.

As this issue is of great concern to stakeholders within the North Hills community as well as others in the Greater Los Angeles area, kindly apprise us of further developments in this case.

Thank you.

Sincerely,  
Nichan (Mark) Kulukian, CLU  
Chair: Property & Land Use Committee

North Hills West Neighborhood Council

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**From:** Nichan Kulukian [mailto:master32@earthlink.net]  
**Sent:** Tuesday, October 27, 2009 10:17 AM  
**To:** 'councilmember.smith@lacity.org'; 'councilmember.huizar@lacity.org';  
'councilmember.alarcon@lacity.org'; 'councilman.rosendahl@lacity.org'  
**Cc:** 'adam.lid@lacity.org'; 'ted.jordan@lacity.org'; 'PEGGY8960@aol.com'; 'Loyd Ray'; 'Nichan Kulukian';  
goldman9759@yahoo.com; 'norman.kulla@lacity.org'; 'info@pprainc.org'  
**Subject:** Motion & Resolution and Letter Council File No. 08-2440

Re Council File No. 08-2440

Honorable Councilmembers Huizar, Alarcon, Smith and Rosendahl:

As Chair of the North Hills West Neighborhood Council (NHWNC) Property & Land Use Committee, I wish to bring to your attention that on October 21, 2009, the NHWNC Board of Governors passed a motion calling for reform of Los Angeles' regulations regarding wireless telecommunications facilities (WTFs). A copy of the NHWNC motion is attached for your consideration.

NHWNC supports the effort already initiated by Councilman Rosendahl for the City Attorney to review Los Angeles' WTF regulations in light of current federal case law. We strongly urge for your support and resolve for much needed changes in regulations and procedures leading to comprehensive reform with regard to WTF installation, in particular providing protections for communities and residential areas to the fullest extent possible under current law.

Sincerely,

Nichan (Mark) Kulukian, CLU

Chair: Property & Land Use Committee

North Hills West Neighborhood Council



# NHWNC

## North Hills West Neighborhood Council

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Serving the neighbors  
Of North Hills West

Advising the Mayor  
and City Council of  
Los Angeles

October 21, 2009

### MOTION AND RESOLUTION IN SUPPORT OF CHANGES IN THE REGULATION AND INSTALLATION OF WIRELESS TELECOMMUNICATION FACILITIES

To Whom It May Concern:

In order to preserve and protect the quality of our community and residential neighborhoods, The North Hills West Neighborhood Council supports changes in the method of regulating the installation of wireless telecommunications facilities (WTFs) in the City of Los Angeles.

While present zoning regulations pertaining to WTFs impose certain standards and procedures on the placement of all WTFs in the City, another set of standards and procedures is being applied to the placement of WTFs in public rights of way, under different regulations pertaining to above-ground facilities.

Other agencies or entities are applying differing and even conflicting rules, policies, standards and/or procedures to WTF installations in the City under varying circumstances.

The City's various regulations, rules, policies, standards and procedures regarding WTF installations were promulgated prior to the recent 9th Circuit decision in *Sprint v. County of San Diego*, at a time when City officials believed that federal law permitted no more than minimal regulation of WTFs by local governments.

The City deems WTF installations involving utility poles or replacement poles to be exempt from regulation under the Joint Pole Agreement (JPA). Such installations are now ongoing in North Hills West and throughout the City. It is unclear whether and to what extent the City is entitled to regulate WTF installations on utility poles and replacement poles notwithstanding the JPA's provisions. The City Council previously passed a resolution that the City Attorney conduct research related to this issue (Council File No. 06-2415), but for unknown reasons no further action was taken and the file was closed after a lapse of two years.

On September 12, 2008 a new motion was introduced by Bill Rosendahl, Councilmember 11<sup>th</sup> District, which will soon be taken up by the Public Works Committee. CF 08-2440, requests that the City Attorney review the City's Above Ground Facilities (AGF) ordinance in light of the 9/27/08 ruling by the 9<sup>th</sup> Circuit Court in the case of *Sprint v. City of San Diego*,



Certified by the Department of Neighborhood Empowerment, City of Los Angeles

and advise if revisions can be included in our AGF ordinance so our City can exercise greater control over the aesthetics and placement of cell towers..

It is the goal of the NHWNC, and that of other Neighborhood Councils and Home Owner Associations, that the City enact a comprehensive new ordinance with clear and consistent standards and procedures regulating all WTFs in the City and providing protection to communities and residential neighborhoods to the fullest extent possible under the law.

The NHWNC is concerned that unless a moratorium on ongoing WTF installations is imposed while the proposed new ordinance is being drafted, the door will be open for many more new WTF installations and/or applications for approval of such installations under existing regulations. California cities, including most recently Glendale, Pasadena, Richmond and Goleta, have routinely imposed moratoria to allow time for study and the crafting of new regulations regarding WTF installations.

Therefore, at our regularly held public meeting on October 21, 2009 and with a proper vote being taken, the Board of the North Hills West Neighborhood Council (NHWNC) passed the following motion and Resolution:

**Motion and Resolution:**

**Be it Resolved That:**

The NHWNC strongly recommends:

- That the City Attorney be directed to review all applicable regulations, rules, policies and procedures pertaining to the installation of Wireless Telecommunication Facilities in the City in light of the decision of the 9<sup>th</sup> Circuit Court of Appeal in Sprint v. County of San Diego, with the goal of recommending a comprehensive new ordinance regulating the installation of all Wireless Telecommunication Facilities in the City.

- That in connection with the above review the City Attorney also be directed 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 Telecommunication Facilities installations involving utility poles and replacement poles notwithstanding the Joint Pole Agreement's provisions.

- That consistent with the City Attorney's recommendations the City enact a comprehensive new ordinance with clear and consistent standards and procedures regulating all Wireless Telecommunication Facilities in the City and providing protection to communities and residential neighborhoods to the fullest extent possible under the law.

- That the City impose a moratorium, of no less than two years, on all Wireless Telecommunication Facilities installations and/or applications for approval of Wireless Telecommunication Facilities installations in the City in order to allow time for the City Attorney's review and research and the crafting of a comprehensive new ordinance as set forth above.

The Motion and Resolution Passed: October 21, 2009

  
By: Lara Kazandjian, President  
/pb

Resolution No. 10212009