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November 12, 2024

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, CA 90012

Dear Honorable Members:

**REPORT BACK ON RECOMMENDATIONS RELATIVE TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED USES; CF 22-0617-S8**

## SUMMARY

On April 21, 2023, Council District 9 (CD9) submitted a letter to the City Council with several recommendations for instruction to the Department of City Planning (DCP) regarding wireless telecommunication facility regulations. The City Council subsequently approved the recommended instructions at their meeting on May 3, 2023. The letter instructed the DCP to provide a report back on the status of the City's Zoning Code in relation to the Federal Communications Commission (FCC) regulatory standards and to clarify if the City's Zoning Code is consistent with federal regulations. Additionally, the letter instructed the DCP, in consultation with the City Attorney, to prepare and present an ordinance and environmental review to: 1) update the use list for Chapters 1 (existing Zoning Code) and 1A (New Zoning Code) of the Los Angeles Municipal Code (LAMC) (which jointly comprise the City's Zoning Code) to allow wireless uses, including but not limited to: wireline and network telecommunications services facilities, such as switching and exchange facilities, data centers, cloud storage and internet-supporting facilities; 2) update Chapter 1 and 1A of the LAMC in order to utilize best practices for wireless uses and meet the City's goals for upgrading infrastructure; and 3) conduct public hearings whereby telecommunication/internet service providers and members of the public can provide their input when a proposed ordinance is ready to be vetted.

In response to the first item instructing the DCP to prepare a report with recommendations to ensure consistency between FCC regulations and the wireless standards in the New Zoning

Code, DCP transmitted a report back dated February 29, 2024 to Council File 22-0617-S8 with recommendations to include the FCC and federal government's standards derived from the Spectrum Act of 2012 (Spectrum Act) and FCC Report and Order titled "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies" into the New Zoning Code. The Spectrum Act has a section that enacts rules and regulations for Wireless Telecommunications Facilities that are considered minor modifications to certain sites. This section of the Spectrum Act is commonly referred to as Section 6409. DCP's report detailed the status of the City's Zoning Code, clarifying that these standards are not included in the existing Code (Chapter 1 of the LAMC), but are instead addressed via Zoning Administrative Memo 130 (ZA Memo 130). ZA Memo 130 outlines the processes and procedures for reviewing Wireless Telecommunication Facilities that are eligible for project review under the Spectrum Act. As Federal wireless laws are updated frequently, the DCP determined that maintaining consistency with Federal wireless law necessitates the creation of a "Wireless Handbook" that accompanies and is enabled by the New Zoning Code so that the City's wireless regulations can be easily updated as Federal regulations change. This recommendation to the City Council is reflected in the November 4, 2024 DCP Supplemental Report to Council for the Downtown Community Plan Update and the New Zoning Code in Council File 22-0617.

**This subsequent report addresses the remaining three instructions related to the preparation of an ordinance in CD 9's letter.** This report discusses the legislative code amendment process, including opportunities for public participation as instructed by the City Council, to consider potential modifications to the existing regulations for Wireless Telecommunications Facilities. This report also explains the need for additional research into the wireless uses listed in CD 9's letter in order to add them as a new use to Chapters 1 and 1A of the LAMC and the Use Lists. It must be noted that this code amendment process will require additional staffing and funding for contractual services given the inter- and intra-departmental and local, state and federal government agency coordination, heavy stakeholder engagement, in-depth research as well as contractual services anticipated to update the wireless standards and add new uses to both existing and new Zoning Codes and complete a robust environmental analysis per CEQA. Therefore, the Department of City Planning recommends that the City Council:

1) Instruct the City Administrative Officer to report with recommendations on allocating one (1) City Planner and two (2) Planning Associates to work on the code amendment ordinance and $500,000 in funds for contractual services for CEQA analysis for this ordinance.

## DISCUSSION

Code Amendment Work Program: Wireless Telecommunication Facilities

CD 9's letter recognizes that there is an interest from the wireless industry to update many of the wireless standards in the Zoning Code and ensure they reflect the latest FCC regulations

while also acknowledging that a substantive update of wireless standards should be comprehensively reviewed and addressed across both Chapters 1 and 1A of the LAMC through a separate code amendment process. As such, CD 9 instructs the DCP to prepare an ordinance that updates Chapters 1 and 1A of the LAMC to reflect best practices for wireless uses and meet the City's goals for upgrading infrastructure.

The code amendment would focus on regulatory changes aimed at improving and expanding wireless network services throughout the City. The planned network upgrades would help increase capacity for Wireless Telecommunications Facilities and fiber optic cables, enabling them to handle more data and bandwidth. This would accommodate new services, such as wireless internet for homes and businesses, and broaden the availability of wireless broadband and mobile connectivity citywide. Any proposed code amendment ordinance would involve a comprehensive public outreach process, environmental review, and legislative actions to update the current and new Zoning Codes.

Key topics for any future code amendment consideration, with participation from the public and interested parties, may include but are not limited to:

- Zoning permissions for monopoles,
- Rooftop facility standards,
- Co-location standards,
- Clarifying standards for permit process efficiency,
- Alignment between standards and modern technology, such as higher frequency bands and greater data capacity,
- Streamline of permitting processes, where appropriate

While wireless towers are a modern benefit and necessity to the functionality of our society and emergency services, there may be concerns among the public of the physical and aesthetic impacts from wireless facilities and antenna location and coverage. City Planning anticipates a high level of interest and engagement from both the general public as well as the wireless industry and sees the need for effective coordination with various Departments within the City and partnership with federal and state agencies overseeing wireless facilities.

Consideration of Additional Wireless Uses

CD 9's letter expresses the need to provide clarity on how modern wireless uses, such as data centers, are regulated by the Zoning Code, and as such, directs the DCP to update the use list for Chapters 1 and 1A of the LAMC through a code amendment ordinance to permit wireless uses, including but not limited to wireline and network telecommunications services facilities, data centers, cloud storage and internet-supporting facilities, in commercial zones.

Currently, neither of the Zoning Codes (Chapters 1 and 1A) of the LAMC define nor contain any regulations pertaining to such wireless uses identified in the CD 9 letter. Furthermore, these wireless uses do not fit squarely into the already defined and/or listed uses in Chapter 1 or 1A,

and as such, these wireless uses cannot be added to either of the Zoning Codes (Chapters 1 and 1A) or their use lists without a code amendment process or some other discretionary processes. Given that uses such as a data center are a relatively new and emerging land use within the City, proper study and research of such uses is required prior to allowing them in certain zones. The Department will need to use the research, outreach, public engagement and legislative process of the code amendment to better understand the potential land use and environmental impacts of these uses before they can be added as new uses to the Codes.

Until the code amendment process formally proposes the addition of these wireless uses to both Zoning Codes, City Planning will evaluate proposed wireless uses, including data centers, on a case-by-case basis with considerations given to certain parameters, including but not limited to scale, scope, primary versus incidental or secondary use, zoning and proposed location within a building. Given that Chapters 1 and 1A each have unique ways of defining, categorizing and addressing land uses, proposed wireless uses may be evaluated based on the confines of the structure and definitions of land uses in each Zoning Code.

For Chapter 1, the way permitted uses are established is more rigid than Chapter 1A, as all permitted uses are specifically defined and/or listed in either the Zoning Code or the use list. If there is ambiguity as to how an already-defined or listed use applies to a proposed development or use, a site-specific Zoning Administrator's Interpretation or some other types of discretionary entitlements may be required. As such, the Office of Zoning Administration (OZA) within the Department, in consultation with the Department of Building and Safety, will review the aforementioned parameters of proposed wireless uses on a case-by-case basis and determine whether the proposed wireless use is permitted by-right or discretionary entitlement until the code amendment ordinance is adopted.

For Chapter 1A, as part of the Downtown Community Plan Update and the adoption of the New Zoning Code, City Planning is recommending that the City Council approve modifications to Article 5 of Chapter 1A to allow the Zoning Administrator to maintain a more comprehensive list of specified uses known as the Specific Use List to be used as illustrative examples to guide users in interpretation and implementation. If and when the Council approves City Planning's recommendation for the Specific Use List, the Department would be able to assess the use definitions in Article 5 of Chapter 1A and establish a list of specific uses that are illustrative examples of already-defined uses in Article 5 of Chapter 1A. This would allow more flexibility than Chapter 1 in terms of evaluating proposed wireless uses. As such, wireless uses including data centers can be reviewed by the OZA in consultation with DBS in a much more flexible and streamlined manner for Chapter 1A until the code amendment ordinance is adopted.

Impact of Wireless Upgrades near Olympic Sites

The introduction of Wireless Telecommunications Facilities into land use zones near sites where the Olympic events will be located is a significant step toward improving connectivity in urban areas that will potentially see higher amounts of mobile data traffic around the city. These facilities will support broadcasting needs, enhancing communication capabilities for both public

and private services. For instance, improved wireless coverage will play a vital role in navigation, especially for transportation systems that depend on first and last mile connections, ensuring that users can seamlessly transition between modes of transit. Additionally, transportation apps that rely on real-time data for route optimization, ride-hailing, and public transit schedules will benefit from the increased data capacity these Wireless Telecommunications Facilities provide.

Emergency services will also see improvements, with better connectivity allowing for faster, more reliable communication during critical incidents. For venues located near where these upgrades are slated to take place, the expanded wireless infrastructure will enable more efficient ticketing services, reducing wait times and streamlining entry processes into venues. This infrastructure will not only boost venue operations but also increase their capacity to handle large crowds. Furthermore, with improved point-of-sale systems and mobile payment options, commercial activities in these zones are likely to flourish, as businesses will be better equipped to manage high demand, especially during large events or peak hours. Overall, the integration of Wireless Telecommunications Facilities in and around Olympic venues will contribute to a more connected, efficient, and commercially vibrant urban landscape in time for the Olympics. For this reason, any future code amendment should take into consideration the location of these large world game venues within the City.

Environmental Impact Analysis

The California Environmental Quality Act (CEQA) requires the City to conduct an environmental analysis whenever it makes a discretionary or legislative decision, including the adoption of a land use ordinance. Environmental factors under CEQA most likely to be affected by the code amendment ordinance may include but are not limited to land use, housing, recreation, noise, hazardous materials, utilities, and aesthetics.

For a Wireless Telecommunications Facilities ordinance, if the ordinance is determined to have minimal or no significant environmental impact, a Categorical Exemption (CE) may be appropriate. This level of clearance is often applied when the project falls within a category of activities that CEQA deems not to have significant effects on the environment.

However, if the project has the potential for impacts that are less than significant with mitigation, such as changes to allowable uses for land use zones, an Initial Study/Negative Declaration (IS/ND) or Mitigated Negative Declaration (MND) may be required. This involves a more detailed analysis to identify potential impacts, and if necessary, mitigation measures to reduce those impacts.

In cases where the ordinance is likely to result in significant environmental impacts that cannot be easily mitigated, an Environmental Impact Report (EIR) will be required. An EIR involves a comprehensive analysis of potential impacts on areas such as land use, housing, recreation, noise, hazardous materials, utilities, and aesthetics. It also includes public input and explores alternatives to the proposed project.

Depending on the parameters and scope of this code amendment, any of these levels of CEQA clearance may be appropriate, ensuring that the ordinance complies with CEQA and minimizes its environmental footprint. As such, the proposed code amendment would require funding for contractual services to prepare an environmental analysis that discloses the proposed regulatory changes aiming to enhance and expand wireless network service and create new wireless uses such as data centers. The exact amount needed for the CEQA analysis would depend on the type of clearance needed for the proposed code amendment ordinance, however the section below (Work Program Timeline & Requested Resources) provides an estimate based on staff initial assessment of the code amendment scope and scale.

Work Program Timeline & Requested Resources

Based on typical timelines for code amendments, City Planning estimates that the public participation and legislative adoption process would take around 18 months to two (2) years to complete. This includes the process of initial public outreach, stakeholder meetings with interested parties, initial draft ordinance release, required public hearings, required environmental analysis, and potential revisions based on public feedback, as well as the legislative steps of taking the amendment to the City Planning Commission, Planning and Land Use Management Committee, City Attorney review and City Council. If a full Environmental Impact Report is required, depending on the request of the work program, City Planning anticipates an additional eight (8) to 12 months, bringing the total legislative adoption process to three (3) years. Ensuring there are adequate resources in a timely manner would expedite this timeline, especially in consideration of the upcoming Olympics.

Given the potential scope and scale of this topic, additional resources are needed to realize a successful code amendment process in an efficient and timely manner. Additional resources would include, one (1) City Planner, two (2) Planning Associates and $500,000 in funds for contractual services for CEQA analysis for this ordinance. Critical tasks include conducting the research regarding establishment of what types of telecommunications sites and locations are eligible for discretionary or ministerial review process, research and analysis on the addition of wireless uses, such as data centers, as a new use in the Zoning Code, analysis of potential land use and environmental impacts that may result from code amendments related to Wireless Telecommunication Facilities and addition of new wireless uses, and importantly, identifying resources to manage a robust public engagement process from interested parties and key stakeholders, such as the telecommunications industry.

**CONCLUSION**

City Planning will commence the code amendment to update the wireless regulations in Chapters 1 and 1A of the LAMC to allow for planned network upgrades and increased capacity for Wireless Telecommunications Facilities and fiber optic cables. The code amendment process would involve a comprehensive public outreach process, including public hearings to obtain testimony, with not only the general public, but also the wireless industry to ensure that the code amendment reflects goals and visions of all stakeholders. The code amendment process would

also evaluate wireless uses, including but not limited to wireline and network telecommunications services facilities, data centers, cloud storage and internet-supporting facilities prior to adding such uses as permitted uses to either of the Zoning Codes. The Department anticipates that the code amendment ordinance would require additional staffing as well as funding for contractual services for an efficient completion of this code amendment ordinance and CEQA analysis.

**RECOMMENDATIONS**

As such, the Department of City Planning recommends the City Council:

1) Instruct the City Administrative Officer to report with recommendations on allocating one (1) City Planner and two (2) Planning Associates to work on the code amendment ordinance and $500,000 in funds for contractual services for CEQA analysis for this ordinance.

If you have any questions regarding this matter, please direct them to Tyler Currie at tyler.currie@lacity.org.

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning

VB:AV:hsc:nc:sf:bk:tc