

**NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL
MOTION REGARDING CITY POLICY REGULATING CELL TOWERS**

WHEREAS Cell towers are increasingly being constructed 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, and

WHEREAS the number of cell tower facilities required to accommodate growing telecommunications needs is rapidly expanding, and

WHEREAS concerns have been raised about the impact of cell towers on nearby residents, including noise, aesthetics and safety issues,

WHEREAS the recent Ninth Circuit decisions in *Sprint v. County of San Diego* and *Sprint v. City of Palos Verdes Estates*, provide municipalities with greater legal authority to regulate wireless telecommunications facilities based on aesthetic considerations than had been believed at the time the City's current ordinances were adopted, and

WHEREAS there is an urgent need for robust and comprehensive aesthetic and safety regulations, in light of the telecommunications industry's statement that projections for data traffic show a 30-fold increase in demand and efforts by the telecommunication to severely limit public input into the siting process,

Now Therefore Be It Resolved that the Northwest San Pedro Neighborhood Council:

1. That the City immediately 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 report and the crafting of a comprehensive new ordinance as set forth above.
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 should continue to research the extent of the City's involvement in the Joint Pole Agreement and to what extent the City 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.

Unanimously Adopted 11/9/09