



Adam Lid
Public Works Committee
City of Los Angeles
Los Angeles, CA 90012

29 March 2010

Re: **CF 09-2645**

Dear Mr. Lid:

At our February 2010 meeting, the full South Robertson Neighborhoods Council ("SORO NC") unanimously passed a resolution requesting that the City draft a new wireless telecommunications facilities ordinance as soon as possible. I have attached copies of the original motion and the minutes of the meeting.

Like our colleagues in at least 25 other Westside neighborhood councils, we are particularly concerned that the current regulations on cell towers are woefully insufficient. The problem has begun to dramatically accelerate, and it is imperative that the City acts quickly to avoid it spiraling completely out of control. A pro-active, community-sensitive and forward-thinking ordinance will prevent a replay of the chaos and political fallout the City experienced with, say, the recent proliferation of electronic billboards.

We ask that you include our resolution with the official Council File referenced above. Please do not hesitate to contact me if you have any questions.

Sincerely,

Doug Fitzsimmons
President, South Robertson Neighborhoods Council

Cc: Hon. Bill Rosendahl
Hon. Paul Koretz
Chris Spitz, WRAC

Doug Fitzsimmons
President

Jon Liberman
Vice-President

Ann Hammond
Secretary

Terrence Gomes
Treasurer

**South Robertson
Neighborhoods Council**

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Motion that SORONC recommend that the City draft a new wireless telecommunications ordinance

Agenda Item: GB021810-5
Date: 2/18/10
Proposed By: Land Use Committee

Summary

Motion that SORONC recommend that the City draft a new wireless telecommunications ordinance.

Full Proposal

1. Residents throughout Los Angeles are concerned about numerous cell towers/antennas that have been erected or proposed in the past year, in public rights of way and on private property near homes and schools, many without notice and with little or no regulation. Some residents have been startled to find cell towers installed almost overnight in front of their homes, with no notice. These installations are continuing unabated in 2010.

2. Broadband and “data” usage is expanding exponentially because of developing new technologies such as smartphones; more and more cell towers and antennas are required to provide data coverage; the FCC has publicly claimed a “pressing” need to “cut local red tape,” in order to “boost” cell tower construction and “speed deployment” of “ubiquitous” antennas.

3. Los Angeles’ existing cell tower regulations are a patchwork of confusing and sometimes conflicting rules, policies and procedures. There is no ability to deny a cell tower on aesthetic grounds, and there are no specific protections for residential neighborhoods (whether on private or public property). Utility pole cell site installations in public rights of way (ongoing in residential neighborhoods city-wide) are completely exempt from regulation; no installation or excavation permits of any kind are required if a telecom company wishes to install a cell tower with a utility pole as the support structure. DWP officials even claim that telecoms are supposedly entitled to erect pole structures of *any height wherever they wish* in public rights of way, without local regulation, because of the “Joint Pole Agreement” (JPA).

3. Important 9th Circuit decisions have made it clear that cities now have the ability to regulate cell towers more extensively for location and appearance than had previously been understood or believed at the time Los Angeles’ current ordinances were drafted. In the most recent decision, *Sprint v. Palos Verdes*, the Court ruled that cities have discretionary authority to bar cell towers from public rights of way on aesthetic grounds, subject to federal Telecom Act restrictions. This 1996 Act prevents cities from 1) completely prohibiting cell towers; 2) unreasonably discriminating among cell providers; and 3) denying cell towers on the basis of “health” or concerns about RF emissions that are within FCC standards.

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4. The City Attorney is investigating Los Angeles' regulations in light of new case law and the city's participation in the JPA, in accordance with motions submitted by Councilmembers Rosendahl (CF No. 09-2645) and Hahn.
5. To date, 25 NCs, CCs and other organizations throughout Los Angeles have passed motions/resolutions or submitted letters to the City expressing concern about cell tower proliferation and regulation and calling for regulatory reform.

Proposed Motion

SORONC recommends that 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.

Considerations

Pro

Con

Committee voted 6-0 to approve

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



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Approved General Board Meeting Minutes

Thursday, February 18, 2010, 7:30pm(immediately after Special Meeting)

Hamilton Senior High School Cafeteria

2955 S. Robertson Blvd., Los Angeles, CA 90034

I. Call to Order & Roll Call

SORO NC President Doug Fitzsimmons called the meeting to order at 8:50 p.m.

Board Members Present: Brian Bergman, Bette Billet, Harold Bock, Susan Burden, Gerald Chavarria, Paul Del Piero, Doug Fitzsimmons, Gary Garcia, Terrence Gomes, Nahed Guirguis, Ann Hammond, Barry Levine, Baila Romm, Marj Safinia, Kimber Smith, Paula Waxman

Board Members Absent: Robyn Braun, Joe Gjonola, Anne Gross, Jon Liberman, Caitlin Lowe, Roy Nwaiser, Adam Wheeler

Guests: Brooke Powers, Chris Koontz, Eric Weiser, Liz Carlin, Robin Young, Brian Kite, Larry De Mers

II. General Public Comment

Gary Garcia, Hamilton High School Principal, announced an upcoming career fair at Hamilton and distributed a flyer to all present. He asked that if anyone could help with the fair, the school would appreciate it. Gary also gave a brief summary of Hamilton students' recent achievements, the role of the jeopardy program being conducted by the LAPD, and wanted to let neighbors know to expect group runs from program participants, in uniform, from the high school to Reynier Park.

Brian Bergman requested Motion A on the agenda be moved forward to accommodate the schedule of the applicant, There were no objections.

VI. New Business

a. Motion that SORO NC support applicant's request for variance at 1540 Cardiff Avenue (Land Use/GB021810-4). Brian presented and summarized the motion. The applicant spoke and requested the variance be approved and summarized her deep, long commitment to South Robertson. Harold moved to approve the motion; Gerald seconded. **Vote: 14-Y, 0-N, 2-A. Motion approved.**

III. Old Business

a. Draft Special Meeting Minutes of February 18, 2010 (Hammond/GB021810-1). Ann distributed copies of the draft minutes to the Board, and all read them. Baila moved to approve; Bette seconded. **Vote: 14-Y, 0-N, 2-A. Minutes approved.**

b. Draft Meeting Minutes of January 21, 2010 (Hammond/GB021810-2). Marj moved to approve; Nahed seconded. **Vote: 14-Y, 0-N, 2-A. Minutes approved.**

IV. Community Reports

a. Office of Councilmember Wesson (Carlin). No report was made as no representative was present. Terry said the Councilmember's Chief of



Staff, Charmette Bopua, had died unexpectedly, and this was a great loss to the community as well as to the Councilmember.

b. **Office of Councilmember Koretz (Weiser).** Chris Koontz, Deputy for Councilmember Paul Koretz, introduced himself to the Board. He said on Monday, February 22nd, there will be a Council budget meeting at Hamilton High Cafeteria. Doug encouraged people to attend.

c. **Office of the Mayor (Badger).** Doug said that Jen had to leave earlier in the evening, but asked him to remind everyone that online budget surveys are due by February 28th; leave your survey with Gary Garcia, and Jen will pick them up from him. Jen said the NC Regional Budget Day is March 13th, and the Mayor's Day of Service will work with the Big Sunday Organization this year for a May 1st event; Jen invited those interested to attend a planning meeting on February 23rd, and she thanked Paula for already recommending projects.

d. **Office of Senator Price (Bernal).** On February 26th, Senator Price is chairing an informational hearing of the Joint Legislative Committee on Arts. Nomination forms are available for 26 "SHeroes," outstanding women who reside in the 26th Senate District and who have demonstrated community leadership and commitment.

e. **LAPD Report (Gray & Gonzalez).** No report was made as no representative was present.

f. **Robertson Recreation Center (Powers).** Brooke said programs are ongoing, the Easter Egg Hunt is scheduled, there will be a Spring RAL program but she does not know yet if there will be a summer RAL. Bette asked if it were possible for the NC to send a letter of commendation for Brooke; it was suggested that individual emails would be appropriate.

g. **DONE Report (Ibanez).** Doug announced that Rose Ibanez has moved elsewhere and we no longer have a liaison assigned. He said that DONE is being hit hard in the City's budget crisis.

V. Committee Reports

a. **Executive (Fitzsimmons).** Doug said the Executive Committee meeting had focused on budget issues.

b. **Treasurer (Gomes/GB021810-3).** Terry reported that, before commitments made at the Special Board meeting earlier in the evening, \$70,261.17 had been unallocated of the budgeted \$106,265. Sue asked if businesses can contribute; Doug said SoRo, Inc. can raise money but SORO NC cannot.

c. **Land Use & Economic Development (Bergman).** Brian urged everyone to come to the very important Land Use Committee meeting where the proposed plan for the community will be discussed. He said it is normally the first Tuesday of the month. Marj encouraged everyone to read the background materials before the meeting.

d. **Education (Levine & Braun).** Barry said the Artist in Residence



program started on Tuesday, Terry said the dance program is also starting.

e. Green Team (Waxman & Hess). Paula said the Sierra Club spoke at the Green Team's last meeting about the club's study of current garbage disposal technology; current landfills serving the City of Los Angeles will be at capacity by 2011. The Hamilton electronic waste collection program had been extremely successful, packing a huge truck to the brim; this event will be repeated. Paula announced the \$5,000 City Beautification Grant had been awarded to the Green Team, even though there was a lot of competition and scarce funds. Two days of fruit picking gathered almost 1000 pounds of fruit. Canfield donated worms to the new Hami Garden.

f. Public Safety (Bock & Hammond). Harold said he is still working on developing a community program with Fire Station #58, but discussions have been complicated by changes in Captains and the fact that there are different Captains for each shift. Ann reported that all the equipment had been procured for the Station, and that thanks in part to Alcon lighting, the amount spent was less than the \$4,400 approved ceiling.

g. Outreach (Safinia). Marj said there will be a motion next month about banners.

h. Election (Nwaiser). Ann said plans are proceeding on track with the election process.

VI. New Business

b. Motion that SORO NC recommend that the City draft a new wireless telecommunications ordinance (Land Use/GB021810-5). Brian introduced the motion. He said there is a push to have the City re-write the ordinance, and SORO NC is one of the last Westside NCs to consider supporting such a step. Kimber moved to approve the motion; Bette seconded. **Motion approved unanimously.**

c. Motion to establish the position of Assistant Treasurer (Fitzsimmons/GB021810-6). Doug introduced the motion. Ann moved to approve it; Bette seconded. **Vote: 15-Y, 0-N, 1-A. Motion approved.**

d. Motion to approve up to \$1,600 for Hamilton High School Student Security (Hammond/GB021810-7). Ann introduced the motion. Gary clarified that funds were not actually for High School security staff, but that this program benefits the community as well as students. Paul moved to approve the motion; Nahed seconded. **Motion approved unanimously.**

e. Motion to use the approved soronc.org website banner & background artwork for Green Team email newsletters, event flyers and informational website (Waxman/GB021810-8). Paula introduced the motion, explaining that it was especially important to be able to use the logo on the newsletter. Baila moved to approve the motion; Ann seconded. **Motion approved unanimously.**

VII. Adjournment

The meeting was adjourned at 9:40 p.m.