

## Communication from Public

**Name:** Rafael Lopes

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**Council File No:** 24-0701

**Comments for Public Posting:** I oppose installation of the Verizon simulated tree cell tower at 1751 Colorado Blvd in Eagle Rock. The tower did not go through proper due process, community review and violates Eagle Rock's Specific Plan. Please do not allow its construction of this fake tree cell tower which was erroneously deemed approved.

OVERVIEW: • Verizon Wireless submitted an application to construct a 45-foot tall wireless fake tree within the Colorado Blvd. Specific Plan (CBSP) area in Eagle Rock at 1731 Colorado Blvd. where My Vegan, Modan, Aunt Yvette's Kitchen, Green Dragon and the UPS Store are located. • The proposal violates the Colorado Blvd Specific Plan in numerous ways, including height limit, location and design. • City Planning failed to make a decision before an FCC-regulated "shot clock" ran out. "Shot clocks" put a limit on the amount of time a municipality can take to render a decision on wireless applications. • City Planning then issued a letter indicating that since the shot clock had been missed, the project was "deemed approved by operation of law," citing California Government Code Section 65964.1 which provides a "deemed granted" remedy when a shot clock is missed for wireless co-location or siting applications as defined in Section 65850.6. • However section 65850.6 pertains ONLY to co-locations onto existing wireless facilities. IT DOES NOT APPLY TO NEW TOWERS. • Even if this code section were applicable to new towers, this project would still not qualify because (1) it is not in compliance with local land use regulations (specific plan) and (2) no public hearing was held. Both of those criteria must be met for a project to be deemed approved.