

Communication from Public

Name: Kevin Sullivan

Date Submitted: 04/07/2025 01:07 PM

Council File No: 24-0701

Comments for Public Posting: Chair Blumenfield: Attached is a letter submitted on behalf of Verizon Wireless regarding its unoccupied and disguised wireless telecommunications 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, as Agenda Item No. 7.

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.

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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).)

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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

Communication from Public

Name: Rebecca Niederlander

Date Submitted: 04/07/2025 12:36 PM

Council File No: 24-0701

Comments for Public Posting: Dear PLUM committee members, This project is a gross violation of the Colorado Blvd. Specific Plan, a law that was passed to protect our community from reckless, inappropriate development just like this that goes against what the community wants. When I purchased my home 24 years ago, I expected the City Council and the City Planning Department to follow the laws of the community that they approved. We deserve to have our voices heard in a public hearing. This is our community, and we have the legal right to weigh in on decisions that affect it, especially when any potential violations of the specific plan are required to be heard about and reviewed for new construction! The preservation and beautification of Eagle Rock is extremely important to me. This project will permanently scar a focused pedestrian stretch of Colorado Blvd with a giant ugly eyesore especially when we have all been working so hard for decades to make this a neighborhood the whole city can be proud of. Please do not back away from supporting citizens of Los Angeles. We need government officials who support their constituents and their neighbors and who are not afraid to do so. These are the people who can lead this great blue state! Respectfully, Rebecca Niederlander

Communication from Public

Name: Paras Family - Argus Drive Residence

Date Submitted: 04/07/2025 11:14 AM

Council File No: 24-0701

Comments for Public Posting: Erecting a 45-foot cell is not only an aesthetic concern, but from my understanding, it violates the Law that exists to protect the character of Eagle Rock's main boulevard. It is not just considered unsightly, but its presence is of great concern for the potential health effect to the residence in the area, due to the radio frequency (RF) radiation emitted by cell towers. Additional concern that I have, that the proximity of the cell tower can negatively impact the property value of our homes in the area. The Residences should be given a Choice regarding this matter since, WE are Directly Affected. Thank You

Communication from Public

Name: Courtenay Wilks

Date Submitted: 04/07/2025 02:13 AM

Council File No: 24-0701

Comments for Public Posting: 15 year ER resident here. Please have Verizon and the City go through the proper channels regarding the installation of this cel tower. Procedure should be followed with a public hearing where the affected neighbors have a chance to hear the options and weigh in. The City needs to be more efficient, it seems, but ER residents shouldn't be shut out of the conversation because City of LA may have dropped the ball. Hold people responsible, follow the rules and don't let corporations continue to hold us hostage.
Thanks