

REPORT OF GENERAL MANAGER

NO. 02-401

DATE November 20, 2002

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CELLULAR INSTALLATIONS ON PARK PROPERTY

J. Combs \_\_\_\_\_  
A. Coroalles \_\_\_\_\_  
J. Duggan \_\_\_\_\_  
J. Kolb \_\_\_\_\_

H. Fujita \_\_\_\_\_  
\*M. Matthews \_\_\_\_\_  
L. Barth \_\_\_\_\_

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

It is recommended that the Board:

1. Approve the attached revised guidelines regulating the conditions for the installation of telecommunications equipment on Department property;
2. Direct staff to develop a License Agreement integrating the guidelines;
3. Authorize the Board Secretary to forward the guidelines and the License Agreement to the City Attorney for approval as to form; and,
4. Reiterate the Board's previous request to the Mayor to seek implementation of a Citywide plan for uniform standards and the subsequent compliance monitoring of telecommunication providers that was set forth in Executive Directive No. 2001-38, issued on May 10, 2001.

SUMMARY:

The Board requested at the meeting of September 18, 2002, that staff present information relevant to the licensing of cellular or wireless installations on Department property. The most recent action taken by the Board occurred at the meeting of October 17, 2001 (Report No. 01-383). The result was a request by the Board to the Mayor to implement Executive Directive No. 2001-38, issued on May 10, 2001, and based on the findings of a City Telecommunications Task Force. The Directive called for the development of a uniform, Citywide permitting or licensing agreement applicable to both proprietary and Council-controlled entities. The purpose was to regulate requests for installing, maintaining and removing telecommunications equipment on City property, including easements and rights-of-way. The Directive named the Telecommunications Executive of Information Technology Agency (ITA) as the lead contact for developing the policy; this person was to act with assistance from all affected City entities and from the City Attorney.

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 02-401

In the meantime, it also appears that at least two other departments are implementing guidelines tailored to their particular needs. On May 28, 2002, the City Council approved a report revising the Bureau of Engineering's "Above Ground Facilities Specifications and Procedures" that govern the granting of permits in public rights-of-way (File No. 99-1593). The report addresses issues that would affect our Department in areas where park property adjoins a right-of-way; some of these issues are the size and location of equipment, landscape requirements, graffiti mitigation and pedestrian clearance. In addition, the Department of Water and Power is in the process of drafting a new policy on pole-mounted installations that will address some of the same topics that are in the Engineering document.

Like these two Departments, Recreation and Parks receives many requests for telecommunication placements. In spite of the previous call for a coordinated, uniform City policy that would protect the interests of all City entities, it may be prudent for the Board to approve general guidelines for telecommunication placements and approve staff's involvement in the drafting of a conditional, revocable license agreement tailored to the Department's needs.

The Board of Recreation and Park Commissioners has recognized the need for comprehensive guidelines since at least 1998. In that year the Board approved a set of guidelines or regulations applicable to telecommunication service providers but recognized that further action would be needed in order to implement a fully-developed policy (Report No. 410-98). The approved Report raised several issues including the desirability of incorporating antennas into a building's facade or on a utility pole or water tank as opposed to a free-standing installation. The design plans of firms were to be reviewed and input obtained from the affected Council Office and nearby community. As for fees, it was recommended that both rent and staff administrative time be charged and that the agreement contain renewal options which, when exercised, would allow for rate increases.

In approving the 1998 Report, the Board directed that the guidelines be amended to take into account comments made during the meeting by both the public and the Commissioners. In response to this directive and the realization that the Department needed to clarify certain wording, the guidelines were revised in May 2001. This version was not presented to the Board because the Mayor's Executive Directive, which called for a Citywide policy, had just been issued. Staff have also recently revised the May 2001 guidelines to make them more comprehensible. The revised guidelines are attached to this Report. Neither the May 2001 nor October 2002 guidelines include specifics on fee structure, it being anticipated that a thorough rate study will be needed; the fee structure may, for example, take into account the type of equipment to be installed and the site-size of the proposed placement. It is anticipated that the City Administrative Officer or the Office of Finance may wish to assist with the fee study.

REPORT OF GENERAL MANAGER

PG. 3            NO. 02-401

The continued need for ITA to lead the development of a coordinated Citywide policy seems indicated by the technical and rapidly changing nature of the telecommunications industry. Staff in other Departments are much less able to evaluate the feasibility of co-locating equipment at a site by more than one firm so as to reduce the number of separate installations. Non-technical staff are much less able to effectively evaluate the design of an installation, that is, whether the size and type of equipment are appropriate to the stated need of the firm making the request. Because of this realization, the October 2002 guidelines now being presented to the Board contain a provision to seek ITA's opinion on technical issues.

This Report was prepared by Joan Reitzel, Senior Management Analyst, Real Estate and Asset Management Section.

Attachment

ATTACHMENT

**DEPARTMENT GUIDELINES FOR THE INSTALLATION OF CELLULAR  
EQUIPMENT ON RECREATION AND PARK PROPERTY**

*In November 1998 the Board of Recreation and Park Commissioners adopted guidelines concerning the placement, installation, maintenance and dismantling of wireless or other telecommunication and ancillary equipment on Department property. The Board also approved the incorporation of certain additions to the guidelines, which have since been incorporated into this revised version. Applicants seeking to place telecommunication equipment on Department property are required to adhere to the ten sets of regulations listed below as well as to any requirements set forth by other affected agencies, by federal or state regulators and by other City of Los Angeles entities.*

*These revised guidelines do not constitute a License Agreement and cannot be construed in any manner as granting permission to install telecommunication equipment on Department property. Permission for such installation will be granted by way of a fully executed License Agreement approved by both the City Attorney and the Board of Recreation and Park Commissioners after all of the following conditions have been met to the satisfaction of the Department. It is understood that License Agreements in excess of three-years duration are subject to the approval of the Los Angeles City Council.*

1. **Agreement Type and Duration:** Telecommunication License Agreements will be both conditional and revocable. The maximum initial term of the License Agreement will be five years with two 5-year options to renew, which the Department may rescind for just cause. Exercise of the initial term and each option will require Board approval.
2. **Community/Public Comments:** In considering the placement of telecommunication equipment, the Department must remain sensitive to the wishes of the community. The Department will notify and solicit comments from affected groups and individuals, where applicable, when there is a reasonable possibility that telecommunication equipment will be placed on Department property. The Department may also require the applicant to initiate and conduct the notifications. Examples of affected groups and individuals are as follows.

Volunteer Neighborhood Oversight Committee(s) [VNOC]

Park Advisory Board

Council Office Advisory Committee(s)

Park User Groups (Little League, senior citizen associations, etc.)

Community groups active at the Department facility selected for the proposed installation

Residents/property owners and businesses located within 500 feet of the outer rim of the proposed placement site.

Guidelines for Installation of Cellular Equipment on Park Property  
Page Two

The applicant, under Department supervision, will post a Department-approved, public notice in a conspicuous location at the Department facility intended for the proposed placement. The notice will generally describe the applicant's proposal; the notice will also include a phone number where additional information may be obtained and a Department address to which comments and recommendations may be mailed. Written comments received by the Department will be summarized and presented to the Board for consideration.

The applicant will be responsible for arranging and conducting public meetings or hearings if requested to do so by the Board, Councilmember, the City Planning Department or other official City entity.

The City Planning Department holds a variety of hearings as part of the normal approval process for a Conditional Use Permit (CUP); these hearings assist the City to remain informed of community opinion. The Department of Recreation and Parks, not being a telecommunication applicant, will not be involved with any related CUP hearings except to report to the Board any issues relevant to the telecommunication request being made by the applicant.

3. **Costs and Expenses:** Upon obtaining all necessary approvals, the applicant will be fully responsible for all costs and expenses associated with the construction, installation, operation, upgrading, ongoing service or maintenance and, as applicable, the replacement, dismantling or removal of telecommunication equipment at the licensed site.
4. **Design Requirements:** Design elements will be obtained from the applicant and distributed to the Council Office, VNOC and other interested groups. Comments from these groups will be presented to the Board and other interested City entities before any License Agreement is approved.

The applicant will take all appropriate measures to minimize the size of the proposed telecommunication installation and to screen or disguise the presence of the equipment at the Department site. These measures include but are not limited to the following design elements: Planting natural, vegetative screening; using artificial structures aimed at disguising or lessening the visual impact of the installation; and attaching or visually blending the telecommunication equipment to existing structures. The applicant will, when first presenting a proposal, incorporate the telecommunication industry's best design practices that will minimize the size and amount of equipment to be installed and minimize the visual impact of the installation. The applicant will seek all feasible means to avoid trenching or creating other potentially harmful intrusions to landscaping at the placement site and surrounding area.

The general appearance or plan of the proposed installation will be reviewed by the Region Superintendent and by the head of the Planning and Construction Division or by whomever else they direct. Upon their recommendation, the matter will be presented to the Board prior

to the issuance of any request for final approval. The Board reserves the right to review and direct modifications to the applicant's initially proposed appearance or design. The applicant must submit the following information describing the proposed installation as part of the completed application: photographs or photo simulations, architectural renderings, site development or construction plans, site mitigation measures and installation time frame.

5. **General Requirements:** Permission to grant the applicant's request is contingent upon whether the proposed telecommunication use is compatible with any specific trust or dedication upon which the site was acquired, is currently leased or otherwise permitted to the Department. Permission is also contingent upon the Department's finding that the installation will not in any material respect or degree be detrimental to the purposes for which the property was acquired or is now devoted. All telecommunication equipment installed under a Department-approved License Agreement will be upgraded as technology advances; installed equipment and structures will be removed in a timely fashion at the applicant's sole cost when no longer needed at the licensed site or when the License Agreement is terminated.
  
6. **Health and Safety Concerns:** All telecommunication installations approved by the Department will conform to federal, state and local requirements concerning construction codes and safety requirements concerning electromagnetic energy.
  
7. **Other Requirements:** The License Agreement will be limited in its ability to be assigned and contain a subordination clause as well as the standard indemnification and insurance requirements established by the City Attorney and the City Risk Manager.
  
8. **Location of Telecommunication Site:** Applicants will refrain from attempting to develop cellular sites at or near highly visible locations on the Department's property, namely, at or near play or sitting areas, walkways, community gardens, etc. In addition, the public's ability to fully use park facilities must not be materially affected by the proposed placement site.

Where two or more telecommunication service providers desire to locate equipment at or close to the same site, the applicant agrees to be amenable to the co-location of antennas and other equipment if such is technologically feasible. The applicant also agrees to cooperate fully with the City's Information Technology Agency in assisting them to determine if co-location is feasible. Upon receiving a favorable finding, the Board may require co-location as a condition of approving a License Agreement.

9. **Fees and Rent:** Any applicable fees or rent will be based on a fair market appraisal and/or survey.

Guidelines for Installation of Cellular Equipment on Park Property  
Page Four

10. **Permits:** All telecommunication applicants will be responsible for obtaining any governmentally imposed licenses, permits or approvals and will pay all associated fees. The General Manager of the Department of Recreation and Parks will have the authority to issue a temporary permit or authorization if such is needed by the applicant in order to obtain governmentally imposed licenses, permits or approvals or to allow the applicant to perform preconstruction studies and related activities. The Department may assess a reasonable administrative fee for such permission and also assess a fee for the preparation and processing of a License Agreement if the Board approves of the proposed installation.

*City of Los Angeles*  
*Department of Recreation and Parks*  
*May 15, 2001*  
*Revised October 22, 2002*