

Pacific Palisades Residents Association

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1/28/10

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 9th 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) unreasonably 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, 25 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.

Cell Tower Presentation – Additional Information

Background:

Presenters Christina Spitz and Barbara Kohn are, respectively, Vice-President and President of Pacific Palisades Residents Association (PPRA). PPRA is a 51 year old, all-volunteer organization concerned with issues of environmental protection and community preservation.

Chris and Barbara are also board members of Pacific Palisades Community Council (PPCC) and serve as alternate representatives on the Land Use and Planning Committee of the Westside Regional Alliance of Councils (WRAC/LUPC).

Chris and Barbara have been researching cell tower proliferation and regulation issues for much of the past year. In 2009 alone, the Palisades community experienced an unprecedented *11 attempted cell tower installations*, including an unregulated “utility pole cell site installation” that was erected without notice in a parkway only a few feet from a home. Six of the 11 attempts are still pending (of these six, permits have already been issued without a hearing for two “monopoles” to be erected in parkways of residential areas with *no above-ground utility poles*; these permits are on appeal); one attempted tower within the Coastal zone was denied a Coastal permit; and plans for three attempted towers on other residential streets were withdrawn *only after strong, concerted opposition from residents*.

Proposed Motion/Resolution:

As of 1/27/10, WRAC members PPCC, Brentwood CC, Bel Air-Beverly Crest NC, Westside NC, Venice NC, as well as Mar Vista CC LU Committee, have passed motions/resolutions calling for reform of the City’s regulations related to cell towers.

The following proposed language has been recommended by WRAC/LUPC to the WRAC Leadership:

The _____ Board respectfully recommends that 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.

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Cell Tower Regulation Motions/Resolutions/Concerns

Motions/resolutions passed and/or letters written to city, as of 1/28/10:

PPRA
Pacific Palisades CC (PPCC)
Brentwood CC
Westside NC
Bel Air-Beverly Crest NC
Chatsworth NC
North Hills West NC
Northridge West NC
Granada Hills South NC
Granada Hills North NC
West Hills NC
Greater Wilshire NC
Hollywood Hills West NC
Central Hollywood NC
Hollywood United NC
Northwest San Pedro NC
Silver Lake NC
Tarzana NC
Venice NC
The Oaks Assn.
Comstock Hills Assn.
Westwood So. of SM Assn.
Marina Peninsula Assn.
Glassell Park Improvement Assn.
San Pedro Peninsula Homeowners United

Motions/resolutions pending as of 1/28/10:

Glassell Park NC (resolution under consideration)
Mar Vista CC (resolution apprvd by LU Cmttee; to be considered by general board)
Del Rey NC (resolution apprvd by LU Cmttee; to be considered by general board)
Westside Regional Alliance of Councils (resolution apprvd by LU Cmttee; to be considered by general board); WRAC members:

Bel Air Beverly Crest NC*	South Robertson NC
Brentwood CC*	Venice NC*
Del Rey NC	Westchester/Playa NC
Mar Vista CC	West LA NC
Pacific Palisades CC*	Westside NC*
Palms NC	

*passed resolutions (see above)

-- Christina Spitz, V.P., PPRA,
Board Member, PPCC and
alternate rep., WRAC/LUPC