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Petitioner

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Angela Sherick- Bright, Petitioner Vs. The County of Los Angeles, Respondent	22STCV04767 **PETITION FOR WRIT OF ADMINISTRATIVE MANDATE**

INTRODUCTION

As set forth in the letter from Petitioner Angela Sherick-Bright to Supervisors on July 16, 2021: On March 10th of 2021, a new type of Permit was deployed by the County of Los Angeles to aid Crown Castle and other telecom companies seeking to establish radiation-issuing telecom antennas without traditional and legally required citizen input.

Instead of an Application for Conditional Use Permit as historically required by law and typically Notarized for Recordation, this new Application, see Exhibit A hereto, and titled Application for Land Use, contains specialized language apparently derived through concerns of industry and County administrators to streamline applications for telecommunications antennas, by cutting the public out of the loop. This permit retroactively and unlawfully approved

installation of an antenna pole specifically designed to accommodate a high wattage output hybrid 4G/5G antenna on Petitioner's property, in front of her home at 5007 Escalon Avenue, View Park CA 90043.

Subsequently, on November 8, 2021 Crown Castle was issued an Approval for its 16 pages of plans for an antenna equipped telecommunications pole in the front of Petitioner's property, in what is being treated by the County of Los Angeles (sometimes herein County') as within a public right of way easement (see Exhibit B hereto). Despite multiple documented straight-forward email inquiries, (also Exhibit B), the Petitioner has been unable to determine whether or not a Permit has been issued, or alternatively whether the November 8, 2021 "Approved" set of plans is viewed now by the County of Los Angeles as having the same force and effect of a proper Permit, in that case allowing for the installation of a powerful broadband antenna array on the same pole in front of the Petitioner's house.

Upon this new Application for Land Use form (Exhibit A), permission from the landowner was not required, whereas, given the microwave antenna intended for installation, in the opinion of the Petitioner, permission from the landowner was previously expected as a line on the form, had this been part of the apparently now superseded Conditional Use Permit process, while instead this new Application for Land Use form allows permission from the owner of the 'structure' for the planned construction to suffice.

Accordingly, with this new Application for Land Use form, so far as known to the Petitioner, there was no Notice, Hearing, or mechanism for Appeal, such expected up until on or about February 28, 2021 under the prior Application for Conditional Use Permit, which the historic, statutorily authorized and required method for such Permits, and for urban planning.

Including because the pole is under ten meters and the wattage in excess of 1000 watts Effective Radiated Power, Petitioner believes and asserts that this installation should have been evaluated by the County for its environmental effect, as FCC standards (Exhibit C) require. Pursuant to a settlement agreement between Crown Castle and the County, about which residents in View Park knew nothing, cooperation between Crown Castle and the County was so efficient that the Application for the pole was filed on March 8th, the Permit was issued March 10th.

This Permit, and the related Permits in our View Park area, with the public cut out of the l loop were each in violation of California law, federal law (Exhibit C), and the Due Process rights the residents of View Park, including the Petitioner. Many senior administrators have witnessed situations where heavily encouraged team confidence in a program causes aggressive pursuit of outcomes which later turns out as impractical, illegal, or unconstitutional. Here the process violates all three standards. High wattage and long-range capable antennas constitute clear and present dangers to the health and welfare of the flora and fauna in the environment of the View Part neighborhood, and also endanger the residents of View Park due to DNA strand breakage.

A Writ of Mandate is sought here for Declaratory and Injunctive relief. This Petition for Writ of Mandate includes seven Causes of Action, capsule summaries of which appear next.

The FIRST CAUSE OF ACTION is for Declaratory Relief and is necessary because the Petitioner cannot get a clear answer from the County of Los Angeles to the question of whether a Permit has been issued, or alternatively, whether the Crown Castle's County-Approved set of plans dated November 8, 2021 is being treated as a Permit. The Petitioner's plain worded inquiry to the County (Exhibit B) has not resulted in <u>any</u> answer to the seemingly simple question of whether a Permit has been granted, or alternatively, whether, through new County custom and practice, the November 8th "Approved" document is intended by the County to serve like a Permit. Given that Recordation is historically nominal, such "Approved" set of plans would be, in the traditional Conditional Use Permit motif, a very late step, towards the ministerial granting of a Permit. Los Angeles County did not answer Petitioner's inquiry.

In the prior practices known to the Petitioner, where, as here, such final Plan Approval has been granted, the next step is the issuance of the formal Permit. A formal Permit is of critical importance to urban planning because historically, with a Permit for construction upon particular real estate, in the prior Conditional Use Permit method the Permit would be Recorded with the County Recorder. <u>That recordation is essential to Urban Planning because the reciprocal duties owed by the owner of a particular parcel at the time of Permit thereafter 'run with the land</u>.'

However, in this brave new world of LA County telecom Permits, Petitioner is left without knowing whether this Approved stamp on the submitted plans for the pole with

an antenna on her property, will be treated in practical effect like an issued Permit, or whether in the alternative the historical process from the Conditional Use Permit will be followed, and a recordable Permit will be issued as the next stage, followed by Recording as the final Governmental act.

In order to protect against a later assertion by the County of late filing of a Petition for Writ of Administrative Mandate, the Petitioner is, resulting from the County's failure to respond to her three inquiry emails (Exhibit B) compelled to file this Petition, and requests this Court's Declaration as to whether the Approved provision on Exhibit B hereto has the legal effect of a Permit, or whether, as Petitioner believes has been the case up until the recent LA County changes, this Approval of the finally fully submitted plans is a late intermediary step, with the issuance of a recordable Permit to follow.

Petitioner seeks Declaratory Relief, because under the new policy of the County, as shown on Exhibit A hereto, being the Application for Land Use, which since February of 2021 has taken the place of the Application for Conditional Use Permit, the permission of the landowner is no longer required, thereby bringing into question whether there will be recordation at the offices of the County Recorder. Recordation of Permits is integral to Urban Planning.

This unprecedented new practice, where the owner of the 'structure' is sufficient to support an application to build upon real estate, and the permission of the property owner is not, is the tap root of the confusing situation which the Petitioner now faces, which she seeks that this Court resolve by Declaration.

A lengthy November 3, 2021 email from Mr. Mitch Glaser, Los Angeles County Planning (Exhibit D), reiterating his position stated in an October 1, 2021 email, shows that the County's openly adopted policies regarding environmental review and historical site review are in utter direct conflict with the FCC's own clearly stated requirements which are set forth in Exhibit C hereto, composed entirely of the relevant FCC statement of policies, taken directly from the FCC website, which describes the FCC's programmatic approaches for integrating compliance with the National Environmental Policy Act. Please see page 11 of Exhibit C, wherein, bolded in the original, it is stated that: "**Granting of a license is NOT an**

authorization to build unless all environmental requirements have been met." The Exhibits to this Petition are true and correct copies of the text of the cited documents, with font size or spacing in some instances, for example of presentation size reduction, to reduce the number of pages involved, however the text of each Exhibit is verbatim from source.

The above referenced email of November 3 from Mr. Glaser (Exhibit D) was also copied to approximately twenty additional addressees, including County Counsel. This November 3, 2021 email makes the remarkable statement that the County will make no environmental or historical site assessment, despite the FCC's clear regulations to the exact contrary, as published by the FCC and as shown in full in Exhibit C. This County email, stating policy and confirmed s such by wide copy distribution, states: "As I mentioned in my October 1 email, we do not conduct an environmental assessment, including a historical resource assessment, for by-right (Type 1) approvals, which are ministerial in nature and do not have a discretionary component." Here, it is the County, not the FCC, which has unilaterally decided against discretion.

Petitioner objects to the actions of County planning administrators in choosing against compliance with federal, state, and county Environmental and Historical standards and procedures. Petitioner seeks that this Court issue its Order compelling that the County refrain from the issuance of any Permits for telecommunications antennas or antenna arrays without first complying with the FCC requirements for environmental and historical review. The Petitioner urges that this Court issue its Order that the County refrain from the issuance of microwave antenna Permits without the permission of the landowner. The Petitioner requests that in all instances of building Permit issuance (antennas are not in the LA County "Exempt from Permit" listing) this Court issue its Order that the County is obligated to provide Notice to the directly impacted landowner and an opportunity to be heard, to the same extent as has been historically allowed under the Conditional Use Permit approach which remained in force for many decades until the County's recent decision to exclude the citizenry from knowing of Permit issuance.

The SECOND CAUSE OF ACTION is the sole CAUSE OF ACTION in this suit which seeks Class Action status, for the geographically limited area of the View Park subdivision, and in this regard is filed by Petitioner on behalf of all View Park homeowners and residents in said

homes, seeking historical review, given that View Park is a nationally Registered Historic Place as the largest contiguous assembly of homes in African American ownership in any subdivision.

The THIRD CAUSE OF ACTION for Inverse Condemnation seeks injunctive relief to stop further construction on Permits already issued under the above-described Application for Land Use, which Application requires only the permission of the 'owner of structure,' upon which such a telecom antenna is sought to be installed. The THIRD CAUSE OF ACTION seeks to prohibit issuance of Permits based on said Application for Land Use because that procedure does require the permission of the owner, or even the Due Process of Notice to the owner, in this to Petitioner Angela Sherick-Bright, of the fact that her property is about to be Taken. That a Permit 'runs with the land,' is a central tenant of Urban Planning, requiring Recordation.

The FOURTH CAUSE OF ACTION of this Petition seeks to have any and all Permits which have so far been issued within and/or by the County of Los Angeles on the basis of such new Application for Land Use set aside, for violation of Due Process, including for absence of Notice and Hearing.

The FIFTH CAUSE OF ACTION seeks an Order from this Court requiring that prior to the issuance of any Permits for 5G and other telecom antennas the County must conduct basic environmental review as required by County ordinance, California environmental law and published FCC policy (in Exhibit C) all in the light of the scientifically established certainty that cellular radiation cause DNA strand breakage for all living things in the County of Los Angeles.

The SIXTH CAUSE OF ACTION seeks a Temporary Restraining Order and Preliminary Injunction against issuance of Permits for 5G antennas and additionally seeks a Temporary Restraining Order and Preliminary Injunction on the activation of 5G antenna systems within range of Los Angeles International Airport and Burbank Airport, based on the documented interference with radar altimeters from 5G signal.

The SEVENTH CAUSE OF ACTION seeks a Temporary Restraining Order and Preliminary Injunction to prohibit issuance of Permits for 5G antennas and additionally seeks a Temporary Restraining Order and Preliminary Injunction on the activation of 5G antennas, for a period of 60 days, to allow Supervisors to evaluate whether they will continue to place the

County in the position of insurer for the telecom industry for liability exposures which the international insurance industry has refused to insure, there being so far as known to the Petitioner no record that this issue has ever been considered by the County of Los Angeles.

FIRST CAUSE OF ACTION - FOR DECLARATORY RELIEF BY THIS COURT TO DETERMINE WHETHER OR NOT A PERMIT HAS BEEN ISSUED - RECORD UNCLEAR

On November 8, 2021, apparently final plans were marked Approved by appropriate senior County personnel (Exhibit B hereto). Until the initiation of the County's new Application For Land Use approach, replacing the Conditional Use Permit for telecommunications installations, the approval of such a plan (November 8, 2021, see Exhibit B) has always been a last step before actual Permit issuance. Petitioner's repeated inquiries to appropriate County personnel, whose jobs require certain present knowledge as to whether a Permit has been issued or not, have received no response. The Petitioner's search of the publicly available Los Angeles County database for Permit issuance does not demonstrate actual Permit filing. Yet if a 90 day deadline does apply, and November 8 the start, Petition should be filed by February 7, 2022.

In light of this indeterminate record, the Petitioner, on February 2, 2022, sent her email confirmation to the County (in Exhibit B), referencing the confusing record, and confirming that, consistent with long standing expectations of Permit process, she continued to await Permit issuance, which, the County is anticipated to argue, would in turn be the triggering event for deadlines for the filing of a Writ such as herein presented. It is respectfully stressed that the question of whether or not a Permit has actually been issued is a straight-forward fact reasonably within the present understanding of any agency charged with responsibility for Permit issuance.

Accordingly, after three inquiry emails (group Exhibit B) and after the confirmation via email from the Petitioner on January 22nd that a Permit has not been issued for construction of the antenna tower at the front of her property, the Petitioner seeks the Declaration of this Court that, based on the actual record, and including the adoptive admission by the County, as shown in Exhibit B, the Petitioner sought a clear answer as to whether a Permit had been issued.

As of Friday, February 4, 2022, there has been no response to that question.

The Petitioner's emails to the County in Exhibit B show that the Petitioner has attempted to obtain a clear answer as to whether there is a Permit for the planned antenna: Or, whether, under the County's new Application for Land Use process, the County will allow Crown Castle and similarly situated companies seeking to install telecommunications antennas, to proceed with such construction solely on the basis of Approval plans such as the November 8th Approved plan shown in Exhibit B, but without a Permit as would result from a Conditional Use Permit (CUP).

Previous to the adoption of the County's new policy including the new form Application for Land Use, an Application for Conditional Use Permit would be submitted for antenna array construction with Notice to the landowner and adjacent landowners, followed by approval by the Planning Commission, where, having had Notice, those interested in outcome, also including tenants, could offer their positions. That was Due Process. Alternatively, while still involving as Conditional Use Permit (CUP), administrative issuance might in some instances be allowed (a small decorative structure, for example), with opportunities to consult with Planners, and Appeal.

These CUP processes have for many decades been well known to the civil Courts, public administrators, developers, and others engaged in the land development process at a professional level. Petitioner sought to obtain a clear answer from the County as to whether Exhibit B-1, now marked "Approved," is now to be treated by the Applicant and County policy like a Permit, or in the alternative, as a still only a late intermediary step towards a Permit. The resulting uncertainty stemming from absence of a clear answer from the County has compelled that the Petitioner file, so that if in this brave new world of planning what was previously a late intermediary step is, under new policy, to have the weight of a Permit, we in the public should be informed.

Petitioner seeks alternative forms of relief. Specifically, if in the Declaration of this Court, the November 8, 2021 document, Exhibit B-1, is determined as a Permit, then the Petitioner seeks to have it legally nullified on the basis of the positions set forth in each of the following Causes of Action, and on the basis of those Causes of Action present cumulatively.

If, alternatively, it is the determination of this Court that the November 8, 2021 document attached hereto as Exhibit B-1 is not a Permit, and does not have independent legal status so as to

allow the commencement of construction, then in that instance the Petitioner seeks an Order from this Court directing the County against the issuance of any Permits based upon submissions of the form Application for Land Use which is attached as Exhibit A to this Petition.

SECOND CAUSE OF ACTION - CLASS ACTION
FOR RESIDENTS OF VIEW PARK

This is the sole Cause of Action in this Petition seeking to protect the rights of a Class, seeking Certification of a Class consisting of all homeowners in the View Park Development.

This is a situation of common questions of fact and law shared by all homeowners in the View Park Development. All owners of residential property in View Park, including the Petitioner's property are part of a Nationally Registered Historic Place. Petitioner is a suitably qualified Representative Petitioner for all such View Park homeowners. Petitioner's legal counsel, Harry V. Lehmann is experienced in complex litigation, having previously served as Class Counsel and Class Co-Counsel in Certified Class Actions, and having served as counsel for Plaintiffs in mass tort cases involving large numbers of Plaintiffs.

The California Supreme Court in T-MOBILE WEST LLC v. CITY AND COUNTY OF SAN FRANCISCO (S238001) on April 4, 2019, has determined the core principle, as applied here, that under the Telecommunications Act of 1996, this Court may consider the rights of the resident homeowners of View Park to be concerned about the health impacts of these new poles and antenna, which, looking like elements from a science fiction robot movie, are inconsistent with the aesthetic traditions of the View Park National Historic Place, and that residents' health concerns are a legitimate aspect of aesthetics.

In the National Historic Preservation Act of 1966 (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. Section 106 of the NHPA is crucial to that program because it requires consideration of historic preservation in the multitude of projects with federal involvement that take place across the nation every day.

As shown by Exhibit E hereto, the County of Los Angeles has independently taken the express position that it is not required to take historical preservation into account. The telecom companies will assert, and subject to lawful limits correctly, that telecommunications installations are within the regulatory purview of a federal agency, the FCC.

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Also, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them. Section 106 review encourages, but does not mandate, preservation. However, Section 106 review does ensure that preservation values are factored into agency planning and decisions.

The Petitioner, in this sole Cause of Action as putative Representative Petitioner, has been a View Park resident since 2003. The Petitioner has close relationships in the community, including with her neighbors on both sides, all of whom, including the Petitioner, were deprived of Due Process through the absence of the Notice and Hearing traditionally and lawfully available had the County not invented a brand new circumvention from the many decades of California land use practice in which an Application for Conditional Use Permit has, up until this new administrative invention cutting out the public, provided for citizen voice.

View Park is on the National Register of Historic Places, residents of African American descent have for generations chosen View Park residency in solidarity with others who have through their own hard efforts secured homes in one of the most prestigious and lovely neighborhoods in the greater Los Angeles area.

This Petitioner, and as putative Representative Petitioner, along with other residents of View Park reasonably expect their decades honored neighborhood culture to be preserved. This issue is not solely about the question of whether or not a modern radiation generating machine which emulates the shape of a robot head will be allowed in visual discontinuity into View Park. Rather, there are here issues of both Due Process and disrespect by the County of the historical rights of all View Park residents. Here, the County of Los Angeles blithely skipped over the Due Process rights of all View Park residents, to, at the least, the lawfully required consideration of the Nationally Registered historic nature of their neighborhood.

Petitioner sought and was courteously provided with what she was assured by County

personnel, is a complete copy of the County's files regarding the project to build this sci-fi set in her front yard. Nowhere in County documents is there any indication of consideration of historical review. Nowhere within those documents has Petitioner found any indication that either Crown Castle or the County complied with their proper legal roles regarding the Registered Historic Place status of the View Park development.

Petitioner felt deeply concerned when one day she came home to find a pole had been erected in front of her house. There was no notice given. Petitioner immediately asked her neighbors if they knew what was going on and her neighbor, Vaughn, told her it was a cell phone tower. She called the County and found that the construction had been started without permits. She had been in touch with the County's Department of Regional Planning, and they were extremely helpful in providing her their files containing documents submitted by Crown Castle and approvals given by the County for these projects.

Respectfully, Petitioner expresses concern that the towers are constructed without the oversight required by federal law, state law, and County ordinance, including the inquiry and evaluation required by federal law and companion state practices regarding both environmental and historical site concerns.

In order to educate herself, Petitioner contacted the State and Federal government agencies familiar with construction in an historic district. Petitioner contacted Michelle Messinger at the State Office of Historic Preservation and Elizabeth Emerritt at the National Trust on Preservation. Both independently suggested that Petitioner confirm what the County documents show: That neither Section 106 nor environmental review of the projects was completed prior to the decision to resume work under this new ministerially issued Land Use Permit, which apparently seeks to avoid the legal strictures attendant to a Conditional Use Permit. Petitioner finds no evidence of the reviews in the files.

In California, those seeking to build (including the visually incongruent structures at issue) have an obligation to consult with and consider the historical rights protected through the State of California's agency for historical preservation, which, in company with the federal preservation programs, seeks to preserve what of our history can be preserved.

For these reasons, including under Section 106, at the very least there should have been Notice to this historical community, and there was none. In addition to the provisions of federal and state law mandating consideration of Historical place designations, even more detailed and precise requirements are specified in Los Angeles County ordinances, including but not limited to the following: Chapter 22.82 Historic Districts; Chapter 22.124 Historic Preservation, and including, among dozens of subdivisional requirements, the County ordinance requirement for public hearings under Section 22.124.200 (Public Hearing Procedures).

The County's historic preservation ordinances take up approximately twenty-six full pages of single-spaced font size 11 print, including a specific provision for Appeal, under Section C of 22.124.200, and yet when the only African American neighborhood holding Nationally Registered Historic Place status in all of California is involved, the County of Los Angeles, in its discretionary discrimination between alternative approaches, chose to simply pretend that federal historic preservation law, California historic preservation law, and Los Angeles County's own very extensive protections for historic districts, just don't exist.

This intentional County policy is proven by the attached relevant November 3, 2021 email from County planner Glaser in Exhibit D. This flagrant failure of the County to even examine and consider the relevant law as it applies to these proposed sci fi towers in View Park shows not only that as a matter of law, but moral and legal principle, the Approval of this subject Permit, as illustrated in Exhibit A hereto, should be rescinded consequential from the Order of this Court directing the County to rescind such Permit, to require the Applicant to re-apply, and the County to follow its own rules.

Because the View Park development and neighborhood is a National Historic Place, the public should have received Notice of these Permits.

In compliance with California policies and through the Office of Historical Preservation, and in non-compliance with the National Register of Historic Places including as in 36 CFR PART 800, both Crown Castle and the County should have reached out and evaluated, prior to the grant of Permit, the historical consequences of the intended installations, as stated in Section 106, all as extensively discussed in Exhibit C hereto.

Said Exhibit C contains the FCC's own published survey of the need of the Commission to coordinate with the National Historic Preservation Act, verifiable at the FCC website.

Because the County has utterly failed in its Due Process duties to comply with federal, state, and county law, the Approval shown on the attached Exhibit B should be Ordered rescinded by this Court.

THIRD CAUSE OF ACTION - INVERSE CONDEMNATION - CONSTRUCTION ON PRIVATE PROPERTY REQUIRES NOTICE TO LANDOWNER

The new Application For Land Use forms operationally adopted on or about February 28, 2021 by Los Angeles County, for telecom antenna installation. including for the Permit issued on March 10, 2021 for the pole at Petitioner's property, and the Approved-marked Plan of November 8, 2021, are not lawful because through this form Application the County of Los Angeles now only requires permission from the owner of an involved "structure," not the actual fee owner of the involved real estate. These issues were brought to the attention of the County in Petitioner's letter of August 26, 2021.

Commonly to the point of apparent uniformity, the granting of an application for a telecommunications antenna such as is at issue here, has previously required an engineering report from a competently qualified engineering firm (such as Hammett & Edison in support of Verizon related Applications). Such report states the anticipated maximum wattage to issue from each array in an installation and anticipated maximum radiation from the combination of amplification and antenna to be installed. The level of wattage which can be tuned and powered to emanate from any given antenna is varied upon conditions, such as nearness to residences and terrain. Even though the same antenna is used, and even though the same localized installed power and amplification system is used, there still will be variance in the wattage involved, as may be tailored by the corporate entity later managing the installed powered antennas.

Prior to the adoption of the new Application For Land Use form, the previous Application for Conditional Use Permit (sometimes herein CUP) required permission from the property owner or from an agent of the owner attesting to such agency status. The resulting

Conditional Use Permit which would derive from such Applications would then be Recorded at the Office of the County Recorder, which has been, until February of 2021 a critical element of the Permit process, since the Recordation of the CUP, by Notice by Recordation to any subsequent purchaser, assured that in the instance of future title transfer, the obligations upon the Permit recipient would always 'run with the land.' It is difficult for the Petitioner, herself retired from a substantial career in Public Administration, to overstate the importance of this Recordation practice, because, due to the durable Notice character of Recordation of the CUP, the enforcement of all urban planning goals, as were taken into account during the process of Permit issuance, was assured by the permanent Recorded nature of the Permit, such that, with such Recordation, no subsequent purchaser could claim to be a Bone Fide Purchaser For Value, who had allegedly been unaware of the Permit involved, and the duties it imposes on the owner of the land, whomsoever that might subsequently be. The Petitioner avers that any new practice which does not require a Recorded Permit frustrates the compliance tracking by Recordation which is the tap root of Permit enforcement from owner to owner of any such Permit encumbered property. So far as known to this Petitioner, the County of Los Angeles contends that this new process of not requiring owner permission is lawful. The Petitioner contends to the contrary. In order to resolve this dispute between the Petitioner and the County, the Petitioner requests Declaratory Relief from this Court that permission from the landowner, or in the instance of the absence of such permission, lawful taking through the Due Process of a CUP, is required so that the Permit can be Recorded as was possible up until February of 2021.

Alternatively, if it is the analysis and finding of this Court that this Application for Land Use process can continue without property owner permission, or procedurally proper taking, or procedurally proper exercise of authority, with Notice and Hearing, then the Petitioner would request that the Court so Declare. If this situation is allowed by the Court to continue, such that the permission of a structure owner is allowed to result in a Recordable interest in the underlying property, running with the land, then the Petitioner asserts that such allowance of such Recorded interest in property without landowner permission is a Taking within the meaning of the Fifth Amendment to the Constitution of the United States, and under the California Constitution.

Petitioner asserts that such action, the acquisition of a Recorded property interest though permission from a structure owner, is Inverse Condemnation, on which basis, the Petitioner seeks attorney's fees, legal costs, and expert costs, including for Appraisal, as afforded by applicable law. For this reason and as otherwise stated in this Third Cause of Action, the Petitioner seeks the Declaration of this Court that the permission of the landowner is required and that in the absence of such permission, the current in-use Application for Land use is unlawful, and that on that basis all Permits so far given based on that form are unlawful, and the County is, the Petitioner now requests, Ordered by this Court to issue a revocation of any such Permit granted through said Application for Land Use form.

Unlike the draft 1995 version of the 1996 Telecommunications Reform Act, in the 1996 Act there was intentional retention of local government entity control over the 'operation,' of such facilities, once established. This was viewed as cooperative federalism. At the bottom line, there are practical reasons, in order to regulate, as locally found necessary, the 'operation,' of such facilities, the local governmental entity involved, and the citizenry supporting that entity, must be adequately informed as to the character of the installation over which such entity has the right and obligations of control of operations. A local entity cannot reasonably regulate telecom antenna array sites without, for example, sufficient data for prepared emergency response. These data are what come into the public record, for traditional democratic method analysis, when the actual laws of Californian regarding the Conditional Use Permit are followed.

In addition to the other concerns expressed in this Third Cause of Action, and relief sought in said Cause of Action, the effect of no longer requiring a CUP, and then fabricating this new Land Use Agreement, with no property owner permission required, and ministerial issuance of telecom antenna Permit thereby, is that the local entities will be deprived of the data necessary for compliance with the local control of operations provisions of the 1996 Act.

Unlike the 1995 draft, the Telecommunications Reform Act of 1996 reserves local control over 'operation' of cellular tower installations, the issuance of the Permit of March 10, 2021, as well as the companion antenna permits, without Notice or resulting Hearing, violates the Act by depriving local governance, in this instance the County, of site-specific radiation data. It denies the public, including the scientific public, of access to data directly affecting them,

while simultaneously (through the ministerial mechanism), also deprives the members of the public to offer comment on a matter of great public interest.

Our professional planning practices in California are grounded in this understanding that the owner of real estate is ultimately held responsible for compliance with Permits for construction upon the involved property, even after ownership change. This is why, up until after the County's settlement deal with Crown Castle, normal and traditional CUPs were used for these cellular constructions, just like other buildings and modifications of real estate in California. The ability to track compliance responsibility is foundational to urban planning.

Instead, the County, with a new form, has substituted permission from the owner of the "structure,' upon which an antenna is to be substituted for permission from the property owner. This has had, in our View Park case, including on Petitioner's land, the net effect that a Permit has been given for construction of upon property owned by a person without permission from that person. This newly invented approach effectively imposes duties by lien on a property, of a permanent nature, without Notice to the owner of that property or permission from that owner.

The Petitioner seeks an Order of this Court directing that the County issue a Stop Order for any Permits which were granted under signature from the alleged owner of the 'structure,' upon which the antenna is to be placed due to non-compliance with basic Planning principles.

FOURTH CAUSE OF ACTION

ANY PERMITS FOR CELLULAR TELECOM ANTENNAS SINCE FEBURARY 28, 2021 SHOULD BE SET ASIDE FOR LACK OF DUE PROCESS.

When our residents' Due Process access Hearings on Permits is lost, elected office holders are thereby reduced to decorative figureheads whose own powers, granted by election, are stymied by what Public Administration specialists correctly call the Fourth Branch of Government, comprised of non-elected and seldom accountable bureaucratic administrators.

Petitioner and others have sought without result to bring each, and all of the issues set forth in this Petition for Writ of Administrative Mandamus to the attention of the Board of

Supervisors of the County of Los Angeles. These efforts have included, but been limited to, the extensive and annotated letter presentations of the Petitioner to the Supervisors of July 16, 2021, August 12, 2021, August 28, 2021, December 27, 2021, and the comprehensive presentation by Topanga resident Julie Levine, MSW on January 18, 2022. In response to Ms. Levine's January 18 submission, the answer of Regional Planning to Ms. Levine's y simple request for access to the Ministerial Site Plan review for the wireless applications associated with pole replacements in Old Topanga Canyon including Old Topanga Canyon Road included the following: 1) That the ordinances currently acted upon by the County ***are still in draft form***: 2) That ministerial review sans hearing is mandated by the Federal Communications Commission, which appears under Exhibit C flatly not true: 3) That Ms. Levine would need to send in AP numbers or addresses, for Regional Planning to tell her their overall plan for this Telecom deployment. This response from Regional Planning shows one of two alternative factual states: 1) Either these administrators are proceeding without a plan for the Topanga Canyon area or: 2) These administrators are selectively electing not to release the plan they have. This is respectfully submitted as a further example of the confusion in policy which results when administrators and their policies are not talked through and respectfully vetted with the sunlight of public exposure. In this instance, a resident cannot determine what plan, if any, is afoot, which is of direct health consequences to this particular resident, Ms. Levine, is very electro-sensitive to microwave radiation, a recognized Disability status, stemming from major injuries, as respectfully explained in her January 18 submission to the Supervisors for the County of Los Angeles.

The digital divide, *where it actually exists*, is about access, not mechanism of access. Where needed the best possible access can be provided by hard wire installation resulting in higher speed (as in Korea), greater reliability, absence of fire risk, and without saturating every living thing in LA County with constant intense non-ionizing radiation. Hard wire installation is obtainable through poles, or computerized micro-tunneling which doesn't violate roadway surface, or by micro-trenching. Hard wired access might cause industry profit might be less than current monstrous levels, but the role of government is not to insure the profit of business.

FIFTH CAUSE OF ACTION - FOR ENVIRONMENTAL REVIEW DUE TO THE SCIENTIFICALLY ESTABLISHED REALITY OF DNA STRAND BREAKAGE FROM CELLULAR RADIATION, WHICH AFFECTS ALL LIVING THINGS IN LA COUNTY

Much of the language in this section paraphrases points already made to our Supervisors letter and Petitioner's letters of July 16, 2021, August 12, 2021, August 21, 2021, and December 27, 2021, which show the fruitless attempts Petitioner and others have made to resolve this matter without the Petition that Board inaction has now forced this Petitioner to reluctantly file.

We are all composed of DNA. This means that the intense distribution of 5G and related antennas will cause DNA changes in the lives of every living thing in our environment from apples to zebras. In addition to the harming to the environment, as discussed in Petitioner's August 12 letter to the Board, comprehensive and expensively obtained hard science from the National Institutes of Health, shows that this cellular microwave radiation is carcinogenic.

Thus, without a course change, the County of Los Angeles is now actively engaged in granting 'ministerial' Permits for antennas the sole purpose of which is to broadcast radiation, when it is proven, see authorities referenced below, that cellular microwave radiation is carcinogenic. If this is allowed to continue, industry profit is preferred over constituent health.

Dr. Henry Lai of the University of Washington long ago proved that the wavelengths in cellular radiation break DNA strands. The telecommunications industry went to extraordinary steps to 'war game,' against Dr. Lai's findings (the words actually used by industry can be found the online search phrase: 'Dr. Henry Lai Seattle Magazine'.

Lai and Singh (1995, 1996, 1997) showed that microwaves caused single and double-stranded DNA breakage in living mice brains using the advanced assay method for DNA strand breakage which was developed by Dr N.P. Singh at the University of Washington. Those published and un-rebutted findings of DNA strand breakage are from two decades ago**.** This is industry suppressed science, as proven through a search for "Dr. Henry Lai Seattle Magazine".

As any person of scientific medical background will confirm, when the body's ability to repair DNA strand breakage is exceeded, mutagenic changes occur, consistent with the

2018 NIH/NTP findings of forced production of glioma cancer cells from cellular exposure.

There are some laws that even professional administrators cannot repeal, including the laws of physics. Even government officials cannot repeal the proven reality that cellular radiation causes DNA strand breakage in both the single and double-strand contexts. We are all composed of DNA. The data indicate that DNA breakage is resulting from mechanical vibration of the DNA molecule as DNA molecules dissipate the energy which is undeniably pumped into them via radio-frequency EMF. The 1983 interferometer findings of Swicord and Francis at the University of Maryland demonstrated that when DNA salts were added to plain water in order to create the target solution of 7.43 percent DNA in the resulting solution, there was a twenty-four fold greater absorption of microwave energy, and that the mechanism was not ionic, meaning non-chemical but what physicists call 'acoustic' - transmitted and received vibration**.**

The interferometer work of Swicord and Francis at Maryland, 1983, that DNA change occurs via non-ionic and non-thermal acoustic means, and the work of Dr. Lai, showing that such cellular signal causes DNA breakage, then it can be understood that the occurrence of DNA breakage, is by vibrational energy. That's how people are getting hurt.

In addition, the calcium ion findings from the elegant work of Dr. Martin Pall at Washington State University, and the groundbreaking work of Dr. Andrew Galsworthy of Imperial College London, whose work regarding the stripping action of cellular microwave on intra-cellular calcium as set forth in Dr. Galsworthy's March 2012 paper The Biological Effects of Weak Electromagnetic Fields - Problems and Solutions which findings corroborate the non-thermal and non-ionic path and means of DNA harm from broadcast ionizing radiation.
As to vibrational fracture of the DNA molecule, see *also Electrosmog and autoimmunde disease*, by scientists Trevor G. Marshall and Trudy J. Rumann Heil.

On May 27, 2016 the National Toxicology Program (hereafter NTP) of the U. S. National Institutes of Health (hereafter NIH) issued its first report on results of the NTP's $25 million study of whether cellular non-ionizing radiation causes cancer. The NTP determined that cellular radiation causes an increased risk of cancer, including the thereby-forced creation of glioma cells, the root cells of glioblastoma, the deadly brain cancer. The study also showed that the radiation caused the formation of the cells which cause acoustic neuroma in humans.

Next followed nearly two years of intense further peer review until March 28th of 2018, when, at the end of a three-day peer consortium at Research Triangle NC the NTP panel added the clarifying language that their $25 million study, after two years in peer review showed '***clear evidence***' that cellular radiation causes cancer. But that wasn't the NTP's final word on whether cellular microwave causes cancer.

The National Institutes of Health study also determined through the NTP's $25 Million study that the FCC's current yardstick Thermal Standard is incorrect. Unfounded reliance upon that standard by the County denies our residents of a scientifically regular meaningful discussion.

The final report on the NTP's $25 million study was issued on November 2, 2018. This final report confirmed the finding that microwave radiation from cellular sources is carcinogenic, and that the mechanism of harm is non-thermal.

The industry-influenced 'regulatory,' standards used by the FCC, long shown a captured agency (with the CTIA's chief executive serving as the 31st Chairman of the FCC), assume that the sole mechanism of tissue damage is thermal. That thermal proposition is now disproved. Scientific findings are widely available at the site of epidemiologist Dr. Devra L Davis atwww.ehtrust.org . Some of these points were already disclosed through Notice to the Board in Petitioner's December 27, 2021 letter, and in her letters to our Supervisors of July 16th and August 12, 2021, which included major quotes from the Flora and Fauna study by Lai and other scientists. These letters will be supplied by Declarations from the corresponding submitters.

Each sitting Supervisor and the Board as a whole has been clearly shown, originally in Petitioner's letters of July 16 and August 12, and December 27th, and with Ms. Levine's letter of January 18, 2022, that Los Angeles County has had Notice that that continuation of dense distribution of these 5G antennas and systems presents serious hazards to the environment and also human beings who live in that environment. Despite that, County correspondence, as shown in the County email stating a policy against environmental review attached in Exhibit D, which demonstrates the current intention of the County of Los Angeles, absent intervention from this Court, to blithely 'skip over,' the environmental obligations which the County owes all of its residents, including homeowners such as the Petitioner, to prudently access the environmental consequences of sudden dense distribution of this experimental technology. Further, that the

aggregate effect of deployment is a factor which on its own justifies the environmental review which the County has abandoned.

For these reasons the Petitioner seeks an Order from this Court compelling that the County of Los Angeles impose a sixty-day Moratorium on 5G activation, construction, and Permit issuance and beyond 60 days if shown by performance progress as necessary,until basic environmental review, as required by the FCC (Exhibit C) has been completed for each such related grouping of antennas awaiting Permits for installation.

If the current planned timing of deployment of 5G is allowed to occur without actual study of the environmental and medical and aviation consequences, the County having been given ample Notice, the Board and the County will remain permanently responsible for the resulting damage to our living environment and all living fauna within our environment.

SIXTH CAUSE OF ACTION - 5G HAZARDS TO AIRCRAFT OPERATION REQUIRE TEMPORARY PROHIBITION OF FURTHER 5G PERMITS OR CONSTRUCTION

Recent public disclosures have shown that the FAA and the telecom companies have been aware of impairment of critical altitude sensing equipment by 5G signal for many months, although this information only recently arrived in our generally available public accounts, such as the following excerpts illustrate. Petitioner does not contend that, sans authentication, news stories in national publications are per se admissible evidence. However, this recent disclosure of the disruptive effect of 5G on radar altimeters is so new and novel that, while statements from the FAA can be provided, these illustrations from major national publications explain the issue to about the maximum extent of data that the non-aviation public can readily access. Recognizing that reference to commercial publication is not per se evidence, the following illustrate the issue:

From Forbes:

"The problem: 5G transmitters will adversely affect some radio altimeters, crucial to navigation systems of planes and helicopters. If your plane is flying into bad weather, it might get diverted to another airport, or your flight may get cancelled."

https://www.forbes.com/sites/dianafurchtgott-roth/2021/12/23/aviation-concerns-about-5g-will-take-years-to-resolve/?sh=109349da208c

From NBC news, December 22, 2021:

"If we go back to decades-old procedures and technology for flying airplanes, cancel thousands of flights per day ... it will be a catastrophic failure of government," United Airlines CEO Scott Kirby told reporters after a Senate hearing on Dec. 15.

The CEOs of Boeing and Airbus on Monday wrote to Transportation Secretary Pete Buttigieg to support a delay to the 5G rollout and proposed limiting cellular transmissions near airports where those radio altimeters would be used."

https://www.cnbc.com/2021/12/22/aviation-telecom-groups-agree-to-share-data-to-help-resolve-5g-safety-concerns.html

From the Aircraft Owners and Pilots Association (AOPA):

"Potential interference with critical navigation equipment caused by powerful new C-band 5G wireless transmitters (currently cleared by the FCC to activate on December 5) could force airlines, along with many flights by helicopters, business jets, and cargo operators, to suspend operations in poor weather. Pilots, aircraft manufacturers, and safety advocates have for the past five years asked the FCC to consider such adverse impacts on aviation—specifically, interference with the only sensor on an aircraft that directly measures distance to the ground below—when allocating adjacent bandwidth for fifth-generation wireless devices."

https://www.aopa.org/news-and-media/all-news/2021/november/04/planned-5g-rollout-risks-aviation-safety

Many popular news outlets now advise that a temporary solution is in the works, for example as one of many popular sources, Yahoo News reports an agreement that 5G rollout delays have been ordered by the FAA, apparently in agreement with the corporate behemoths, for 50 airports:

https://finance.yahoo.com/news/t-verizon-agree-delay-5g-031533423.html

Most importantly, the fact of this dangerous hazard to civilian commercial aviation, and the ***late-arriving*** news about it, demonstrate that neither the telecom giants nor the professional

administrative apparatus which now rushes to grant their Permits has the omnipotent ability to predict the future dangers of 5G deployment.

The actions of these senior executives, corporate and business, speak for the strength of their self-evaluations. Up until the adoption of the Application for Land Use was inserted into the societal dialogue in total eclipse of the Conditional Use Permit process, it was axiomatically comprehended that when private property was going to be materially constructed upon, whether or not subject to a public right of way, and especially in that instance, there would be an avenue for resident involvement in the process.

The people of Los Angeles deserve that prior Due Process mechanisms to be restored. We had those rights, Notice, Hearings, and Appeal, until the launch of this new "ministerial" approach from our administrative elite, on or about February 28, 2021, when this new non-public, non-Noticed stealth 'ministerial' approach was approved by administrators of County of Los Angeles, after their private conferences with telecom executives, <u>having the effect of total eclipse of the Due Process rights to Notice and Hearing which had up until that time been present</u>. Instead, senior administrators have violated residents' rights to Due Process.

Currently, by what is in comparison to California's traditional and statutorily mandated Conditional Use Permit approach, under the current County authoritarian style, not insisted upon by the FCC, there is instead no Notice, no Hearing, no Appeal, and thereby also no access to the governing Commission, Council or Board having local jurisdiction.

This technical hazard to commercial aviation, known apparently by the FAA and telecom as a possible issue for years, yet not disclosed to the public or policy makers until months ago at nearest, illustrate that the administrators who have encamped with the telecom industry have operated, all along up until the last month or so, on incomplete data, where real hazards to life were not disclosed.

SEVENTH CAUSE OF ACTION - WITHOUT AN ORDER REQUIRING COUNTY REVIEW OF THE FINANCIAL RISK THAT THE COUNY TAXPAYERS WILL BECOME THE INSURER FOR TELECOM INDUSTRY LIABILITIES

On February 2, 2022, the Pittsfield, MA Board of Health unanimously voted to issue a cease-and-desist order to Verizon to shut down its tower located at 877 South Street. Families living in the neighborhood near the tower reported wireless radiation-related health issues soon after the tower became operational in 2020 and since then, have been working tirelessly to turn the transmissions off:
https://ehtrust.org/pittsfield-ma-board-of-health-unanimously-votes-to-issue-cease-and-desist-for-verizon-cell-tower//

The cease-and-desist order to Verizon would become effective in seven calendar days if Verizon fails to notify the Board that they are willing to come to a discussion and demonstrate significant commitment that they will do something "to resolve the issue to the Board's satisfaction**."**

It is established beyond dispute that the telecommunications industry has been and remains unable to obtain insurance coverage for injuries caused by the microwave electronic fields that its equipment generates.

Litigation is expensive, and losing litigation is extremely expensive. The Petitioner recognizes and accepts that for reasons of Separation of Powers this Court will not instruct the Board of Supervisors of the County of Los Angeles to make an ultimate financial prudence decision, one way or another. Further, if County Counsel or other suitably informed counsel, or the Board itself informs that this issue of impending taxpayer status as the insurer for the telecommunications issue has been fully evaluated by the County, then the Petitioner accepts that due to Separation of Powers, the County will have made the determination which it is entitled to make on the issue of whether it wants to encumber the County's taxpayers in perpetuity with the duty to defend against lawsuits filed against major telecommunication manufacturers and carriers.

Petitioner has encountered no data indicating that the County's senior policy makers or administrators have examined the County's potential exposure to pick up telecommunications defense costs pertaining to suits alleging EMF injury from County co-managed antenna facilities, and as cited below, there are legitimate legal theories supporting that such a fiscal evaluation should be accomplished by the County.

For this additional reason the Petitioner seeks that Order from this Court compelling that the County of Los Angeles institute a sixty-day Moratorium on 5G activation, construction, and Permit issuance until prudent basic economic consequences review has been completed.

Where the County or its subdivisions or special districts are the owners of the poles involved, these governmental entities stand as landlords to the telecom companies and are on that separate basis also liable for the damages which telecom cannot insure, under the Doctrine of Fixtures.

If the County of Los Angeles continues in joint venture with the telecom companies for distribution of broad band radiation through these antenna arrays, including 5G, this ***will result in transfer of the industry's massive uninsurable liability exposure to the County of Los Angeles and to the other lessors of poles and structures upon which antennas are built*** as a result of the straight-forward application of well-established jurisprudential traditions statutes and case law grounded in **Contracts**, **Landlord-Tenant** (Doctrine of Fixtures), **Joint Venture**, **Agency**, and liability from concurring the results from independent tortfeasors (S**ummers v. Tice , 33 Cal.2d 80)**. The companies and government entities which own poles and structures for the intended mass of antennas are ***joint venturers with Telecom***, **in contract with Telecom**, and ***the Landlord of Telecom***, the County's joint venture status will transfer Telecom's vast uninsurable liabilities to the taxpayers. The industry can't get insurance for these exposures, so dumping liability onto the taxpayer is sensible from the industry and shareholder protection points of view. The only avenue left to the cellular industry, other than just honestly facing up to this mess and helping us solve it, is to shift the legal responsibility to government. Seasoned and competent counsel, where injuries occur of a sort consistent with EMF injury to DNA, including glioblastoma as indicated by glioma from the NIH study, will file suit against responsible corporate entities, broadly, and also sue the County of Los Angeles.

Whatever practical immunity offered to telecom under the 1996 Telecommunications Act is conditional upon compliance with FCC standards, which are based on the end user holding the smart phone more than a half inch away from the face. However, as known to all carriers and manufactures, and as shown in their advertisements with the implication of safety, currently marketed smart phones meet FCC standards when measured *as actually used in the field*, namely up against the face, exceed those guidelines, a source of liability. If this cooperative County engagement with telecom persists, then as County Counsel knows, where 'joint and several liability' exists, 1% liability contributor has 100% of financial responsibility from a loss, the result of the combination of the factors stated above is that in the instance of suit, including 'friendly,' all financial burdens from cellular injury are shifted in this instance to the County of Los Angeles.

Despite this risk, the reality of which would be apparent to any long-term mass tort litigator, the County, so far as the available record shows, has not even considered this issue. While it is certainly not the role of this Court to make that evaluation, or conclude policy from that evaluation, the Petitioner seeks neither of those engagements by this Court in the County's legislative process. Yet, the County officer's sworn, and practical duties include basic fiscal analysis, which in this instance, so far as all known records show, has not been done. The Petitioner here merely asks that this Court issue its Order compelling that 5G construction and activation stop for a period of sixty days, during which the County can conduct its examination of liability exposure, so far, an un-requited duty.

PRAYER FOR RELIEF

Wherefore, based, the Petitioner requests the following Orders from this Court:

1. That this Court should issue its Declaration as to whether or not the November 8, 2021 "Approved" Crown Castle Plans constitute a Permit.
2. That in light of the failure of the County of Los Angles to answer the simple question as to whether a Permit has been issued by the County for the planned antenna installation in from of Petitioner's home dwelling, Petitioner seeks that this Court issue its Declaration

to determine the outcome of the disputed between the Petitioner and the County as to whether a Permit has been issued for construction of the antenna in front of Petitioner's home. Based on all evidence currently known to the Petitioner, despite her request for a clear answer, there has not been any issuance of any Permit for said construction of such antenna in front of Petitioner's home dwelling. Consequently the Petitioner urges that this Court should issue its Declaration that no Permit has been issued for this property.

3. That this Court should, upon qualification of the Petitioner and upon ruling upon a Motion for Certification, grant Class status to the residents of View Park, a nationally registered Historic Place, that they are each and all as a class entitled to historic review prior to the granting of any Permit or Permits for microwave antenna installation within said nationally registered Historic Site, and that the Petitioner should be appointed Class Representative.
4. Because the County has not complied with its Due Process duties to conform to federal, state, and county law, the Approval shown on the attached Exhibit B should be Ordered rescinded by this Court That this Court should issue its Declaration, Petitioner seeks that this Court issue its Order compelling that the County refrain from the issuance of any Permits for telecommunications antennas or antenna arrays without first complying with the FCC requirements for environmental and historical review as shown in Exhibit C.
5. The Petitioner urges that this Court issue its Order that the County refrain from the issuance of microwave antenna Permits without the permission of the landowner.
6. The Petitioner requests that in all instances of building Permit issuance (antennas are not in the LA County "Exempt from Permit" listing) this Court issue its Order that the County is obligated to provide Notice to the directly impacted landowner and an opportunity to be heard, to the same extent as has been historically allowed under the Conditional Use Permit approach which remained in force for many decades until the County's recent decision to exclude the citizenry from knowing of Permit issuance.
7. Petitioner seeks an Order from this Court requiring that prior to the issuance of any Permits for 5G and other telecom antennas the County must conduct basic environmental review as required by County ordinance, California environmental law and published

FCC policy (in Exhibit C) all in the light of the scientifically established certainty that intense close proximity cellular radiation will cause DNA strand breakage for all living things in the County of Los Angeles.

8. Petitioner seeks a Temporary Restraining Order and Preliminary Injunction against issuance of Permits for 5G antennas and additionally seeks a Temporary Restraining Order and Preliminary Injunction on the activation of 5G antenna systems within range of Los Angeles International Airport and Burbank Airport, based on the documented interference with radar altimeters from 5G signal.

9. Petitioner seeks a Temporary Restraining Order and Preliminary Injunction to prohibit issuance of Permits for 5G antennas and additionally seeks a Temporary Restraining Order and Preliminary Injunction on the activation of 5G antennas, for a period of 60 days, in order to allow the County to study whether and to what extent the allowance of densely installed 5G and related antenna installation may cause the County to experience exposure for telecommunication corporation liabilities for injuries, and expenses for defense of lawsuits claiming injuries, for which liability the international insurance industry has refused to insure, there being so far as known to the Petitioner no record that this issue has ever been considered by the County of Los Angeles.

DATED: February 6, 2022

Respectfully submitted,

Harry V. Lehmann, attorney for Petitioner,
Angela Sherick-Bright

Angela Sherick-Bright, Petitioner

VERIFICATION

Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)

CASE TITLE: Angela Sherick-Bright v. The County of Los Angeles

I, Angela Sherick-Bright, declare:

I am the Petitioner in the above-entitled matter.

I have read the foregoing PETITION FOR WRIT OF ADMINISTRATIVE MANDATE and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on February 6, 2022, at Los Angeles County, California

I declare under penalty of perjury that the foregoing is true and correct.

Angela Sherick Bright

EXHIBIT A TO PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS

Consisting of the new County of Los Angeles

APPLICATION FOR LAND USE PERMIT

Which unlike prior Applications does not require owner approval

Los Angeles County Department of Regional Planning

Land Use Application

STAFF USE ONLY ▸	PLAN #:	PROJECT #:	WORK CLASS:

▼ Attach additional sheets where more space is needed for project or applicant/contact information.

STEP 1: SUBJECT PROPERTY

N/A - Public ROW
ASSESSOR'S PARCEL NUMBER(S)

5007 Escalon Ave.
PROPERTY ADDRESS (IF APPLICABLE)

Crown Castle - ATTSME27m1
BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: RECORD OWNER

Crown Castle Fiber LLC
NAME

200 Spectrum Center Drive, Suite 1700
ADDRESS

Irvine, CA
CITY/STATE

92618 (949) 936-0212
ZIP TELEPHONE

nancy.sheridan@crowncastle.com
EMAIL***

APPLICANT/AGENT

Crown Castle Fiber LLC
NAME

200 Spectrum Center Drive, Suite 1700
ADDRESS

Irvine, CA
CITY/STATE

92618 (714) 361-5152
ZIP TELEPHONE

nancy.sheridan@crowncastle.com
EMAIL***

Preferred contact: ☐ Owner ☒ Applicant/Agent

RECORD OWNER OR APPLICANT EMAIL MUST BE PROVIDED

STEP 3: PROJECT DESCRIPTION & PROPOSED USE

Installation of a small wireless facility on an existing Crown Castle steel pole in the public ROW

STEP 4: PROJECT & PROPERTY DATA

Existing use(s) and structure(s) (sq. ft.) and dwelling units:
Crown Castle owned pole

Existing structure(s) to be demolished (if applicable)?
☒ No ☐ Yes *If yes, how many:* _____ sq. ft.

Proposed use(s), structure(s) and additions (sq. ft.) and units:
Small wireless facility

Proposed Sign(s) (sq. ft.):
Only required RF signage

SECTION A

Are you proposing to subdivide land? ☒ No ☐ Yes

SECTION B

Is grading proposed? ☒ No ☐ Yes *If yes, cubic yards:*

_____ CUT + _____ FILL = _____ TOTAL GRADING

Will grading be balanced on-site? ☒ No ☐ Yes
If no, complete the Export/Import fields below.

_____ EXPORT _____ IMPORT

SECTION C

Are there slopes of 25% or more on the subject property?
☒ No ☐ Yes *If yes, topographic lines must be depicted on the site plan.*

SECTION D

Are retaining walls proposed? ☒ No ☐ Yes
If yes, submit wall cross-sections and elevations with depictions of both natural and finished grade.

SECTION E

Are there any oak trees on or next to the subject property? ☒ No ☐ Yes

If yes, how many: _____ ENCROACHMENTS _____ REMOVALS

SECTION F

Water Source:
☐ Public Water
☐ Private Well
☐ Shared Well

Sewer System:
☐ Public Sewer
☐ Private Septic or Equivalent

Water Source — Public Name: N/A

STEP 5: OWNER'S CONSENT

I hereby certify under penalty of perjury that I have read the information below and that:

1. I am the property owner or have obtained the property owner's/ owners' consent to the submittal of this application and contents therein; and
2. I have carefully reviewed and prepared the application and plans in accordance with the instructions; and
3. I provided information in this application, including all attachments, which are accurate and correct; and
4. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
5. I understand that it is the responsibility of the applicant to substantiate the request through the requirements of the application; and
6. I understand that upon further evaluation, additional information/ documents/reports/entitlements and fees may be required, including any referral fees; and
7. I understand that failure to submit any such required fees or information requested at a later time may result in processing delays and/or denial of my application; and
8. I understand that it is the responsibility of the applicant or property owner to notify the Department of any changes to the project, including change in ownership, which may require additional information/documents/reports and fees and may cause delay to the processing of the project; and
9. I understand that if there is a zoning violation on the property, plan review may be delayed. Any unpermitted structures or uses must either be removed or legalized at part of this application; and
10. I am the property owner or have obtained the property owner's/ owners' consent and expressly allow, authorize, and permit the County of Los Angeles to enter and inspect the subject property, with or without prior notice, to inspect, photograph, and/or process this application. No additional permission or consent to enter upon the subject property is necessary or shall be required. I further certify and warrant that I am authorized to and, hereby do, consent and allow such inspections on behalf of each and all owners of the subject property; and
11. I understand that all materials submitted in connection with this application may become public record subject to inspection and copying by the public. I acknowledge and understand that the public may inspect and copy these materials and that some or all of the materials may be posted on the Department's website. For any materials that may be subject to copyright protection, or which may be subject to sections 5500.1 and 5536.4 of the California Business and Professions Code, I represent that I have the authority to grant, and are granting, the County permission to make the materials available to the public for inspection and copying, in hardcopy or electronic format; and
12. I understand that denials will result in no refunds; and
13. I understand that Department staff is not permitted to assist the applicant or proponents and opponents of a project in preparing arguments for or against the project; and
14. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented.

REQUIRED SIGNATURES

I, the owner of the subject property, have read, understand and consent to the submission of this application. If the applicant signs for the owner, please submit a letter of authorization from the owner with original ink signature(s):

SIGNATURE	Nancy Sheridan PRINT NAME	March 8, 2021 DATE

Lobbyist Statement Acknowledgement

The Los Angeles County Lobbyist Ordinance No. 93-0031, effective May 7, 1993, requires certification that each person who applies for a County permit is familiar with the requirements of Ordinance No. 93-0031 (Lobbyist Ordinance), and that all persons acting on behalf of the applicant have complied and will continue to comply with the requirements of said Ordinance through the application process. I hereby certify that I am familiar with the requirements of Ordinance No. 93-0031. I further understand that the making of such a certification, and compliance with this ordinance, shall be conditions precedent to the granting of the requested permit, license, contract or franchise.

SIGNATURE	March 8, 2021 DATE

Lobbyist Permit #(s) if Applicable: N/A

Applications may be submitted in person or online: **planning.lacounty.gov/apps**
Appointments are required to submit three or more applications in person. Please call (213) 974-6438 for an appointment.
Incomplete applications will not be accepted. **Please see checklist for required materials.**

GROUP EXHIBIT B

TO PETITION FOR WRIT OF

ADMINISTRATIVE MANDAMUS

Consisting of the first two pages of the 16 page November 8 Crown Castle plans which are marked 'Approved,' by County planning personnel and further consisting of three letters from the Petitioner which have asked whether a Permit has actually been issued, which letters have not been answered by County personnel

B-1

CROWN CASTLE

SITE ID: ATTSME27m1
USID: 177701
NEAR: 5007 ESCALON AVEN
VIEW PARK, CA 90043

POLE TYPE: COMMSCOPE
SSC-760235355-24C

ZONING CONFORMANCE REVIEW

PROJECT #: PRJ2021-000975

PERMIT #: RPPL2021002562

This APPROVAL is in compliance with the Los Angeles County Zoning Code and subject to the requirements noted herein. This approval shall expire if it is not used by the expiration date and prior to any change in ordinance requirements. Such approval shall not be construed to permit the violation of any provision of any County Ordinance or State Law.

Erica Gutierrez
2021.11.08
16:23:16-08'00'

SIGNATURE

Erica Gutierrez
PRINT

11-08-2021
APPROVAL DATE

11-08-2023
EXPIRATION DATE

PROJECT DESCRIPTION

CROWN CASTLE PROPOSES TO INSTALL A NEW WIRELESS INSTALLATION LOCATED IN THE PUBLIC RIGHT-OF-WAY.

THE SCOPE WILL CONSIST OF THE FOLLOWING:

- INSTALL (4) NEW CCI REMOTE RADIO UNITS ON (E) CCI STEEL POLE
- INSTALL (1) NEW CCI OMNI-DIRECTIONAL ANTENNA ON (E) CCI STEEL POLE
- INSTALL (1) NEW CCI DISCONNECT INSIDE EXISTING CCI HH
- INSTALL (1) NEW CCI FUSE INSIDE EXISTING CCI HH

NOTE:
* EXISTING LUMINAIRE TO BE RE-USED AND RELOCATED TO NEW STREET LIGHT POLE

PROJECT SITE INFORMATION

PUBLIC/PRIVATE:	PUBLIC RIGHT-OF-WAY
NEAREST CROSS STREETS:	ESCALON AVENUE LORADO WAY
NEAREST ADDRESS:	5007 ESCALON AVENUE
NEAREST APN:	5011-017-033
LAT/LONG TYPE:	NAD-83
LATITUDE:	33° 59' 46.9444" N
LONGITUDE:	118° 20' 43.656" W
ZONING JURISDICTION:	LOS ANGELES COUNTY
APPLICANT ADDRESS:	CROWN CASTLE 200 SPECTRUM CENTER DRIVE, SUITE 1800 IRVINE, CA 92618
POLE TAG #:	EXISTING CCI STEEL POLE - NO TAG #
POLE BUILT YEAR:	2019

PROJECT TEAM

CLIENT REPRESENTATIVE:
CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618

SITE A/D, PROJECT MANAGER:
CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618
CONTACT: RAY ARDALAN
PH: (858) 213-3112

RF ENGINEER:
CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618

ENGINEER:
M SQUARED WIRELESS
1387 CALLE AVANZADO
SAN CLEMENTE, CA 92673
CONTACT: MICHAEL MONTELLO
PHONE: (949) 391-6924

CONSTRUCTION MANAGER:
CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618
CONTACT: LUIS ROJAS
PH: (949)-405-4939
EMAIL: luis.rojas@crowncastle.com

AREA MAPS

VICINITY MAP

LOCATION MAP

DRIVING DIRECTIONS

DIRECTIONS FROM CROWN CASTLE OFFICE:

1. HEAD SOUTH ON SPECTRUM CENTER DR TOWARD PACIFICA
2. TURN LEFT AT THE 1ST CROSS STREET ONTO IRVINE CENTER DR
3. MERGE ONTO I-405 NORTH TOWARD LONG BEACH
4. TAKE EXIT TOWARD LA CIENEGA BOULEVARD
5. MERGE ONTO LA CIENEGA BLVD
6. TURN RIGHT ONTO STOCKER ST
7. TURN RIGHT ONTO VALLEY RIDGE AVE
8. TURN RIGHT ONTO ESCALON AVE
   DESTINATION WILL BE ON THE RIGHT (0.2 MI)

DIG ALERT

811

Dig Alert
Know what's below.
Call before you dig.

CALIFORNIA SOUTH
Call Two Working Days Before You Dig!
811 / 800-227-2600

CONSTRUCTION DRAWING

IF USING 11"x17" PLOT, DRAWING WILL BE HALF SCALE

DRAWING INDEX

SHEET	SHEET TITLE	SHEET	SHEET TITLE
T-1	TITLE SHEET	D-2	DETAILS
T-2	SITE PHOTOS	S-1	POLE SPECIFICATIONS
GN-1	GENERAL NOTES	S-2	LUMINAIRE ARM SPECIFICATIONS
PS-1	PHOTOSIMS	S-3	LUMINAIRE CLAMP SPECIFICATIONS
PS-2	PHOTOSIMS	E-1	ELECTRICAL DETAILS
PS-3	PHOTOSIMS	G-1	GROUNDING DETAILS
A-1	SITE PLAN	TCP-1	TRAFFIC CONTROL PLAN
A-2	ELEVATIONS		
A-3	ELEVATIONS		
D-1	DETAILS		

APPLICABLE CODES

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.

- 2016 CALIFORNIA BUILDING CODE
- GO95
- CITY/COUNTY ORDINANCES

GENERAL NOTES

THE FACILITY IS NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

DO NOT SCALE DRAWINGS.

DEPARTMENT OF REGIONAL PLANNING APPROVED

CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618

M SQUARED WIRELESS
1387 CALLE AVANZADO
SAN CLEMENTE CA 92673 (949) 391-6924

DRAWN BY: DV
CHECKED BY: JB

REV	DATE	DESCRIPTION
F	09/17/2021	100% CD'S REVISED
E	08/11/2021	100% CD'S REVISED
D	03/04/2021	100% CD'S REVISED
C	03/05/2018	100% CD'S REVISED
B	07/14/2017	100% CD
A	07/06/2017	90% CD'S FOR REVIEW

DATE SIGNED 08/17/2021

ATTSME27m1
CROWN CASTLE SITE ID: 00012_27
SME27
5007 ESCALON AVENUE
VIEW PARK, CA 90043

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

B-1

GENERAL NOTES

EROSION AND SEDIMENT CONTROL NOTES:

TEMPORARY EROSION/SEDIMENT CONTROL, PRIOR TO COMPLETION OF FINAL IMPROVEMENTS, SHALL BE PERFORMED BY THE CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:

1. ALL REQUIREMENTS OF THE COUNTY OF LOS ANGELES "LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED PUBLIC IMPROVEMENTS CONSISTENT WITH THE EROSION CONTROL PLAN AND/OR WATER POLLUTION CONTROL PLAN (WPCP), IF APPLICABLE.
2. FOR STORM DRAIN INLETS, PROVIDE A GRAVEL BAG SILT BASIN IMMEDIATELY UPSTREAM OF INLET AS INDICATED ON DETAILS.
3. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
4. THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
5. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON.
6. THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER OR RESIDENT ENGINEER AFTER EACH RUN-OFF PRODUCING RAINFALL.
7. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION/SEDIMENT CONTROL MEASURES AS MAY BE REQUIRED BY THE RESIDENT ENGINEER DUE TO UNFORESEEN CIRCUMSTANCES, WHICH MAY ARISE.
8. ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED IMPROVEMENT PLAN SHALL BE INCORPORATED HEREON. ALL EROSION/SEDIMENT CONTROL FOR INTERIM CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
9. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT.
10. THE CONTRACTOR SHALL ARRANGE FOR WEEKLY MEETINGS DURING OCTOBER 1ST TO APRIL 30TH FOR PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, ENGINEER OF WORK, OWNER/DEVELOPER AND THE RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION/SEDIMENT CONTROL MEASURES AND OTHER RELATED CONSTRUCTION ACTIVITIES.

NOTES:

1. CONTRACTOR TO POTHOLE ALL UTILITY CROSSINGS.
2. CONTRACTOR TO PLACE SANDBAGS AROUND ANY/ALL STORM DRAIN INLETS TO PREVENT CONTAMINATED WATER.
3. SPOILS PILE WILL BE COVERED AND CONTAINED AND STREET WILL BE SWEPT AND CLEANED AS NEEDED.
4. CONTRACTOR TO REPAIR DAMAGED PUBLIC IMPROVEMENTS TO THE SATISFACTION OF THE CITY ENGINEER.
5. CURB & GUTTER TO BE PROTECTED IN PLACE. SIDEWALK TO BE REPLACED TO THE SATISFACTION OF THE CITY ENGINEER.
6. THE CONTRACTOR SHALL RESTORE THE ROADWAY BACK TO ITS ORIGINAL CONDITION SATISFACTORY TO THE CITY ENGINEER INCLUDING, BUT NOT LIMITED TO PAVING, STRIPING, BIKE LANES, PAVEMENT LEGENDS, SIGNS, AND TRAFFIC LOOP DETECTORS.
7. SIDEWALK SHALL BE RESTORED/REPLACED PER CITY OF LOS ANGELES STANDARD DRAWINGS.
8. PEDESTRIAN RAMP WILL NOT BE DISTURBED.

ROW GROUND CONSTRUCTION NOTES:

1. GROUND CONSTRUCTION TO REMOVE/CLEAN ALL DEBRIS, NAILS, STAPLES, OR NON-USED VERTICALS OFF THE POLE.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MUNICIPAL, COUNTY, STATE, FEDERAL, GO95 AND GO128 STANDARDS AND REGULATIONS.
3. CALL USA 48 HOURS PRIOR TO EXCAVATING AT (800) 227-2600 OR 811.
4. ALL LANDSCAPING TO BE RESTORED TO ORIGINAL CONDITION OR BETTER.
5. ALL EQUIPMENT TO BE BONDED.
6. METERING CABINET REQUIRES 36" CLEARANCE AT DOOR OPENING.
7. CAULK CABINET BASE AT PAD.

NORMAL LOCATION OF UNDERGROUND UTILITIES NOTES:

1. LOCATION AND DEPTH OF EXISTING AND PROPOSED UTILITIES MUST BE PROVIDED BY THE SUBDIVIDER AND SHOWN ON ANY PLANS SUBMITTED TO THE DEPT. OF PUBLIC WORKS FOR APPROVAL.
2. CHANGES MAY BE PERMITTED BY THE DEPT. OF PUBLIC WORKS IN CASES OF CONFLICTING FACILITIES.
3. CONFLICTS BETWEEN UTILITY COMPANIES FACILITIES, EXISTING AND PROPOSED, MUST BE MUTUALLY RESOLVED BY THE UTILITY COMPANIES.
4. FOR COMMERCIAL SIDEWALKS, THE FIRE HYDRANT SHALL BE PLACED WITHIN THE SIDEWALK 1'-6" BEHIND FACE OF CURB.
5. MAXIMUM 2" DIAMETER GAS MAINS MAY BE PLACED IN JOINT UTILITIES TRENCH SUBJECT TO APPROVAL OF CITY ENGINEER (IN TRACTS).

CALIFORNIA STATE CODE COMPLIANCE

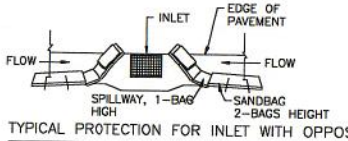
ALL WORK AND MATERIALS SHALL BE PREFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CALIFORNIA ADMINISTRATIVE CODE (INCLUDING TITLES 24 & 25) 2016
2016 CALIFORNIA BUILDING CODES WHICH ADOPTS THE 2016 UBC, 2016 UMC, 2016 UPC AND THE 2016 NEC.
BUILDING OFFICIALS & CODE ADMINISTRATORS (BOCA)
2016 CALIFORNIA MECHANICAL CODE
ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 LOCAL BUILDING CODE
CITY/COUNTY ORDINANCES

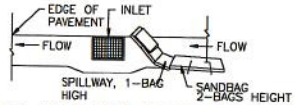
ACCESSIBILITY REQUIREMENTS:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS DO NOT APPLY IN ACCORDANCE WITH THE 2016 CALIFORNIA BUILDING CODE.

FCC NOTE:
THIS WIRELESS COMMUNICATION FACILITY COMPLIES WITH FEDERAL STANDARDS FOR RADIO FREQUENCY IN ACCORDANCE WITH THE TELECOMMUNICATION ACT OF 1996 AND SUBSEQUENT AMENDMENTS AND ANY OTHER REQUIREMENTS IMPOSED BY STATE OR FEDERAL REGULATORY AGENCIES.

STORMDRAIN INLET PROTECTION



TYPICAL PROTECTION FOR INLET WITH OPPOSING FLOW DIRECTIONS



TYPICAL PROTECTION FOR INLET WITH SINGLE FLOW DIRECTION

NOTES:
1. INTENDED FOR SHORT - TERM USE.
2. USE TO INHIBIT NON - STORM WATER FLOW.
3. ALLOW FOR PROPER MAINTENANCE AND CLEANUP.
4. BAGS MUST BE REMOVED AFTER ADJACENT OPERATION IS COMPLETED.
5. NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRIC.

DEPARTMENT OF REGIONAL PLANNING APPROVED

CROWN CASTLE
200 SPECTRUM CENTER DRIVE, SUITE 1800
IRVINE, CA 92618

M SQUARED WIRELESS
1357 CALLE AVANZADO
SAN CLEMENTE CA 92673 (949) 391-8824

DRAWN BY:	DV
CHECKED BY:	JB

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ATTSME27m1
CROWN CASTLE SITE ID: 00012_27
SME27
5007 ESCALON AVENUE
VIEW PARK, CA 90043

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
GN-1

> From: Angela Sherick <asherick@pacbell.net>
> Date: February 1, 2022 at 1:18:19 PM PST
> To: Carmen Sainz <csainz@planning.lacounty.gov>
> Subject: Cell Towers
>
> Hi Carmen,

> I have a couple of additional questions. I checked EpicLA and I am unable to find permits for the cell towers, however there are approved plans. Are the approved plans for cell towers considered the permit? Should I be contacting Diane with these questions rather than you?
>
> Thanks
>
> Sent from my iPad

> From: Angela Sherick <asherick@pacbell.net>
> Date: February 2, 2022 at 8:52:39 AM PST
> To: Diane Aranda <daranda@planning.lacounty.gov>
> Cc: Carmen Sainz <csainz@planning.lacounty.gov>
> Subject: Permits for Cell Towers
>
> Good Morning Diane,
> I previously posed this question to Carmen, but maybe you can answer. There are cell towers being constructed at three addresses in View Park, one of which is 5007 Escalon Ave. I found approved plans on EpicLA, but no cell tower construction permits, there are two permits one for road excavation and one for road encroachment. Do the approved plans serve as permits for these cell towers?
>
> Thanks
>
> Angela
>
> Sent from my iPad

From: Angela Sherick <asherick@pacbell.net>
Date: February 2, 2022 at 2:07:56 PM PST
To: Carmen Sainz <csainz@planning.lacounty.gov>, Diane Aranda <daranda@planning.lacounty.gov>
Cc: Isela Gracian <igracian@bos.lacounty.gov>, Joseph Mellis <JMellis@counsel.lacounty.gov>

Hello Carmen/Diane,

>> The purpose of this email is to nail down the fact that a permit has not yet been issued for the construction of an antenna on the top of the pole which Crown Castle built in the front of my property.

>> The existence of a Permit is within your knowledge as Planners, and easily traceable including by parcel number, and not a matter of opinion, but instead a matter of face.
>>
>> A permit either now presently exists for the installation of this antenna, or it does not, it is your job, your department's job, and the County's responsibility to know whether or not a particular permit has been issued.
>>
>> I don't mean to be aggressive in any way in stating that, but just to make a clear observation and record that it is your duty and the duty of your department to know whether or not a particular permit has been issued.

>> I have now looked into the County standards for building permits. My concern, which I did in fact ask about twice, was whether or not LA County was taking the novel new position that permits were not required for telecom antennas.
>>
>> In particular, I examined for items exempt from permits at the County site at: https://www.dpw.lacounty.gov/building-and-safety/permits/ .
>>
>> There is no exempt status for telecommunications antennas or towers. Nor would I expect one, since permits have been used for such constructions built in the past, such as through the Conditional Use Permit.
>>
>> Prior to the adoption of the new APPLICATION FOR LAND USE form in last February, a Conditional Use Permit was required for the construction of an telecom antenna. That historically consistent process required letting me and my neighbors know about that construction in advance, with hearings. Now, I know, but don't accept as lawful or constitutional, that it is the intention of the County to issue these telecom antenna permits through ministerial action, with no CUP.
>>
>> Therefore, I accept, believe, and rely that the November 8, 2021 Approval of the plan for construction of a telecommunications antenna in front of my house is a late step, or the final step, before the County administration allows ministerial issuance of a permit for that antenna construction. There has been no reply to my email from yesterday, which asked about this. There also has been no reply to my email from today, to both of you once again asking the same question. My worry had been that the County administration had maybe decided to 'skip over' the permit issuance process, as though it were not required, in order to keep the big telecommunications companies satisfied with County conduct. But, there has never been any evidence showing that, and now I have personally confirmed that cellular antennas are not exempt constructions, as all of those are listed at the above County website, and such antennas are not on any of such lists.
>>
>> Therefore I again in this letter confirm as a fact that no permit has been issued for antenna

construction in front of my house. I further confirm that I am relying on that fact, that no permit has been issued, in refraining from filing a lawsuit to stop the construction of that antenna, because I know that I have 90 days, some say more than that, from the date of issuance of the permit within which to file my lawsuit. Whether I can afford that I don't know, but we plan to find the best lawyer we can and to find money to support that effort if possible.

>> I further confirm, to the County of Los Angeles, with this letter, that it is not the policy of the County of Los Angeles to allow telecommunications antennas, including 5G antennas, to be built without permits from the County. I say this in part because of what I just saw this morning, that there is no 'exempt from permit' classification for such antennas.
>>
>> Therefore, I confirm that, if this antenna construction, or any such construction in the unincorporated parts of Los Angeles County is to occur it will only be after the issuance of a permit from the County to do so, which has not happened yet. Specifically, after talking to a lawyer I specifically confirm and advise you, and through you the County of Los Angeles, that I am, in reliance on the facts that no permit has been issued, and that one is required, I will not file a lawsuit against the County which I would otherwise have ready for filing no later than February 4, 2022, and for service upon the County on that date, or on Feb 7, at the latest. I am advised to tell you that this is a confirmation of facts upon which I am reliant.
>>
>> Therefore, if it is the position of the County of Los Angeles that a permit HAS been issued for the antenna planned, in the November 8 Approved plans, for in front of my property, you will advise me of that fact in prompt response to this email, meaning within 24 hours. Similarly if it is now the position of the County of Los Angeles that no County permit is required for the construction of telecom antennas, including in front of my house, you will advise me of that fact in prompt response to this email, meaning within 24 hours.
>>
>> Diane and Carmen, to be entirely clear, I am not asking you or the County to respond with any legal opinion or other opinion, I am asking only for facts, and these are facts which are part of your duties, and the duties of your department, to provide to people who ask, including especially, me as I have a big stake in your answers. Also, when I was exchanging emails with Mitch, I saw that attorney Joseph Mellis was on those emails, I believe from County Counsel, and I felt I should send this to him as well, which I have. As far as I am concerned you can send this to Mitch and anybody or everybody on his distribution list.
>>
>> So, to say it again, this confirms that no permit has been issued to install any antenna on the pole in front of my house and also confirms that it is not the policy of your department or the County to allow telecom antenna installations without a permit from the County. If you do not agree with these statements of fact, say so. If you are silent, this will be treated as your agreement that no permit has been issued and that one is required and this will have legal consequences.
>> .
>> Angela Sherick-Bright
>>
>>

EXHIBIT C TO PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS

Consisting of the FCC'S own stated policies for assuring protection of historical and environmentally sensitive sites

These data are available at the below link:

https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting

fcc.gov

Tower and Antenna Siting

25-31 minutes

Building new towers or collocating antennas on existing structures requires compliance with the Commission's rules for environmental review. These rules ensure that licensees and registrants take appropriate measures to protect environmental and historic resources, and that the agency meets its obligations under the National Environmental Policy Act (NEPA) to consider the potential environmental impact of its actions, as well as under other environmental statutes such as the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). A new tower construction requires:

- Approval from the state or local governing authority for the proposed site;
- Compliance with FCC rules implementing the NEPA, which includes separate procedures for
- ESA; and,
- NHPA (including Section 106).
- Depending on the tower's height and location, construction may also require:
- Federal Aviation Administration (FAA) notification; and,
- Antenna Structure Registration (ASR) with the FCC.

In 2018, the Wireless Telecommunications Bureau held a workshop to provide a general overview of the process.

Collocations may also require compliance with these same processes. See the Collocation Agreement and other sections below for more information about collocations that require compliance with NEPA, NHPA, FAA and ASR rules. The Commission's October 2014 Infrastructure Report and Order includes some NEPA and NHPA exclusions specific to DAS and Small Cell deployments.

State and Local Authorities

Section 332(c)(7) of the Communications Act preserves state and

local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

Allegations that a state or local government has acted inconsistently with Section 332(c)(7) may be resolved by the courts. In September 2018, the Commission released the Wireless Infrastructure Third Report and Order and Declaratory Ruling to clarify the scope of Sections 253 and 332(c)(7) in various deployment contexts, including the deployment of small cells.

Section 1455(a) of the Communications Act, enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, establishes a further limitation on state and local land use authority over certain wireless facilities. Specifically, it provides that a state or local government may not deny and shall approve any eligible facility 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, and defines eligible facility requests as including requests for the collocation, removal, or replacement of transmission equipment.

The Commission has adopted a rule, codified at 47 C.F.R. § 1.6100, to further clarify and implement these requirements.

FCC Items Related to Section 332(c)(7) and Section 1455(a) include:

- Report and Order, FCC 00-408, adopted November 13, 2000 (establishing procedures for requesting relief under Section 332(c)(7) from impermissible State and local regulation of wireless facilities based on the environmental effects of RF emissions.
- Declaratory Ruling, FCC 09-99, adopted November 18, 2009 (clarifying certain aspects of the limits on state and local authority under Section 332(c)(7)).
- Report and Order, FCC 14-153, adopted October 21, 2014

(adopting rule to clarify and implement requirements of Section 1455(a), and providing further clarification of Section 332(c)(7)).

- Third Report and Order and Declaratory Ruling, FCC 18-133, adopted September 26, 2018 (adopting rule on shot clocks and clarifying scope of Sections 253 and 332(c)(7) for small wireless facilities).

The National Environmental Policy Act

NEPA requires agencies to consider and disclose the environmental effects of its actions to improve decision-making and encourage transparency, public participation, and

accountability. Effects are defined broadly to include ecological, aesthetic, historic, social, and cumulative and indirect effects.

NEPA has three levels of review, depending on the significance of the effect (which, in turn, depends on the context and intensity of the action; for example, a tall, guyed tower in an ecologically sensitive area is likely to have more significant effects than a short, unguyed tower in an industrial area):

Categorical exclusions (CatExs)—for actions or types of actions which individually and cumulatively are deemed to have minimal or no impacts on the environment. The actions may therefore qualify as excluded from detailed environmental analysis.

Environmental Assessments (EAs)—for actions that may have a significant effect, an EA determines potentially significant impacts. If no significant impacts are found, the agency issues a Finding of No Significant Effect (FONSI).

Environmental Impact Statements (EISs)—for major federal actions with the potential to significantly affect the quality of the

human environment. These actions require a detailed analysis of actions and alternatives and concludes with a Record of Decision (ROD).

NEPA does not mandate an outcome or prevent projects from moving forward; it only requires consideration of effects and of alternatives to mitigate the environmental effects of a project. To implement NEPA, each federal agency adopts its own procedures, and the Council on Environmental Quality oversees NEPA implementation.

FCC's NEPA Process

The FCC considers registering and licensing towers and facilities intended to host licensed services to be major actions that trigger agency NEPA obligations. Consequently, FCC rules impose enforceable duties on licensees and applicants in order to meet the agency's NEPA obligations.

Facilities constructed by or for FCC licensees subject to environmental review must comply with agency environmental regulations implementing NEPA. The rules apply to all licensees and registrants: commercial licensees, utilities, public safety entities, railroads, and mining companies. Because licensees and registrants cannot locate on a facility that has not gone through a NEPA review, tower constructors that are neither licensees nor registrants must also follow these rules. These regulations ensure agency compliance with the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA) as well.

While the agency has delegated the initial assessment of CatExs (and certification to that effect if required) and preparation of EAs to licensees and applicants, compliance with NEPA rests with the FCC.

FCC environmental rules categorically exclude all actions from detailed environmental review except those associated with the construction of facilities that fall into certain categories. The categories of facilities requiring environmental assessments (EAs) include those facilities:

- Located in a wilderness area (most likely on federal land) or in a wildlife preserve (likely on federal land);
- That might affect threatened and endangered species or their habitat (ESA);
- That might affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) or Indian religious and cultural sites;
- That will be located a floodplain and where facility equipment will NOT be placed at least one foot above the base flood elevation of the floodplain;
- Whose construction will involve "significant changes in surface features" (e.g., in wetlands, water diversions, significant ground disturbance, deforestation);
- That might affect migratory birds if the towers are over 450 feet; or
- That involve high intensity lighting in a residential area or would cause RF radiation in excess of FCC-established limits.

If any element of a proposed project – including the tower, fence, trenching, roads, parking, power and fiber connections and their operation and maintenance – falls into any of these categories, the applicant must file an EA which discloses those effects and on which the public can comment.

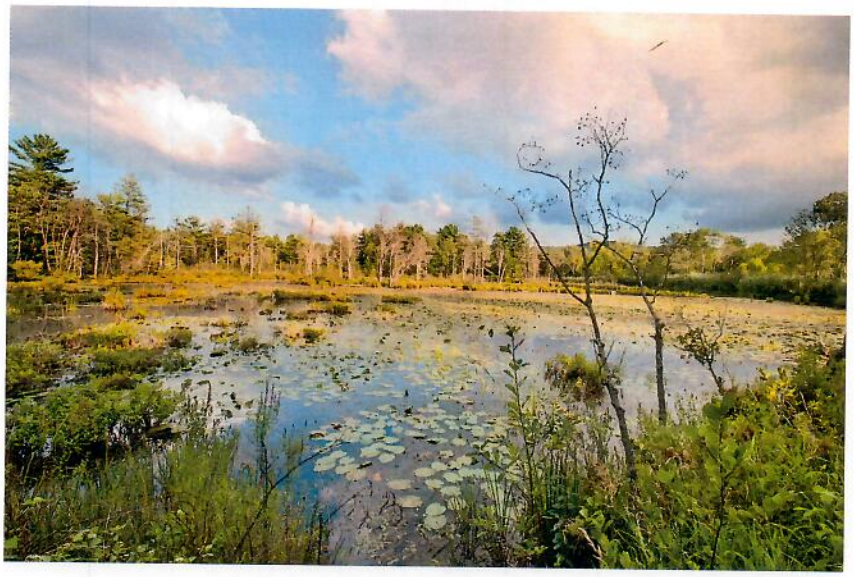
Complying with FCC environmental regulations requires completing an analysis of the categories BEFORE certifying that there is no significant environmental effect. Analysis includes, for example, compliance with ESA and NHPA requirements.

After an EA is filed, the document is put on public notice for one

month, during which time the FCC ensures its sufficiency. If no objections or issues are identified, the FCC issues a FONSI.

Despite the presumption of actions being categorically excluded, the agency may order additional environmental review on issues beyond the above checklist, or upon consideration of public comments. The agency may also ask for mitigation to reduce project impacts.

Grading soil, removing vegetation, clearing an area or otherwise beginning construction or building without following these requirements or before completion of the FCC's environmental process can constitute a violation of FCC rules and subject the party to potential enforcement action. Granting of a license is NOT an authorization to build unless all environmental review requirements have been met.



Below is more information about the FCC NEPA process and compliance with related environmental statutes.

- NEPA Checklist
- NEPA FAQs
- NEPAssist - a tool that facilitates the environmental review process
- NEPA Fact Sheet
- Form 601 Flow Chart
- Form 854 Flow Chart
- NEPA Process Overview
- Fact Sheet: Site Testing Involving Ground Disturbance

Endangered Species Act

Section 1.1307(a)(3) of the Commission's rules, 47 C.F.R. §1.1307(a)(3), requires applicants, licensees, and tower owners (applicants) to consider the impact of proposed facilities on sensitive species and their habitat. Under the Endangered Species Act (ESA), 16 U.S.C. s. 1531 *et seq*.....it is prohibited to "take" (i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.) Applicants must therefore determine before constructing and before submitting an EA if required whether any proposed facility may affect listed, threatened or endangered species or designated critical habitats, or are likely to jeopardize the continued existence of any proposed threatened or endangered species or designated critical habitats.

The U.S. Fish and Wildlife Service (FWS), which administers the ESA, provides an online mapping tool to determine which species may need to be considered for proposed facilities. A qualified biologist or the FWS must determine the type of effect a proposed facility will have on protected resources.

Photo by New York Department of Environmental Conservation; Al Hicks

If a qualified biologist or the FSW determines that a proposed facility may have an adverse effect, the applicant must notify the FCC and file an environmental assessment. Applicants must submit a request for FWS concurrence with the applicant's effects determination. If a qualified biologist or the FWS determines that the proposed facility will affect protected species or habitats, the applicants must enter

formal consultation with the FWS. All FCC licensees, applicants, tower companies, and their representatives have a blanket designation and are authorized to contact and work with the FWS as non-federal representatives of the FCC for purposes of consultation with the FWS. In significant portions of the US, applicants must follow the FWS process for considering effects to the Northern Long-Eared Bat and American Burying Beetle. In some regions, FWS offers Blanket Clearance to proposed facilities meeting certain criteria to streamline these processes.

- FWS Delegation Letter
- Online Endangered Species Act Review using IPaC
- Fact Sheet: Minimizing Habitat Fragmentation
- Fact Sheet: Minimizing Effects on Prairie Grouse and Sage Grouse
- Guidance on Northern Long-Eared Bat
- Guidance on the American Burying Beetle

Migratory Birds

Under the Note to paragraph (d) of Section 1.1307, the Commission requires an Applicant to prepare an EA that considers the effects on migratory birds when a proposed antenna structure will be over 450 feet above ground level (AGL). Each year, millions of birds collide with communications towers and die. Tall, lit, and guy-wired towers are implicated in significantly more bird fatalities than short, unlit, self-supported towers. However, towers of almost any height have the potential to harm migratory birds, and tower owners can reduce or minimize these effects in a number of ways, often with little or no cost to the tower owner. For example, because birds are attracted to non-flashing lights but less so to flashing lights, using flashing lights can prevent collisions.

The U.S. Fish and Wildlife Service (FWS) has formulated voluntary guidelines for tower siting to address potential effects on migratory birds. These guidelines include suggestions on tower siting, height, and lighting to avoid adverse effects to migratory birds. The Avian Power Line Interaction Committee (APLIC), a collaboration of the utility industry, wildlife resource agencies, conservation groups, and manufacturers of avian protection products, also developed guidance for methods to reduce bird/power line electrocutions and collisions which reduces bird mortalities and associated power outages. Tower owners should consider incorporating these guidelines into their tower projects and maintenance operations.

As of September 28, 2016, the Federal Aviation Administration (FAA) no longer permits red non-flashing lights on any new tower above 150 feet AGL. The FAA has asked owners of existing towers to submit plans for eliminating the use of non-flashing lights on existing towers; and the FCC and FAA have developed a process by which registrants may do so.

- Fact Sheet: Addressing Raptor Nesting on Towers
- FAA Advisory Circular on Obstruction Marking and Lighting

In order to better protect endangered species and migratory birds, the Wireless Telecommunications Bureau released a Final Programmatic Environmental Assessment (PEA) that evaluates the potential environmental effects of the FCC's Antenna Structure Registration (ASR) program.

The National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 is implemented through the FCC's environmental rules. Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties. The FCC considers the construction of communications towers or certain collocation of communications equipment using FCC-licensed spectrum a federal undertaking. See Wireless Infrastructure Report and Order. While Antenna Structure Registration (ASR) is required for some communications towers, Section 106 process may be required even if ASR Registration is not required.

Commission licensees and applicants are delegated the responsibility for initiating the Section 106 review process for proposed facilities, identifying and evaluating historic properties, and assessing effects. This process includes consultation with the

appropriate State Historic Preservation Officer (SHPO) and Tribal Nations that have expressed an interest in the proposed project. The Commission maintains two databases, the Tower Construction Notification System (TCNS) and the E-106 system, to facilitate communications with these parties.

For the Tribal Nations, either a Tribal Historic Preservation Office (THPO) or a cultural preservation office have been established at each Tribal Nation and designated the point-of-contact for the Section 106 process. Filing coordinates in TCNS and uploading documentation to E-106 initiates statutorily mandated review periods and supports efficient processing.

Historic properties are sites, structures, buildings, and objects that are listed on or eligible for listing on the National Register of Historic Places. SHPO's maintain the lists of these historic properties. For Tribal Nations, historic properties include sites and places of cultural and religious significance. Due to the sensitive nature of these historic properties, these places are often not publicly identified. Tribal Nations have the option to provide this information to the FCC through its Federal Preservation Officer who will ensure that the information is protected throughout the Section 106 process.

NHPA Information

- Title 36 of the Code of Federal Regulations, Part 800, Subpart B.
- Advisory Council on Historic Preservation (ACHP) Home Page
- MO&O clarifying licensees' responsibilities in complying with the NHPA.
- Local Section 106 Notice Requirement Template
- ACHP Handbook on Consultation with Indian Tribes in the Section 106 Review Process

The Nationwide Programmatic Agreements

The Commission has entered into two Nationwide Programmatic Agreements (NPAs) with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO). ACHP oversees NHPA implementation, and NCSHPO represents the State Historic Preservation Officers. These NPAs describe the Commission's Section 106 processes for new tower construction and collocation of communications equipment on existing structures. In 2016, the ACHP approved the First Amendment to the Collocation

Agreement.

The NPA requires that project proponents use the FCC Form 620 (new towers) and FCC Form 621 (collocations), which are available on the FCC Forms Page. The Form 620 and Form 621 must be completed by qualified individuals as stated on the forms. These forms are submitted directly to the SHPO and are not sent to the FCC unless requested by the FCC. Project proponents are encouraged to complete the Form 620 and Form 621 using the E106 system as the forms are easier to complete and the system contains internal checkpoints to ensure that they are complete and accurate. Using the E106 system facilitates FCC access to answer questions or address issues during the Section 106 process. Prior to submitting, the applicant must confirm whether the specific SHPO utilizes E-106 for Section 106 reviews and determine their preferred submittal procedures. Many SHPOs are required by state law to maintain hard copies.

If a SHPO has not responded within 30 days, determinations of "No Adverse Effect" can be submitted to the Commission by following procedures outlined in Public Notice DA 05-599. Such referrals may be made through the E-106 system when the Form 620 or 621 has been submitted electronically.

If a proposed project will have an adverse effect on historic properties, the project proponent must notify the ACHP using the ACHP's E106 system. The project proponent must engage the SHPO and all consulting parties, including Tribal Nations, about the adverse effect and the potential to mitigate that effect. To proceed beyond the initial determination of adverse effect, the project proponent must provide the SHPO and all consulting parties with an alternatives analysis or plan that demonstrates that the proposed location is the only feasible location due to engineering requirements. The FCC may review these plans.

In addition, the project proponent and the consulting parties should develop appropriate mitigation measures. Mitigation measures should have a public benefit directly tied to the adverse effect. Payments of cash are not appropriate. The project proponent should prepare a Memorandum of Agreement (MOA) to be signed by the FCC, SHPO, project proponent and all consulting parties. For review prior to any party's signature, the draft MOA must be sent as a word document to the FCC at s106.moa@fcc.gov. If the MOA needs to be amended, this MOA Amendment template should be used.

Section 106 Tools

TCNS/E-106

Form 620 (new towers)

Form 621 (collocations)

ACHP Delegation Letter for Section 106 Review

Factsheet

Wireless Infrastructure Second Report and Order

- Questions and Answers (Last Updated September 30, 2019)
- Manual Referral Process Update (03/18/2020)

Tribal Notification

The NHPA requires that federal agencies must consult with any federally-recognized Tribal Nation that attaches religious and cultural significant to historic properties affected by an undertaking in carrying out the *Section 106 review* process.

Since 2004, the Commission has maintained the Tower Construction Notification System (TCNS), an on-line, password-protected system that notifies all Tribal Nations, Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs) of proposed communication tower construction in their areas of interest. Applicants must submit the Form 620/621 to Tribal Nations to initiate Section 106 review. Uploading the relevant form to the E-106 system will notify Tribal Nations that the materials are ready for review and track the statutorily mandated 30-day review period. Tribal recipients can respond directly to the companies if they have concerns about a proposed construction.

In order to use the FCC's online filing systems, you need an FCC Registration Number (FRN).

The Commission follows guidance published by the Advisory Council on Historic Preservation (ACHP) with respect to the role of Tribal Nations in the Section 106 Review Process.

Indian Tribal Contacts

Tribal Nations Leaders Directory (Bureau of Indian Affairs)

Section 106 Reviews for Wireless Communications Facilities Construction and Modification Involving Multiple Federal Agencies

In 2009, the ACHP issued a Program Comment to facilitate the deployment of broadband by eliminating duplicative Section 106

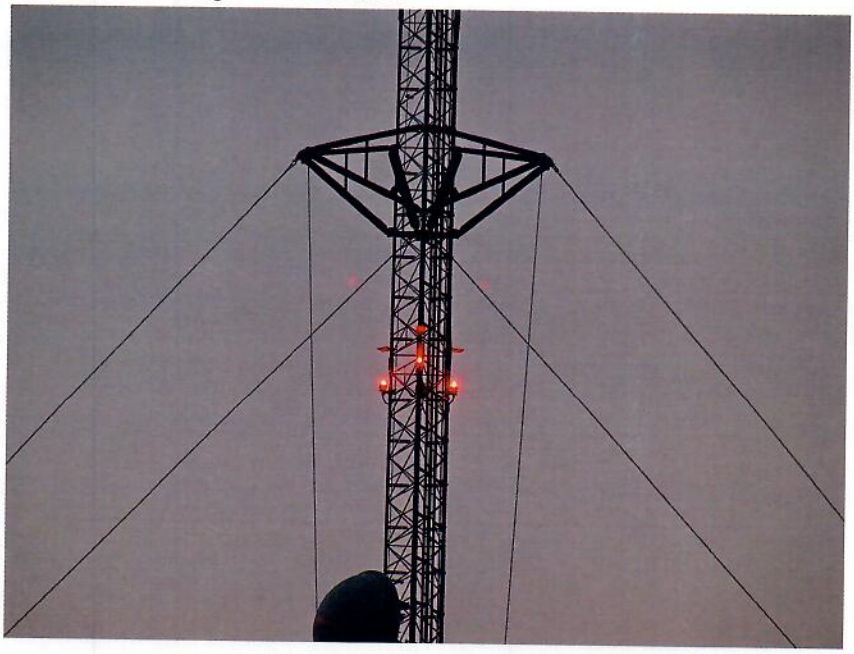
reviews for projects regulated by the Commission but funded or otherwise subject to involvement by another federal agency.

The Program Comment was extended and expanded in 2015, and relieves the US Department of Agriculture Rural Utility Service (RUS), National Telecommunications and Information Administration (NTIA), Federal Emergency Management Agency (FEMA), First Responder Network Authority (FirstNet), Department of Homeland Security (DHS), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA) from the need to comply with Section 106 for communication facilities that have undergone or will undergo Section 106 review by the FCC.

Additional Pre-Construction Requirements

The Federal Aviation Administration (FAA)

Notification to the FAA is required for any tower construction or alteration of an antenna structure that is registered with the Commission's Antenna Structure Registration system. Towers that meet certain height and location



criteria (generally towers more than 200 feet above ground level or located near an airport) require notice to the FAA and ASR registration with the FCC. Prior to completing registration with the Commission, an antenna structure owner must have notified the FAA (via FAA Form 7460-1) and received a final determination of 'no hazard' from the FAA.

The FCC's TOWAIR program can be used to unofficially determine if a proposed construction meets FAA notification and FCC

registration requirements. However, proposed antenna structure owners (applicants) must still file a Notice of Construction (FAA Form 7460 -1) with the FAA to obtain a No Hazard Determination.

Antenna Structure Registration (ASR)

The ASR rules are contained in Part 17 of the Commission's Rules (47 C.F.R. Part 17). Information about registering antenna structures is available on the FCC's website.

Once applicants obtain a No Hazard Determination from the FAA, the ASR rules requires applicants to submit the FAA's study number, along with FCC Form 854, to the Commission. The Commission then verifies with the FAA the accuracy of the marking and lighting specifications provided by the applicant. If the Commission accepts the application, it issues a registration (Form 854R), which typically incorporates the FAA's "no hazard" marking and/or lighting specifications and assigns the antenna an ASR number. Once an antenna structure is registered, its owner must ensure that the structure complies with all the relevant FAA chapters specified on the registration, or the owner may be subject to Commission enforcement action. No changes to the specifications in the ASR are permitted without prior approval from both the FAA and the Commission; owners seeking to change an antenna structure's specifications must first seek FAA approval, and only then may they file a request with the Commission to modify the ASR. Prior to changing the marking or lighting on the structure, antenna structure owners must receive a modified ASR form from the Commission incorporating the change. Once the antenna structure or tower is constructed or altered, the owner must then file FAA Form 7460-2, Notice of Completion of Construction or Alteration, with the FAA, and FCC Form 854 with the FCC notifying both agencies that the construction has been completed.

Antenna Structure Painting and Lighting

The FCC's ASR program fulfills the FCC statutory duty to require the painting and lighting of antenna structures that may pose a hazard to air navigation. Based on FAA recommendations, the FCC requires the structure to be painted and lighted as necessary to make it conspicuous to aircraft. Part 17 of the Commission's rules outlines these painting and lighting requirements. Importantly, antenna structure owners must immediately report any top light or flashing obstruction light outage or malfunction lasting more than thirty (30) minutes to the FAA by either their direct entry tool or by

calling 877-487-6867, for Alaska 800-478-3576, so that a Notice to Airmen (NOTAM) can be issued. Continue to the FAA Light Outage Reporting webpage. The NOTAM Process Streamlining Measures PN gives a more detailed explanation of the NOTAM process.

While the Commission requires antenna structure owners to register and exercise primary responsibility for painting and lighting of antenna structures meeting the registration criteria, licensees and permittees, collocated on the tower or antenna structure, are also responsible to ensure that the structure maintain all FAA and FCC painting and lighting requirements. The FAA's Advisory Circular Marking and Lighting FAQs provides answers to some painting and lighting questions.

EXHIBIT D TO PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS

Consisting of the County's stated policy for not assuring protection of historical and environmentally sensitive sites

From: Mitch Glaser <mglaser@planning.lacounty.gov>
Date: November 3, 2021 at 5:47:10 PM PDT
To: Angela Sherick <asherick@pacbell.net>, Jheath@uhawhvp.org, ttabor@uhawhvp.org, dgrayson@uhawhvp.org, hsellers@uhawhvp.org, jnnfountain@yahoo.com, mhudson@uhawhvp.org, ruthoates@mac.com, misty@canterburyrealestategroup.org, vryancy@yancylaw.com, winyan64@yahoo.com, jus4just@aol.com, hotjolt2012@gmail.com, avi@rectangleent.com, sallyhampton11@gmail.com
Cc: Erica Gutierrez <EGutierrez@planning.lacounty.gov>, Carmen Sainz <csainz@planning.lacounty.gov>, "Simmons, Kwame" <KSimmons@bos.lacounty.gov>, "Gracian, Isela" <IGracian@bos.lacounty.gov>, "O'Brien, Lilly" <LOBrien@bos.lacounty.gov>, "Waldron, Jessalyn" <JWaldron@bos.lacounty.gov>, Roland Trinh <RTrinh@counsel.lacounty.gov>, David DeGrazia <DDegrazia@planning.lacounty.gov>
Subject: RE: Follow Up re: Meeting with United Homeowners Association II on July 19
Hi Angela:

I'm following up on the August 12 letter and these three small cell wireless facilities (SCFs) in general.

We (Regional Planning) did not receive your August 12 letter until you shared it with us on October 5. We noted it was addressed to Supervisor Mitchell and the other Supervisors were copied, but not Regional Planning, which is why we did not receive it. To ensure we receive any future letters you would like us to see when you send them, please copy Regional Planning and/or send it to us directly.

Sections II and III of your August 12 letter relate to health effects, which as discussed at our meeting on July 19, are outside our purview.

Section I of your August 12 letter relates to County Code Chapter 22.124 (Historic Preservation). This Chapter only applies to properties within County Historic Districts and View Park is not located within a County Historic District. For reference, all existing County Historic Districts are listed here:
https://planning.lacounty.gov/preservation

Also, as I mentioned in my October 1 email, we do not conduct an environmental assessment, including a historical resource assessment, for by-right (Type 1) approvals, which are ministerial in nature and do not have a discretionary component, and are therefore not subject to compliance with the California Environmental Quality Act. In addition, the SCFs are located in the public right-of-way and are not attached to historically significant buildings and will not cause a substantial adverse change in the significance of a historical resource.

FCC regulations also include a "shot clock" that requires us to act on applications for wireless communications facilities, including applications for SCFs, within a specified timeframe. In order to comply with these "shot clock" regulations, we will approve the SCFs tomorrow. Although we have been able to provide more time for you to review my October 1 email, I understand you may want more time to review all of this information, but we cannot provide

more time.

Although we will approve the SCFs tomorrow, we can continue to respond to new, additional questions you may have that we did not previously address. We are committed to keeping open lines of communication with you and the others who attended our meeting on July 19 and/or have been copied on these emails, so feel free to reach out to us in the future.

Thanks,
Mitch

EXHIBIT E TO PETITION FOR WRIT OF ADMINISTRATIVE MANDATE

Consisting of emailed advisement to the Petitioner from the California Office of Historic Preservation demonstrating that historical site examination is required by law

From: Messinger, Michelle@Parks <michelle.messinger@parks.ca.gov>
To: Angela Sherick <asherick@pacbell.net>
Sent: Monday, November 22, 2021, 03:03:38 PM PST
Subject: Re: Cell Tower Permit Issuance

Any undertaking that requires a federal license, permit or is funded with federal money, is required to undergo Section 106 review to take into account the views of the SHPO and Advisory Council in regard to historic properties. Physical work therefore on an undertaking should not commence until Section 106 is complete for any such project.

Michelle

Michelle C. Messinger

State Historian II

California Office of Historic Preservation

1725 23rd St., Ste. 100

Sacramento, CA 95816-7100

916-445-7005 phone

916-445-7053 fax

Michelle.Messinger@parks.ca.gov