

CALIFORNIA FIRES AND FIREFIGHTERS

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Supervisor Janice Hahn – FourthDistrict@bos.lacounty.gov
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Supervisor Hilda Solis – firstdistrict@bos.lacounty.gov
Supervisor Kathryn Barger – Kathryn@bos.lacounty.gov
Supervisor Lindsey Horvath – Lindsey@bos.lacounty.gov
Los Angeles County Board of Supervisors – executiveoffice@bos.lacounty.gov

Oppose Agenda Item 59: Titles 16 & 22

Dear Hon. Sup. Hahn and Members of the Board:

The Staff's recent changes to the proposed amendments to County Code Titles 16 and 22 do not meaningfully address the concerns raised by the Board of Supervisors or those concerns raised by residents and experts in the field of public safety.

I have written to the Board, spoken before you, and submitted my white paper on telecommunications fires, "Protecting LA County's Future." I have, in my capacity as a member of Fiber First LA and as cofounder of the nonprofit California Fires and Firefighters, met with members of your staffs; in one of those meetings LA County Planning and County Counsel were represented.

I believe you have heard our concerns on the added fire risks that thousands of new cell towers in Los Angeles County will bring, but the proposed changes to Titles 16 and 22 are nothing more than window dressing. I will address only those changes that appear intended to focus on the fire and structural safety risks because the revisions do nothing to ensure a minimum standard for protection.

Telecom will still be left to police telecom when it comes to structural, electrical and fire safety, and you will have another telecom-initiated Malibu Canyon Fire (2007) on your hands or another fire from SCE's own telecommunications facilities like with the Woolsey Fire (2018).

Big problems deserve substantive solutions. Merely asking telecom to "maintain" their macro towers and/or small cells is profoundly inadequate. They should be built right in the first place.

People need an escape route and time. Towers are fire risks so they should not be placed next to homes and schools. Cell tower fires are electrical fires, and they cannot be fought through conventional means until the grid is cut; that can take up to 60 minutes.

Please require the fire and structural safety provisions in Fiber First LA redlines to Titles 16 and 22. These provisions were adopted in Malibu, a city in Sup. Horvath's district after it burned twice at the hands of telecom-equipment.

Here are the County's proposed changes that attempt to address fire but fall far short:

Proposed change #1: "including all applicable public safety requirements."

Proposed change #2: "Safety. All SCFs shall be designed and installed to ensure that the SCFs and supporting structures meet minimum standards for public safety. All SCFs shall be maintained to prevent electrical and fire hazards."

In our one meeting with Mr. Durbin he explained he was neither an engineer nor an attorney, nor did he review applications or permits. He said he was only an ordinance writer. He presumably therefore knows that merely stating that all relevant codes apply does nothing since the county has expressly exempted wireless from all otherwise relevant codes. Presumably Ms. Bodek is equally familiar, and they likely figure the Supervisors do not understand that Los Angeles County has expressly chosen to be "different" than the state and exempt these wireless providers from the Building and Electrical Codes:

Building Code Sec. 101.3: "The provisions of this Code shall not apply to work located primarily in a public way other than pedestrian protection structures required by Chapter 33; public utility towers and poles; certain governmental agencies, special districts, and public utilities as determined by the Building Official;..."

Electrical Code 80-3: "The provisions of this Code shall not apply to public utilities; or to electrical wiring for street lighting or traffic signals located primarily in a public way; or to mechanical equipment not specifically regulated in this Code."

Your staff knows the proposed changes listed above look inviting but are completely meaningless. Your staff is not providing you with the language or the policy necessary to protect the residents of LA County. Your residents are at risk, your renters are at risk, your property values are at risk and your property itself is at risk. Suggesting an adherence to public safety standards that staff knows have been exempted is deceptive.

Please note further that your staff is suggesting safety standards for the supporting structures only; they are leaving scrutiny of engineering designs including structural, building, electrical and fire safety to telecom. Such reliance upon telecom has been proven to be a costly error. [Please see my white paper "Protecting LA County's Future."]

Additionally, LA County must expressly incorporate **APCO ANS 2.106.1, Public Safety Grade Site Hardening Requirements** to impose meaningful structural safety requirements - the national standard for public safety telecommunications infrastructure. It does not apply on its own as California has not yet adopted this federal standard as its own. Therefore, LA County must do so and Staff did not add this critical structural integrity requirement.

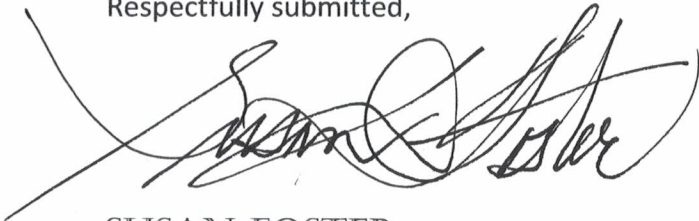
Fiber First LA stands ready to assist the County with the fire safety protocol we designed specifically for Malibu and that town adopted because it is a city that has burned twice, as supervisor Horvath well knows. What many do not know is that both of these fires were telecommunications-initiated. Both of these fires were avoidable and together they cost well over \$6 billion.

The Malibu Planning Commission and Malibu City Council unanimously passed our fire safety protocol in Res. 21-17 [attached] calling for inspection of eight critical yet nonetheless basic engineering tests for each cell tower permit application in Malibu.

Your Staff needs to provide a robust application checklist upfront, a tolling of the shot clock if an application is incomplete, and review of the safety and design specifications for each new cell tower and small cell in Los Angeles County. Staff and consultants can be added and the additional cost for reviewing each application charged to the carrier. This is legal and as it should be.

I strongly urge the Los Angeles County Board of Supervisors to vote No on Titles 16 & 22.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan Foster', with a large, sweeping flourish extending from the left side.

SUSAN FOSTER

Cc: W. Scott McCollough, Esq.
Doug Wood, FFLA

Attachment: Resolution 21-17, Malibu Municipal Code