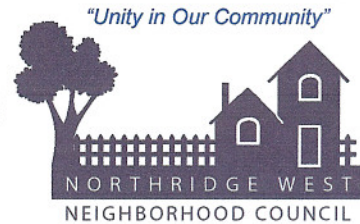




October 26, 2004

Northridge West Neighborhood Council
9401 Reseda Boulevard, Suite 200 • Northridge, CA 91324
www.northridgewest.org



RESOLUTION OF THE NORTHBRIDGE WEST NEIGHBORHOOD COUNCIL

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Serving the neighbors of
the Northridge West area:

South of the 118 Freeway
West of Reseda Blvd.
North of Nordhoff Ave.
East of Corbin Ave.

Advising the Mayor and
City Council of Los Angeles

The following resolution, having been duly agendized, came before the NORTHBRIDGE WEST NEIGHBORHOOD COUNCIL (the "NWNC") for presentation, discussion, and action at its regular meeting of December 8, 2009. Following discussion on all sides of the issue and review of the resolution, the NWNC by consensus of a majority of the 10 members present, (Number of votes: Yea-10, No-0, Abstain-0) has adopted the following resolution in accordance with the Neighborhood Council bylaws and within the guidelines set forth by the City of Los Angeles and the Department of Neighborhood Empowerment.

Whereas the City's existing regulations and policies concerning wireless telecommunications facilities were developed in light of the Ninth Circuit's decision in City of Auburn v. Qwest Corp. [260 F.3d 1160, 1175-1176 (9th Cir. 2001)] which adopted an overly-restrictive construction of the Telecommunications Act of 1996's preemption of local regulation. The Ninth Circuit, however, recently overruled Auburn in [543 F.3d 571, 577-578 (9th Cir. 2008) (en banc)]. And more recently, the Ninth Circuit rejected another putative restriction on municipal authority by holding that the California Public Utilities Code does not divest municipalities of their constitutional authority to consider aesthetics in deciding whether to grant permit applications. Sprint PCS Assets, LLC v. City of Palos Verdes Estates, [F.3d, 2009 Westlaw 3273935 (9th Cir. 2009)].

And whereas the need for robust and comprehensive aesthetic regulation to protect and promote the integrity of the City's residential neighborhoods from ever-encroaching wireless telephone facility installations is more pressing than ever.

And whereas the City has a history of falling behind the regulatory curve – as has occurred with its attempts to regulate billboards and medical marijuana dispensaries.

And whereas the Northridge West Neighborhood Council (NWNC) believes it is imperative that the City acts immediately while it has a very narrow window of opportunity to gain regulatory control over the proliferation of wireless telephone facilities.

Therefore it is hereby resolved that Northridge West Neighborhood Council urges the City Council to enact a comprehensive new ordinance for the regulation of Wireless Telecommunications Facilities (WTFs), clearly and unambiguously authorizing local regulation of aesthetics to the full extent of

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the law in light of the recent judicial determinations. NWNC further requests that the City Council seek guidance from the City Attorney in crafting the new ordinance and that the following actions be taken with regard to the new ordinance

- 1. The City Attorney be directed to review all applicable regulations, rules, policies and procedures pertaining to the installation of wireless telecommunications facilities in the City of Los Angeles in light of the Ninth Circuit's decisions in Sprint v. County of San Diego and Sprint v. City of Palos Verdes, with the goal of recommending a comprehensive new ordinance regulating the installation of all wireless telecommunications facilities in the City, authorizing regulation of aesthetics to the full extent of the law.*
- 2. Supports the motions contained in CF 09-2645 and the earlier CF 08-2440 and calls on the City Attorney to review and report to the City Council within 30 days on what new tools are available to regulate wireless telecommunication facilities in light of the Sprint v. San Diego and Sprint v. Palos Verdes cases.*
- 3. 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 (JPA) 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.*
- 4. That the City establish a task force composed of appropriate city departments including, but not limited to, Department of Water and Power, Planning, Building and Safety, Harbor, Public Works, and the CAO, representatives of Neighborhood Councils, and other community organizations and stakeholder groups, to assist in the development of a city policy on the siting of telecommunications facilities.*
- 5. That the City Attorney with input from the above referenced task force, prepare a comprehensive new ordinance to address the height, appearance, number, location and approval process for wireless communication facilities.*
- 6. Consistent with the City Attorney's recommendations, the City enact a comprehensive new ordinance with clear and consistent standards and procedures regulating all wireless telecommunications facilities in the City and providing protection to communities and residential neighborhoods to the fullest extent possible under the law. Including the following requirements*
 - i. Any standalone tower placed in our community be disguised as a fir or palm tree or any other camouflage to fit the environment*
 - ii. Any tower placed on top of a building in our community where they would be visible, be hidden by a decorative panel*

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- iii. Any electrical panels be disguised by color or form that fits the environment or placed away from public view underground*
- iv. "All" applications for future cellular sites go before the effected Neighborhood Council as the voice of their communities that receive the Towers and Boxes*
- 7. In the interim the City impose a moratorium on all wireless telecommunications facility installations in the City and/or applications for approval of such 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.*

Certified by:



Dennis DeYoung
President



Neil K. Perl
Treasurer