

Los Angeles Cell Tower Proliferation/Regulation – FAQs

What is happening with cell tower proliferation in Los Angeles?

- Wireless providers are aggressively pushing to erect obtrusive towers within a few feet of homes in residential neighborhoods, often where residents already have good cell coverage and don't want cell towers. Residents sometimes awake to find a pole being removed and an ugly new tower being installed in the parkway outside their front door, *without any prior notice*; they are simply told there's nothing they can do about it!
- DWP states that replacement pole installations, which require *no local regulation*, are ongoing throughout Los Angeles, in public rights of way in R1 zones. Other poles and antennas are also being installed on or near apartment buildings, schools, homes or other structures. Citizens have been opposing tower and antenna installations in many districts and neighboring cities, including Pacific Palisades, Marina del Rey, Westwood, Hollywood, Carthay Circle, Hancock Park, Mid-City, Baldwin Hills, Highland Park, Granada Hills, Glendale and Pasadena. *If proliferation hasn't occurred yet in your residential neighborhoods, it will be coming soon!*
- Over 260 "power cabinets" have been installed at very low heights on utility poles, without any permits, often in residential areas. These cabinets – installed by Verizon for its new FIOS network – are a traffic and pedestrian safety hazard and an aesthetic blight. The Granada Hills South NC has been leading a coalition in opposition to these un-permitted installations.

Are citizens who oppose cell towers also opposed to wireless technologies?

- **No!** Wireless telecommunication technology is here to stay and has a role in our lives. At the same time, as providers seek to market new 3G and other rapidly-developing technologies to enhance "international roaming" and video/Internet capabilities, *more and more towers and/or antennas are needed in more and more places.*
- The wireless facilities necessary to support these technologies should be *properly and rationally planned, sited and regulated, with due regard to the needs and concerns of local communities and residents*, rather than haphazardly and even unsafely sited and erected with little or no notice or regulation, as is now occurring.

What is the state of cell tower regulation in Los Angeles?

- Current law is a patchwork of inconsistent and often conflicting regulations, policies and procedures which fail to protect communities and residential areas to the fullest extent possible under the law. Different procedures and standards apply, for example, depending on the location or nature of the facility (e.g., private property, public rights of way or "utility poles"). *The standards are unclear to residents and even some authorities!*
- Specific deficiencies in the regulatory scheme include: exemption from meaningful regulation of all utility poles; no specific protection for residential neighborhoods; unclear, inadequate or non-existent definitions and standards for construction, design, aesthetics or placement of facilities; inadequate notice and no required public hearings for installations in public rights of way; bulk design approval for thousands of free-standing power cabinets at a time, without input from residents or affected communities; lack of coordination in administration and jurisdiction; different standards applied by different agencies depending on the circumstances of each installation.
- Authorities believe that installations involving existing and replacement utility poles are "off-limits" to regulation due to supposed limitations imposed by the Joint Pole Agreement (JPA) – a written agreement among various cities, utilities and cable and wireless providers related to joint or shared use of such poles. *Documents that have now come to light raise serious questions about the claim that the JPA somehow precludes regulation of utility poles.* The city attorney's office has been requested to investigate.

Is regulatory reform needed?

- **Yes!** The City's inconsistent and conflicting regulations were promulgated at a time when authorities believed that federal law permitted only minimal regulation of wireless facilities by local governments. New case law makes it clear that cities can have comprehensive ordinances with meaningful regulation of such facilities and protection for residential areas.
- Cities throughout California, including Glendale, Irvine and Torrance, have revised or are seeking to revise their regulations in light of the new case law. Los Angeles should act now to revise its regulations and provide greater protection for residents.

What is being done?

- Pacific Palisades Residents Association (PPRA) has forwarded to Councilmember Bill Rosendahl (CD 11) a motion calling for a comprehensive new ordinance with clear and consistent standards regulating all wireless facilities in Los Angeles, with protection for residential areas to the fullest extent possible under the law, and for a moratorium on installations until the ordinance can be enacted. A similar motion is under consideration by the Land Use & Planning Committee of the Westside Alliance of Regional Councils (a coalition of NCs/CCs in CDs 11 and 5).
- Pacific Palisades Community Council has also forwarded to Councilmember Rosendahl a motion calling for changes in the regulation of wireless facilities in the public rights of way and for a temporary moratorium.
- Councilmember Rosendahl, as immediate past chair of the Public Works Committee, has initiated a review by the city attorney of the City's regulations and procedures related to wireless facilities as well as an investigation of the scope and effect of the JPA. The city attorney's report is expected to be made public at an upcoming Public Works Committee meeting (exact date currently unknown).
- The new members of the Public Works Committee are Councilmembers Jose Huizar (chair; CD 14), Richard Alarcon (vice-chair; CD 7) and Greig Smith (member; CD 12). Councilmember Rosendahl will follow through and is committed to revising the current regulatory scheme.

What can other NCs & homeowner/residents groups do?

- **Write to Councilmembers Rosendahl, Huizar, Alarcon and Smith.** Let them know that your NC is concerned about cell tower proliferation, particularly in residential areas, and supports comprehensive reform of the City's regulations and a temporary moratorium on all installations. *Please also cc Councilmember Hahn, Legislative Asst. Adam Lid and PPRA (addresses below).*
- **Attend the next Public Works Committee meeting when cell tower regulation is on the agenda.** If you let PPRA know that you plan to attend, we'll keep you updated on when the matter will be taken up by the Committee. Public Works Committee meetings are normally held on the first and third Wednesday of each month at 2pm, Rm. 1010 City Hall.

We urge all organizations to join this important effort!

Pacific Palisades Residents Association – September 8, 2009

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Address List:

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Note: all correspondence with city officials should reference Council File No. 08-2440)