



Public Policy Committee

May 11, 2010

Motion Subject: Managing Proliferation of Cell Tower Growth

Motion: The Mid City WEST Community Council requests that:

- 1. 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.**
- 2. The City immediately impose a moratorium on all wireless telecommunications facility installations in the public right of way in the City and/or applications for approval of such installations in the City until such time that effective regulation of aesthetics and provisions protecting residential neighborhoods are in place.**

Further, the MCWCC directs the MCW Chairman to forward a this motion, with an appropriate cover letter, to the Los Angeles Mayor, City Council, City Attorney, Department of Water and Power and any other appropriate agencies and individuals,

Background: Cell towers and antennas are rapidly proliferating in residential neighborhoods of Los Angeles, particularly in public rights of way and on apartment buildings. Wireless providers claim that increasing high demand for new "smartphones" and other emerging technologies requires thousands more antennas to be erected in residential and mixed-use 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, *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 public-right-aways 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** and **San Francisco**, are now revising their ordinances to allow for consideration of aesthetics in decisions whether to permit wireless facilities in PROWs in residential neighborhoods and elsewhere.

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 providers to install tall cell towers with little or no notice *within a few feet of homes and apartment buildings* throughout the city (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, Sunland-Tujunga and North Hills, among other locations).

The Los Angeles City Attorney is currently reviewing Los Angeles' regulatory scheme in light of the new court rulings, pursuant to a motion introduced by Councilman Rosendahl in the Council Public Works Committee last year (report not yet completed) – **CF 09-2645**.

Financial Impact to MCWCC: None

Public Policy Committee vote: 4-0 in favor of the motion.

Arguments for the Motion: See above

Arguments against the Motion: None

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