

## **Pacific Palisades Residents Association**

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### **Information Re Cell Tower Proliferation/Regulation**

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); PPRA disputes this claim and believes that city officials are mistaken as to the nature and authority of the JPA.
3. Important 9<sup>th</sup> 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) discriminating among cell providers; and 3) denying cell towers on the basis of “health” or concerns about RF emissions that are within FCC standards.
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. PPRA has submitted to the City Attorney an outline and summary of facts and conclusions based on its own extensive investigation. The Council Public Works Committee (Huizar, Alarcon, Smith) is expected to take up the matter when the City Attorney’s report is completed (date tbd).
5. To date, 21 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. Most have called for a comprehensive new cell tower ordinance and temporary moratorium on new installations.
6. Glendale recently responded to citizens’ concerns by imposing a moratorium and drafting a new comprehensive cell tower ordinance (now in the public comment stage); Burbank is now considering doing the same.
7. PPRA and other concerned citizens ***do not oppose all cell towers***; we are urging revision of the current ordinances to allow for rational planning, community input, clear and consistent standards and meaningful protection for residential areas to the full extent of the law.