

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 9th 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)

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, 11/10/10