

MOTION **PLANNING & LAND USE MANAGEMENT**

In December of 2022, Verizon Wireless submitted an application to the Department of City Planning (Planning) for the construction of a 3-story, 45-foot tall wireless telecommunications tower disguised as a faux tree at 1731 W. Colorado Boulevard in Eagle Rock. Despite development on Colorado Boulevard being governed by the Colorado Boulevard Specific Plan, Planning processed the application incorrectly and referred it to the wrong review panel. Eagle Rock constituents identified this error and informed Planning that the application needed to be reviewed by the East Area Planning Commission because the project requested multiple exceptions to the Specific Plan (30-foot overall height limit, 15-foot height limit within 15-feet of a rear yard, design and screening requirements, etc.) Project Permit Compliance, and a Conditional Use Permit.

On February 28, 2024, the applicant informed Planning that the shot clock, which dictates how long an agency has to review an application, had expired. On April 3, 2024, Planning issued a letter stating the 150-day shot clock had expired for the project at 1731 W. Colorado Blvd. and declared the project "deemed approved by operation of law." In its letter, Planning referred to CA Government Code Section 65964.1 and FCC regulation 47 C.F.R. §1.60003. The FCC regulation specifies that a 150-day shot clock for new towers is the "presumptively reasonable length of time" while other FCC regulations describe the remedy available if a shot clock is missed. The remedy for missed shot clocks on new towers is for the applicant to file suit within 30-days of the expiration of the shot clock and request the courts act on the matter. This did not occur, making Planning's letter and the cessation of the public process unnecessary. California law does grant deemed approved status in some cases, but the noted law refers and applies only to co-location applications, not entirely new towers. It also stipulates that even if a shot clock is missed, no project may be deemed approved until at least one public hearing has been held on the matter and all required public notices have been provided. However, no public hearing by a decision making body ever took place for the application.

The result of erroneously determining the project was "deemed approved by operation of law," is that a project that clearly violates a Specific Plan in numerous ways has been approved as-is with no public hearing while an entire community has been silenced and denied their due process rights to be heard by decision-makers. The Eagle Rock community and all interested stakeholders must be provided with the opportunity to express comments to a decision making body on a discretionary land use matter and the legally required public process for entitlement requests must re-commence and be completed.

I THEREFORE MOVE that Department of City Planning be INSTRUCTED to rescind its April 3, 2024 action that erroneously deemed approved a cell tower application for the property located at 1731 W. Colorado Boulevard and immediately re-commence the proper public hearing process.

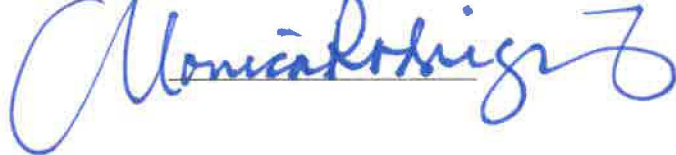
I FURTHER MOVE that the Department of Building and Safety, Los Angeles Fire Department, and the Bureau of Engineering be INSTRUCTED to withhold all permits for this location until the public hearing process is satisfied and a final decision has been rendered by decision-makers.

PRESENTED BY:



KEVIN DE LEÓN
Councilmember, 14th District

SECONDED BY:



ORIGINAL

JUN 12 2024

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