



LOS ANGELES
CITY PLANNING

EXISTING WIRELESS TELECOMMUNICATION FACILITIES SPECTRUM ACT COMPLIANCE HANDBOOK

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SECTION 1. INTRODUCTION

- A. Authority.** This Existing Wireless Telecommunications Facilities Spectrum Act Compliance Handbook (Wireless Handbook) is adopted pursuant to Sec. 4C.12.5. (Existing Wireless Telecommunications Facilities Spectrum Act Compliance Handbook) of Chapter 1A of the LAMC.
- B. Background.**
1. On February 22, 2012, the Middle-Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act") became federal law. Section 6409(a) of the Spectrum Act establishes new requirements and timelines for the permitting of modifications, collocation and removal to existing wireless telecommunications towers and base stations that do not substantially change the physical dimensions of the tower or base station.
 2. On October 17, 2014, The Federal Communications Commission ("FCC" or "Commission") adopted new rules with regards to Spectrum Act guidance in *FCC Report and Order 14153*, which outlines a 60-day "shot clock" for eligible facilities requests.
 3. On June 9, 2020, the FCC adopted Declaratory Ruling (FCC Declaratory Ruling 20-75) to clarify when this 60-day shot clock period shall commence and what constitutes a modification that qualifies for an eligible facility request.
 4. On October 27, 2020, FCC Report and Order 20-153 was adopted by the Commission which revised Spectrum Act provisions to qualify excavation or deployment of equipment occurring within 30 feet of existing site boundaries as a modification for streamlined review.
 5. This Wireless Handbook defines standards and procedures to implement the Spectrum Act's directives, furthering development of wireless communication networks throughout the City where Chapter 1A of the LAMC is applied, in harmony with land use, zoning and design standards established to assure community welfare and to maintain the character of neighborhoods.
 6. This Wireless Handbook incorporates relevant requirements from the Department of City Planning's ZA Memorandum No. 130 dated September 3, 2013 (see Appendix 1) in order to make the requirements applicable where Chapter 1A of the LAMC is applied.
- C. Applicability.** This Wireless Handbook applies to existing wireless facilities that are applying for "Spectrum Act" approval, including the collocation, removal, or replacement of an antenna or any other transmission equipment associated with an existing wireless telecommunication tower or base station. This Wireless Handbook only applies to existing wireless facilities on private property, located outside of the public right-of-way (ROW).

- D. **Required Compliance with the Wireless Handbook.** Failure to comply with this Wireless Handbook or any condition or commitments made in compliance with it is a violation of Chapter 1A of the LAMC, subject to all available administrative, criminal and civil remedies.
- E. **Acronyms.** For purposes of this Wireless Handbook, the following acronyms used herein are defined as follows:

LAMC. Los Angeles Municipal Code.

ROW. Right-of-way.

SECTION 2. STANDARDS

A. Like for Like Modification of Existing Wireless Telecommunication Facilities. The replacement of existing wireless telecommunication facilities shall be like for like. To be considered like for like replacement, the following standards must be met:

1. New equipment's visual character and overall mass of the tower exposed to public view of new equipment is identical to that previously approved with the exception of any new design features that shall incorporate full screening standards in accordance with Sec. 4C.12.1. (Roof-Mounted Equipment), Sec. 4C.12.3. (Wall-Mounted Equipment) and Sec. 4C.12.4.C.3. (Freestanding Wireless Facilities) of Chapter 1A of the LAMC.
2. Proximity to residential development remains unaltered.
3. The previous entitlement must cover the new work to a substantial degree as to location, size, number of enclosures and landscaping.

B. Modification of Existing Wireless Telecommunication Facilities. The modification of existing wireless telecommunication facilities shall only be permitted if it does not constitute a substantial change. To modify the facility without it being considered a substantial change, the following standards must be met:

1. Any proposed appurtenance on the tower or base station located outside the public right-of-way (ROW):
 - a. Shall not exceed the existing height of the tower or base station by more than 10%, the height of the base station by 10 feet, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty-feet, whichever is greater.
 - b. Shall only exceed the size limitations set forth in this subsection to the extent necessary to avoid interference with existing antennas.
2. Proposed modifications shall not exceed more than four(4) equipment cabinets per each eligible facilities request.
3. Proposed modifications involving adding any appurtenance to the body of the tower or base station:
 - a. Shall protrude no more than six feet from the base station;
 - b. Shall not protrude from the edge of the tower more than twenty-feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
 - c. However, the mounting of the proposed antenna may exceed the size limits set forth in this paragraph as necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.

4. Ground excavation or deployment is limited to up to a 30-foot radius outside the current boundaries of the tower site. The current boundaries of the site are the boundaries that existed as of the date that the original support structure or a modification to that structure that was last reviewed and approved by the State of California or the City of Los Angeles if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409 (a) process. The current boundaries of the site up to a 30-foot radius excludes any access or utility easements currently related to the site. For base stations, ground excavation is restricted outside the current site, and ground deployment must be in proximity to existing ground equipment.
5. Any modification shall not defeat the existing concealment elements of the tower or base station. If the modified concealment elements or stealth design features would continue to effectively make the structure appear not to be a wireless facility, then the modification would be considered maintaining adequate concealment. If the existing concealment elements of the tower or base station require that the wireless telecommunications facility, including but not limited to antennas or other equipment, be hidden from view, then the modification would be considered making adequate concealment if the modification is hidden from view.
6. Proposed modifications shall comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation meeting the standards of this Subsection (Modification of Existing Wireless Telecommunication Facilities).

SECTION 3. PROCESS

1. The modification of existing eligible wireless telecommunication facilities shall be reviewed pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of the LAMC.
2. Within 60 days of the date on which an applicant submits a request seeking approval under this Section 6409(a), the City shall approve the application unless it determines that the application is not covered by this Section.
3. The 60-day period begins to run when the application is filed showing that the proposed modification is an eligible facilities request. The application may be tolled only by mutual agreement or in cases where the City determines that the application is incomplete. If the City makes an initial determination of incompleteness, the City must provide notice to the applicant in writing within 30 days of the application's submission. Once the applicant submits supplemental materials, the clock again may be tolled if the City notifies the applicant in writing within 10 days that the supplemental submission is also incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

SECTION 4. DEFINITIONS

For purposes of this Wireless Handbook, the following words and phrases used herein are defined as follows:

Applicant. The person or entity who files an application for a Project. Once an application has been approved, the Applicant includes any successor or assignee of the original Applicant.

Base Station. A structure other than a tower that currently supports an antenna, transceiver, or other associated wireless transmission equipment.

Concealment Element. An element that is part of a stealth-designed facility intended to make a structure look like something other than a wireless facility and that was part of a prior approval. This includes any element that hides a wireless facility from view and that was part of a prior approval.

Current Tower Site. The current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Eligible Facilities Request. Encompasses any modification of an existing wireless tower or base station that involves collocation, removal, or replacement of transmission equipment and does not include replacement of the underlying structure—it includes only replacement of “transmission equipment.” These wireless towers or base stations shall have been reviewed and approved through an entitlement process, such as a Conditional Use Permit or Variance, or have otherwise been reviewed and approved under the applicable zoning or siting process or received another form of affirmative State or local regulatory approval. The modification shall not substantially change the tower or base station.

Modification. Involves the collocation, removal, or replacement of transmission equipment of an existing wireless tower or base station. This does not include replacement of the underlying structure.

Substantial Change. A project is considered substantially changed if it exceeds the standards in Section 2. (Standards).

Spectrum Act. A federal law that allows for an administrative process for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Also known as Section 6409(a).

Tower. Any structure built for the sole or primary purpose of supporting any Commission licensed or authorized antennas and their associated facilities.

APPENDICES



APPENDIX 1. **ZA MEMO 130****OFFICE OF ZONING ADMINISTRATION**

City Hall • 200 N. Spring Street, Room 763 Los Angeles, CA 90012

**OFFICE OF ZONING ADMINISTRATION****MEMORANDUM**

ZA MEMORANDUM NO. 130

September 3, 2013

TO: Office of Zoning Administration
Public Counters
Interested Parties

FROM: Linn K. Wyatt
Chief Zoning Administrator

SUBJECT: **WIRELESS TELECOMMUNICATIONS FACILITIES: SECTION 6409(a)
POLICY AND REVIEW PROCEDURES**

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 ("Act") became federal law. Section 6409(a) of this Act establishes new requirements for the permitting of modifications, collocation and removal to existing wireless telecommunications towers and base stations.

This Zoning Administrator's memorandum defines policies and procedures to implement the Act's directives, furthering development of wireless communications networks throughout the City, in harmony with land use, zoning and design standards established to assure community welfare and to maintain the character of neighborhoods (see LAMC Section 12.21-A,20).

This memorandum supersedes the Department of City Planning Wireless Upgrade Criteria and Fees memorandum dated September 23, 2009 (attached).

Federal Statute: Section 6409 (a), Wireless Facilities Deployment - Facility Modification

Section 6409(a) applies to collocation, removal, or modification of equipment on an *existing wireless tower or base station* facility where substantial change in physical dimensions of said facility does not occur.

Section 6409(a), states:

"A State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

The term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment."

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Section 6409 does not apply if the request would substantially change the physical dimensions of a tower or base station, or if collocation, removal or modification of equipment is for structures other than wireless towers and base stations.

The Federal Communications Commission (FCC) guidance notes the following:

Wireless Tower. Any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.

Base Station. Radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. This may also include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station. This equipment may be in any technological configuration.

Department Policy and Review Procedures

The Department's policy and review procedures are consistent with the FCC's Public Notice (DA 12-2047) regarding guidance and interpretation of Section 6409(a), issued January 25, 2013 (attached). As noted in the FFC Guidelines, the provision that a local agency must approve and may not deny an action covered under Section 6409(a) does not preclude the local agency from requiring the filing of an application or from conducting an administrative review as part of this approval process.

A. Policy

All requests determined to be eligible for consideration pursuant to Section 6409(a) must be approved.

B. Procedures

All requests eligible for consideration pursuant to Section 6409(a) shall be processed under the administrative review procedure (Administrative Sign-off or Administrative Plan Approval) described in this memorandum, which the Development Services Center (DSC) will administer.

Review Process

The following steps are to be used by DSC staff to evaluate a Section 6409 (a) request and to determine the applicable review procedure.

Step 1. Application.
The Section 6409(a) application is submitted by the applicant to the DSC for consideration.

Step 2. Confirm 6409(a) Eligibility
DSC staff confirms that the facility is a wireless tower or a base station, and thus eligible for Section 6409(a) consideration.

NOTE: Requests for proposed modifications/collocations to towers or base stations that exceed any of the Administrative Plan Approval standards noted in Table 1, or that are for modifications/collocations to facilities that are not wireless towers or base stations will not qualify for consideration under the Section 6409(a) administrative review procedure established in this memorandum, and are subject to review pursuant to LAMC Sections 12.24-M or 12.24-W,49.

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- Step 3. Determine review standard: Administrative Sign-off or Administrative Plan Approval.**
DSC staff conducts this determination to identify the appropriate review standard and associated documentation to be included in the record; the determination is based on the scope of modifications identified for the project, relative to the review standards listed in **Table 1, below.**
- Step 4. DSC staff assess fee and deem 6409(a) application complete.**
- Step 5. DSC staff conducts review of proposed plans and prior entitlement(s).**
- Step 6. DSC staff issues Administrative Sign-off or Administrative Plan Approval and related documentation for attachment to the case file.**

C. Fees

Fees related to the review procedures are deemed appropriate to recover the Department of City Planning's costs associated with this review and issuing the FCC-mandated approval.

Administrative Sign-off. The required fee for an Administrative Sign-off in association with the Section 6409(a) review procedures will be that identified for a "Miscellaneous Clearance – Zoning Administrator" as provided in LAMC Section 19.01 E.

Administrative Plan Approval (LAMC Section 12.24-M, Waived Hearing). The required fee for an Administrative Plan Approval in association with the Section 6409(a) review procedures will be that identified for a "Modification or Review by Zoning Administrator (Sections 12.24-J., 12.24-L, and 12.24-M.)" as provided in LAMC Section 19.01-E.

LKW:AB:imc

Attachments: Table 1- Section 6409(a) Administrative Review Procedure and Standards
FCC Public Notice (DA 12-2047) January 25, 2013
Department of City Planning, Wireless Upgrade Criteria and Fees, September 23, 2009

Table 1	
Section 6409(a) Administrative Review Procedure and Standards	
REVIEW PROCEDURE	REVIEW STANDARDS
<p>Administrative Sign-Off</p> <p>Conducted and sign-off issued by designated DSC staff.</p>	<p>Equipment cabinets, shelters, and antennae at facilities are like-for-like.</p> <p>Visual character and overall mass of tower within the viewshed of new equipment is similar to that previously approved (new design features that incorporate full screening or stealthing of equipment may be considered in evaluating the visual character of the proposed modifications).</p> <p>Proximity to residential development remains unaltered.</p> <p>The previous entitlement must cover the new work to a substantial degree as to location, size, number, enclosures, and landscaping.</p>
<p>Administrative Plan Approval</p> <p>LAMC Section 12.24-M; hearing waived.</p> <p>Conducted by DSC staff.</p> <p>Letter of Determination issued under signature of the Associate Zoning Administrator.</p>	<p>Any proposed modification or collocation exceeds standards set for an Administrative Sign-off.</p> <p>Any proposed appurtenance on the tower would exceed the existing height of the tower by more than 10% or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or,</p> <p>Proposed modifications involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four), or more than one new equipment shelter; or,</p> <p>Proposed modifications involve adding any appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or,</p> <p>Proposed modifications involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.</p>



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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WIRELESS TELECOMMUNICATIONS BUREAU OFFERS GUIDANCE ON INTERPRETATION OF SECTION 6409(a) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

DA 12-2047
January 25, 2013

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act)¹ became law. Section 6409(a) of the Tax Act provides that a state or local government “may not deny, and shall approve” any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.² The full text of Section 6409(a) is reproduced in the Appendix to this Public Notice.

To date, the Commission has not received any formal petition to interpret or apply the provisions of Section 6409(a). We also are unaware of any judicial precedent interpreting or applying its terms. The Wireless Telecommunications Bureau has, however, received informal inquiries from service providers, facilities owners, and state and local governments seeking guidance as to how Section 6409(a) should be applied. In order to assist interested parties, this Public Notice summarizes the Bureau’s understanding of Section 6409(a) in response to several of the most frequently asked questions.³

What does it mean to “substantially change the physical dimensions” of a tower or base station?

Section 6409(a) does not define what constitutes a “substantial[] change” in the dimensions of a tower or base station. In a similar context, under the *Nationwide Collocation Agreement* with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, the Commission has applied a four-prong test to determine whether a collocation will effect a “substantial increase in the size of [a] tower.”⁴ A proposed collocation that does not involve a substantial increase in

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, H.R. 3630, 126 Stat. 156 (enacted Feb. 22, 2012) (Tax Act).

² *Id.*, § 6409(a).

³ Although we offer this interpretive guidance to assist parties in understanding their obligations under Section 6409(c), see, e.g., *Truckers United for Safety v. Federal Highway Administration*, 139 F.3d 934 (D.C.Cir. 1998), the Commission remains free to exercise its discretion to interpret Section 6409(a) either by exercising its rulemaking authority or through adjudication. With two exceptions not relevant here, the Tax Act expressly grants the Commission authority to “implement and enforce” this and other provisions of Title VI of that Act “as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.)” Tax Act § 6003.

⁴ 47 C.F.R. Part 1, App. B, *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, § I.C (*Nationwide Collocation Agreement*).

size is ordinarily excluded from the Commission's required historic preservation review under Section 106 of the National Historic Preservation Act (NHPA).⁵ The Commission later adopted the same definition in the *2009 Declaratory Ruling* to determine whether an application will be treated as a collocation when applying Section 332(c)(7) of the Communications Act of 1934.⁶ The Commission has also applied a similar definition to determine whether a modification of an existing registered tower requires public notice for purposes of environmental review.⁷

Under Section I.C of the *Nationwide Collocation Agreement*, a "substantial increase in the size of the tower" occurs if:

- 1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- 2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- 3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Although Congress did not adopt the Commission's terminology of "substantial increase in size" in Section 6409(a), we believe that the policy reasons for excluding from Section 6409(a) collocations that substantially change the physical dimensions of a structure are closely analogous to those that animated the Commission in the *Nationwide Collocation Agreement* and subsequent proceedings. In light of the Commission's prior findings, the Bureau believes it is appropriate to look to the existing definition of "substantial increase in size" to determine whether the collocation, removal, or replacement of equipment

⁵ See 16 U.S.C. § 470f, *see also* 47 C.F.R. § 1.1307(a)(4) (requiring applicants to determine whether proposed facilities may affect properties that are listed, or are eligible for listing, in the National Register of Historic Places).

⁶ See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165, *Declaratory Ruling*, 24 FCC Rcd. 13994, 14012, para. 46 & n.146 (2009) (*2009 Declaratory Ruling*), *recon. denied*, 25 FCC Rcd. 11157 (2010), *pet. for review denied sub nom. City of Arlington, Texas v. FCC*, 668 F.3d 229 (5th Cir.), *cert. granted*, 113 S.Ct. 524 (2012); 47 U.S.C. § 332(c)(7).

⁷ See 47 C.F.R. § 17.4(c)(1)(B); National Environmental Policy Act Compliance for Proposed Tower Registrations, WT Docket No. 08-61, *Order on Remand*, 26 FCC Rcd. 16700, 16720-21, para. 53 (2011).

on a wireless tower or base station substantially changes the physical dimensions of the underlying structure within the meaning of Section 6409(a).

What is a “wireless tower or base station”?

A “tower” is defined in the *Nationwide Collocation Agreement* as “any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.”⁸ The Commission has described a “base station” as consisting of “radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics.”⁹ Section 6409(a) applies to the collocation, removal, or replacement of equipment on a wireless tower or base station. In this context, we believe it is reasonable to interpret a “base station” to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station.¹⁰ Moreover, given the absence of any limiting statutory language, we believe a “base station” encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Section 6409(a) by its terms applies to any “wireless” tower or base station. By contrast, the scope of Section 332(c)(7) extends only to facilities used for “personal wireless services” as defined in that section.¹¹ Given Congress’s decision not to use the pre-existing definition from another statutory provision relating to wireless siting, we believe the scope of a “wireless” tower or base station under Section 6409(a) is not intended to be limited to facilities that support “personal wireless services” under Section 332(c)(7).

May a state or local government require an application for an action covered under Section 6409(a)?

Section 6409(a) states that a state or local government “may not deny, and shall approve, any eligible facilities request....” It does not say that a state or local government may not require an application to be filed. The provision that a state or local government must approve and may not deny a request to take a covered action, in the Bureau’s view, implies that the relevant government entity may require the filing of an application for administrative approval.

⁸ See *Nationwide Collocation Agreement*, § I.B.

⁹ See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 10-133, *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, Fifteenth Report*, 26 FCC Rcd. 9664, 9481, para. 308 (2011).

¹⁰ See also 47 C.F.R. Part 1, App. C, *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, § II.A.14 (defining “tower” to include “the on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that Tower but not installed as part of an Antenna as defined herein”).

¹¹ 47 U.S.C. § 332(c)(7)(A). “Personal wireless services” is in turn defined to mean “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.” *Id.* § 332(c)(7)(C)(1).

Is there a time limit within which an application must be approved?

Section 6409(a) does not specify any period of time for approving an application. However, the statute clearly contemplates an administrative process that invariably ends in approval of a covered application. We believe the time period for processing these applications should be commensurate with the nature of the review.

In the *2009 Declaratory Ruling*, the Commission found that 90 days is a presumptively reasonable period of time to process collocation applications.¹² In light of the requirement of Section 6409(a) that the reviewing authority “may not deny, and shall approve” a covered request, we believe that 90 days should be the maximum presumptively reasonable period of time for reviewing such applications, whether for “personal wireless services” or other wireless facilities.

Wireless Telecommunications Bureau contact: Maria Kirby at (202) 418-1476 or by email: Maria.Kirby@fcc.gov.

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¹² See *2009 Declaratory Ruling*, 24 FCC Rod. at 14012-13, paras. 46-47.

APPENDIX**SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.****(a) FACILITY MODIFICATIONS.**

(1) **IN GENERAL.** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.** For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

WIRELESS UPGRADE CRITERIA & FEES

City of Los Angeles – Department of City Planning

As of late, several wireless carriers have been upgrading and updating their existing facilities in light of new technologies and increased demand. The consultants have come to the counter with 10 to 25 project sites at a time, with varying work descriptions.

In an effort to avoid clogging our hearing schedule and ZA staff workload, it would be beneficial if Public Counter supervisors filtered these sites on a *case-by-case basis* to determine which site should be eligible for:

1. sign-off,
2. directed for **Plan Approval** or
3. to file a new **Conditional Use**.

The criteria that would be used to evaluate these sites for **sign-off** will be as follows:

- Equipment and antennae at facilities should be like-for-like
- Visibility of new equipment should be similar to that previously approved or completely screened
- The previous entitlement must cover the new work to a substantial degree as to location, size, number, etc...
- Proximity to residential

If the new work does not meet these criteria, then the applicant would be advised to file a **PA** or **CU**.

For those projects that are being signed-off, a filing fee of \$432 pursuant to LAMC 19.09 should be charged upon sign-off of the building permit by Planning staff.

When the new Fee Ordinance becomes effective on October 26th, a charge of \$1,327 for "Miscellaneous Clearances - ZA Decision" will be made.



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