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September 30, 2004

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Department of Building and Safety

CASE NO. ZA 2004-0998(CU)(ZV)
CONDITIONAL USE AND
ZONE VARIANCE

6380-6400 West Foothill Boulevard
Sunland-Tujunga-Lakeview Terrace-
Shadow Hills Planning Area

Zone : [Q]C2-1VL

D. M. : 198B205/201B205

C. D. : 2

CEQA : ENV-2004-1000-ND

Fish and Game : Exempt

Legal Description : Lot 46, Subdivision
of Rancho La Canada

Pursuant to Los Angeles Municipal Code Sections 12.24-F and 12.24-W,49, I hereby
APPROVE:

a conditional use to authorize the construction, use and maintenance of a wireless telecommunications facility in the form of a flag pole within a self-storage facility which exceeds the 45-foot height limit of the 1VL District, and Ordinance No. 170,694, and the 30-foot height limit of "Q" Condition No. 2 of Ordinance No. 163,647,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such

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conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The installation shall consist of:
 - a. Six vertically stacked panel antennas mounted inside a new flag pole. The flag pole shall not exceed a height of 90 feet.
 - b. One GPS and one LMU antenna mounted onto an equipment shelter.
 - c. Equipment shelter (12 feet by 24 feet) located adjacent to the flag pole.
 - d. The flag pole and equipment shelter shall be set back approximately 100 feet from the Foothill Boulevard property line.
7. Prior to any sign-off of plans, a landscape and automatic irrigation plan shall be prepared to the satisfaction of the Zoning Administrator depicting landscaping used to screen the equipment shelter from public view for Foothill Boulevard.
8. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit the plot plan for review and approval to the Fire Department.
9. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall obtain any necessary clearances from the Community Planning Bureau of the Department of City Planning regarding the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694).
10. All applicable laws, regulations and standards of all local, State, and Federal government agencies shall be observed.
11. The applicant's facility shall not interfere with TV, radio or cordless phone reception or exceed limits established by the FCC. Claims of interference with the operations of any business or residential use due to the operations of the facility shall be subject to correction by the permittee. Any claim shall be reviewed by a qualified, mutually agreeable third party who will test actual site conditions and propose mitigation of any interference determined to be due to the operation of the facility.
12. The antennae and other electronic equipment shall be installed and constructed pursuant to a valid City of Los Angeles building permit.

13. Should use of the approved antennas and equipment cabinets cease, they shall be removed to the satisfaction of the Department of Building and Safety within (90) ninety days of the discontinuance of the use.
14. The applicant shall contact the City' Information Technology Agency (213) 847-6688 to make arrangements to assure that there is no interference with the City's emergency communications operations.
15. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS. A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall

constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after OCTOBER 15, 2004, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on August 27, 2004, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped interior parcel of land located on the south side of Foothill Boulevard.

Surrounding properties are within the RS-1, R1-1, RS-1, and (Q)C2-1L Zones and are characterized by level topography and improved streets. The surrounding properties are developed with single-family residential dwellings, restaurant, and commercial establishments including Ralph Supermarket.

Foothill Boulevard, adjoining the property to the north, is a designated Major Highway dedicated a width of 145 feet and improved.

Previous zoning related actions on the site include:

Case No. ZA 86-0606(ZV) - On September 18, 1986, the Zoning Administrator denied a request for construction, use, and maintenance of a public household storage facility consisting of two 24-foot high, two-story storage buildings containing a total of 88,000 square feet; a one-story manger's quarters containing 1,500 square feet; variances are also requested for egress and ingress into a more restricted zone, and an 8- by 18- by 30-foot high identification pole sign, all on a (T)(Q)RD1.5-1 (tentative qualified, restricted density, multiple dwelling) (T)RD1.5-1 Zones, with underlying zone of C2-1 (commercial) and RS-1 (suburban).

Case No. CPC 84-4322C - On December 6, 1984, the City Planning Commission disapproved a change of zone from (T)(Q)RD1.5-1 to C2-1 over the subject site. The action was appealed on February 1, 1985 and the report was sent to Council on appeal on February 21, 1985.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for a wireless telecommunications facility to exceed height limit to be authorized, certain designated findings have to be made. In these cases, there are specific conditional use categories which have additional findings in lieu of the four standard findings for most other conditional use categories.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. The proposed location will be desirable to the public convenience or welfare.

The applicant provides cellular service in the Los Angeles area and is currently providing service to the area along Foothill Boulevard and the 210 Freeway from a temporary site located at an Albertson's shopping center in the immediate area. The applicant maintained a 104-foot monopole at the shopping center originally. Said monopole was removed and the applicant's facility was placed on another approximately 110-foot existing monopole where a Verizon installation is located. The existing facility is a monopole which has no "stealth" characteristics and reflects prior installations when such type of undisguised facilities were more commonly approved. The applicant has indicated that the lease at this site will expire with no opportunity available to obtain a ground lease to continue at said location.

The subject site represents an opportunity to continue the existing coverage and avoid a disruption in the available service to the area. The facility is proposed as a stealth configuration disguised as a flag pole in conjunction with an existing self-storage facility. The location fronts onto Foothill Boulevard which is a Major Highway and is improved to 102 feet in width. The subject site meets location and elevation requirements. The location will provide the highest quality transmission and will maintain viable cellular telephone service to the surrounding community. Wireless communication systems have become invaluable tools in business communication and every day personal use as well as a service used by several public safety entities. A gap or interruption in the coverage in this area would not serve the neighborhood effectively, especially during an emergency. This service has therefore proved to be desirable in the interest of public convenience and welfare.

2. The location is proper in relation to adjacent uses or the development of the community.

The subject property is developed with a self storage facility. The proposal represents an alternate location selected by the applicant after not being able to continue at the current site. The facility will be set back approximately 100 feet from the property's frontage onto Foothill Boulevard. Due to a change in topography from the access point on Foothill Boulevard, which results in a lower grade at the proposed location of the facility, the height as seen from Foothill Boulevard is visually reduced. The subject building provides an adequate setting as it is developed with a public storage facility. As conditioned, the location of the antenna is proper in relation to the immediate area.

3. The use will not be materially detrimental to the character of the development in the immediate neighborhood.

The project consists of the installation of six antennas encased within a flag pole and one GPS and one LMU antenna mounted onto an equipment shelter. The flag pole will extend to a height of 90 feet as revised and approved by the Zoning Administrator. The applicant's original proposal was for 110 feet in height. At the public hearing, the Zoning Administrator requested the applicant to submit alternative height proposals and propagation maps which would visually depict the coverage services available under various height scenarios. This approval is for a reduced height from that originally proposed, which based on the coverage maps submitted will still be able to provide efficient coverage to area users. The flag pole and equipment shelter are proposed to be set back from the street approximately 100 feet, which in conjunction with the lower grade on the property, will visually contribute to disguising the facility's appearance. The stealth configuration creates no negative visual impact as further illustrated by the photo simulations of the proposal attached to the file.

A petition in support of the request with signatures from 14 neighbors was submitted and is attached to the file. One comment form in opposition to the request as described in the public hearing notice was also received. The applicant also indicated that the matter had been reviewed and approved unanimously by the Sunland-Tujunga Neighborhood Council on February 11, 2004. However no written communication from said council was received. No other testimony, verbal or in correspondence, in opposition to the request was received.

As noted, the proposed design, as further conditioned and revised by this action, does not impact the character of the area and has been designed in a manner which addresses the City's provisions regarding aesthetics. The height, while exceeding that of the underlying zone, is not in the form of a building structure or other more massive structure for which said height limits are directed at and established. The proposed facility will be aesthetically an improved design over the existing one located at the Albertson's shopping center. As conditioned, the proposed project is anticipated to not be materially detrimental to the character of development in the immediate neighborhood.

Section 704 of Title 7 of the Federal Telecommunications Act of 1996 effective February 8, 1996, contains the following language:

"IV. No State or local governments or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Sunland-Tujunga-Lakeview Terrace-Shadow Hills Community Plan Map designates the property for General Commercial land uses with corresponding zones of C1.5, C2, C4, and RAS3 and Height District No. 1VL.

The General Plan does not specifically designate uses permitted by conditional use. Los Angeles Municipal Code Section 12.24-W permits the requested use within the zones corresponding to this land use designation. The overall goal of the Plan is to promote an arrangement of land uses, circulation and services which will encourage and contribute to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the plan area and to guide the development of the district to meet existing and anticipated needs and conditions. Construction of the new facility appears likely to improve the region's telecommunications service without creating significant adverse impacts to any surrounding properties, and as such, should be consistent with the spirit, intent and objectives of the General Plan.

5. **The site is of a size and shape sufficient to provide the setback requirements as set forth in Section 12.21-A,20(a)(2) of the Municipal Code as to those portions of the property abutting the residential or public uses.**

The facility meets said requirements as the property is zoned C2, a commercial zone designation. In addition, the flag pole will be set back approximately 100 feet from the street frontage, which complies with the "Q" Conditions of Ordinance No. 163,647 governing development on the property.

6. **The required setbacks shall be improved to meet the screening and landscaping standards of Section 12.21-A,20(a)(5) and (6) of the Municipal Code to the extent possible within the area provided.**

A condition of this grant is a requirement for a landscaping plan to screen specifically the perimeter of the equipment shelter.

7. **The visual impact standard of Section 12.21-A,20(a)(4) of the Municipal Code is met.**

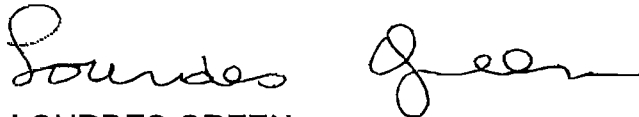
The facility's design as a flag pole, setbacks and the landscape screening of the equipment shelter meets the visual impact standards as further conditioned by this grant.

8. **An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(a)(3) of the Municipal Code.**

The facility is an alternative to a current co-location which will be lost due to an inability to secure a permanent ground lease and due to potential future remodeling plans for the shopping center where the current facility is located. No other existing facilities exist within the needed range area which could provide an opportunity for co-location with the necessary coverage objectives.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
10. On July 7, 2004, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2004-1000-ND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street.
11. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



LOURDES GREEN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1313

LG:lmc

cc: Councilmember Wendy Greuel
Second District
Adjoining Property Owners
County Assessor