

## Cell Tower Background Information

Cell towers and antennas are rapidly proliferating in residential neighborhoods of Los Angeles, particularly in public rights of way (PROWs) and on apartment buildings and churches on private property. Wireless providers claim that increasing high demand for new “smartphones” requires thousands more antennas to be erected in residential areas.

At the same time, new federal court rulings give local governments greater authority to regulate the placement and construction of cell towers (permitting consideration of aesthetics and more protection for residential areas than had previously been allowed). In one case in particular, *Sprint v. Palos Verdes* (reported in the *Los Angeles Times* in October 2009), the 9<sup>th</sup> Circuit found that cities have discretionary authority to bar cell towers from state PROWs on aesthetic grounds (subject to federal Telecommunications Act restrictions). This case has been described by telecom experts in industry publications as a significant departure from previous case law and a “major blow to the wireless industry” (*California Wireless Association Newsletter*, 12/11/09). As a result, cities throughout California, including **Glendale, Burbank** and **San Francisco**, have either already revised or are in the process of revising their ordinances to allow for expanded consideration of aesthetics in decisions whether to permit wireless facilities in PROWs and on private property in residential neighborhoods.

Unfortunately, current Los Angeles regulations – drafted long before the new technologies and new rulings – have no specific protections for residential areas and contain loopholes allowing the installation of tall cell towers in PROWs, with little or no notice and no hearings prior to permit issuance, *within a few feet of homes* (as has already occurred or been attempted in Hollywood, Hancock Park, Silver Lake, the Marina, Mar Vista, West Los Angeles, Pacific Palisades, Cheviot Hills, Tarzana, San Pedro, Granada Hills, Sunland-Tujunga and North Hills, among other locations).

Responding to the growing concern, 44 councils, associations and/or federations (representing 79 organizations city-wide) have to date formally expressed concerns to the city or called for reform of the city’s regulation of wireless facilities (including the Westside Regional Alliance of Councils and the Hillside Federation) – *not to ban all cell towers, but to provide for proper planning, community input in siting decisions and greater protection for residents.*

The city attorney is also reviewing Los Angeles’ regulatory scheme (particularly in regard to PROW installations) in light of the new court rulings, pursuant to a motion introduced by Councilman Rosendahl in the Council Public Works Committee last year – **CF 09-2645**. A working group of community leaders from throughout the City has also recommended to the city attorney and other city officials the broad outline of an

effective comprehensive ordinance (based upon the new Glendale ordinance) to regulate both private property and PROW installations (see over). The status of the city attorney’s report remains unclear.

## Concerned Organizations

Organizations that have passed motions or publicly expressed concerns include:

### Westside Regional Alliance of Councils

Member councils:

Pacific Palisades CC  
Brentwood CC  
Westside NC  
Bel Air-Beverly Crest NC  
West Los Angeles NC  
Mar Vista CC  
Palms NC  
Venice NC  
Del Rey NC  
NC Westchester/Playa del Rey  
South Robertson NC  
Westwood CC

### Additional Councils

Chatsworth NC  
Granada Hills North NC  
North Hills West NC  
Northridge West NC  
Granada Hills South NC  
West Hills NC  
Encino NC  
Studio City NC  
Sunland Tujunga NC  
Northwest San Pedro NC  
Coastal San Pedro NC  
PICO NC  
Mid City West NC  
Greater Wilshire NC  
Hollywood Hills West NC  
Hollywood United NC  
Central Hollywood NC  
Silver Lake NC  
Mission Hills NC  
Tarzana NC (letter expressing concern to BPW)

Federation of Hillside and Canyon Assns.  
(35 members; [www.hillsidefederation.org](http://www.hillsidefederation.org))

### Additional Associations

The Oaks Homeowners Assn.  
Comstock Hills Assn.  
Westwood So. of SM Assn.  
Marina Peninsula Assn.  
Glassell Park Improvement Assn.  
San Pedro Peninsula Homeowners United  
Del Rey Homeowners & Neighbors Assn.  
Old Granada Hills Residents Group  
San Fernando Valley Historical Society  
Pacific Palisades Residents Assn. (PPRA)

-- PPRA, [info@pprainc.org](mailto:info@pprainc.org), 11/10/10