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M E M O

January 6, 2023

To: Los Angeles County Board of Supervisors
From: Fiber First LA Executive Committee

RE: Recent changes to Titles 16 and 22

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 we have brought to the Board's attention.

Proposed change 1: "The applicant must comply with public notification requirements as set forth in the design standards checklist."

FFLA Response: The current design standards checklist only requires notification of the property owner. Neighbors or tenants are not notified. 50% of the residents of LA County are renters. Further, while notice is necessary it is not sufficient. The process is still ministerial, which means those affected by a project have no right to seek appropriate discretionary changes on a case-by-case basis.

Proposed change 2: "The commissioner shall grant a permit..." -

FFLA Response: In other words, this remains a ministerial review, with no meaningful citizen input. You are still taking away a right which residents of LA County currently have.

Proposed change 3: "including all applicable public safety requirements."

FFLA Response: This general language is insufficient for the special requirements of wireless infrastructure. It does not list what public safety requirements apply. There must be an objective list of the applicable standards, through reference to specific codes and standards such as the Building, Electrical and Fire Codes and APCO ANS 2.106.1, Public Safety Grade Site Hardening Requirements.

Proposed change 4: "No SCF or combination of SCFs shall produce exposure levels that exceed the applicable FCC Standards for radiofrequency (RF) emissions."

FFLA Response: This merely restates an already applicable FCC requirement and means nothing unless the county provides for engagement of an independent engineer to test for compliance. This was brought up in the last BOS meeting and remains unaddressed.

Proposed change 5: "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."

FFLA Response: Again, this is completely insufficient. Self-policing by the telecoms has not worked. It's easy to ignore, like a speed limit on a deserted road.

Proposed change 6: "The locating of new facilities shall take into consideration the least aesthetically intrusive location."

FFLA Response: Who will make this determination? What documentation or proof is required? This is so vague as to be useless and can't be used to deny an application. Further, this new aesthetic requirement is only for macro towers. There is still no such requirement for small cells.

Proposed Change 7: "No facility or combination of facilities shall produce at any time exposure levels in any general population area that exceed the applicable FCC standards for radiofrequency (RF) emissions."

FFLA Response: Same comments as before for Proposed Change 4.

We submit these comments in a spirit of cooperation, to help the Board adopt code provisions that preserve important rights for its constituents, fully implement the county's power over location decisions, meet all federal and state requirements, and bring the current code up to date with current practice.

Thank you for your consideration.