

April 7, 2025

Councilmember Bob Blumenfield
Chair
Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Via Email Only (Councilmember.Blumenfield@lacity.org)

Re: Verizon Wireless's Approved Conditional Use Permit and Other Permits For APCE-2022-8878-SPE-DRB; Telecommunications Facility to be Located at 1731 West Colorado Boulevard, Eagle Rock Community, City of Los Angeles; Verizon's Good Faith Reliance on the Properly Issued City Permits.

Chair Blumenfield:

Our office represents Verizon Wireless (Verizon) regarding its unoccupied and disguised wireless telecommunications facility (Facility) approved to be installed at 1731 West Colorado Boulevard in the Eagle Rock community. The Facility will be discussed at the City of Los Angeles's Planning and Land Use Management Committee meeting on April 8, 2025, (Agenda Item No. 7) in response to the Motion filed on the matter in June 2024.

As discussed more below, the City's Planning Department properly approved the Facility's Conditional Use Permit and other permits in April 2024, and the City has also issued a building permit for the Facility since then. All of the Facility permits and approvals issued by the City were proper under the law and circumstances. Verizon has relied on those City permits and approvals and has invested hundreds of thousands of dollars to move forward with the Facility work.

Consequently, the properly issued City permits and approvals for the Facility should not be disturbed, and Verizon will proceed with its vested rights to continue to implement the Facility project to meet customer needs in the community.

A. Brief Summary Of The Facility Application.

Verizon's Facility will fill a significant gap in wireless services in the Eagle Rock community and is needed to serve customers' personal, business, and telehealth uses, as well as for emergencies.

Chair Blumenfield
April 7, 2025
Page 2

Verizon's faux tree Facility will be on a commercial parcel, next to a commercial building, along Colorado Boulevard, with many mature trees in the vicinity to provide screening and visual integration. No feasible alternate locations for the Facility were found to fit within Verizon's area wireless network in the Eagle Rock community.

Verizon's application for the Facility was submitted to the City in 2022, but was not timely acted on by the City consistent with the federal 150-day "Shot Clock" timeframes and deadlines. While Verizon and the City have different Shot Clock dates for this matter, both the City and Verizon agree that, as of July 13, 2023, the Shot Clock had run without the City taking action on the Facility application.

B. The City Properly Approved The Facility Permits Under California Law.

California Government Code section 65964.1 provides a "deemed approved" remedy when an agency does not take action on a wireless facility application within certain timeframes. The "deemed approved" remedy applies to a wireless facility "siting application" such as for the Facility, not just to collocation projects as incorrectly stated in a June 2024 Motion about the Facility. (*See* Gov. Code § 65964.1(a).)

Here, because the City failed to act on the Facility application within the 150-day Shot Clock timeframe, Verizon's agent sent a written communication to the City in February 2024 explaining that the Shot Clock time had run and that the Facility permits were deemed approved under the law. (*See* Gov. Code § 65964.1(a)(3)(A).)

After receiving that communication, the City had the option either to recognize the deemed approved nature of the Facility permits, or to file a lawsuit within 30 days to contest the deemed approved status of the permits. (*See* Gov. Code § 65964.1(a)(3)(B).) (The June 2024 Motion about the Facility also incorrectly says that the wireless carrier must file suit if the Shot Clock deadlines are not met.) Any suit by the City to challenge the deemed approved Facility permits, however, would have been futile and a waste of City resources because the Shot Clock deadline had clearly not been met.

Further, the public policy of the State is to implement the "deemed approved" status of wireless facility applications when Shot Clock deadlines have not been met because the Legislature determined such wireless facilities have a beneficial economic impact in the State and are a matter of statewide concern. (*See* Gov. Code § 65964.1(e).)

Chair Blumenfield
April 7, 2025
Page 3

C. Verizon Has Relied On The City Permit Approvals For The Facility And Has Invested Significant Funds In Reliance On Those City Approvals.

The City Planning Department’s April 2024 letter properly stating that the Facility permits were deemed approved included the Facility plans, which provided a specific approval of the project. Also, in February 2025, the City issued a building permit for the Facility project.

Verizon has relied on those City permits and approvals and has invested hundreds of thousands of dollars in moving forward with the Facility work, including the procurement of the physical Facility structure.

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For the reasons stated above, the properly issued City permits and approvals for the Facility should not be disturbed, and Verizon will proceed with its vested rights to continue to implement the Facility project to meet customer needs in the Eagle Rock community.

Please contact me if you have any questions about this letter. Thank you.

Sincerely,



Kevin P. Sullivan, Esq.
Partner
Gatzke Dillon and Ballance LLP

Copies (all via email):

- Councilmember Heather Hutt (Vice Chair)
- Councilmember Adrin Nazarian
- Councilmember Nithya Raman
- Councilmember John Lee
- Ernesto Velazquez, Esq.
- Ethan Rogers, Esq.
- Daisy M. Uy Kimpang
- Michelle Felten Brower
- Melissa Ranck
- Erica Jacquez