

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

DAY OF HEARING SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

May 18, 2020

TO: Harbor Area Planning Commission

FROM: Fernando Tovar, Associate Zoning Administrator

ADDITIONAL INFORMATION FOR CASE NO. ZA-2018-6316-DB-CUW-1A. PROPERTY ADDRESS: 847 – 879 West 10th Street

Transmitted herewith, is additional information to be considered at the Harbor Area Planning Commission meeting of May 19, 2020, related to Item No. 05 on the meeting agenda. Please review attachment

Section 12.21.A-20:

20. (Added by Ord. No. 174,132, Eff. 9/3/01.) Wireless Telecommunication Facilities (WTF) Standards - Notwithstanding any provision of this Code to the contrary, the following standards shall apply to the placement of all wireless telecommunication facilities. These standards shall not apply to satellite dish antennae, radio and television transmitters and antennae incidental to residential use.

(a) General Requirements

(2) Antenna Setback

(i) **Monopole setback.** Monopoles shall be designed at the minimum functional height. All monopoles shall be set back a distance equal to 20 percent of the height of the monopole, from all abutting streets, residential uses, and in all zones, or areas with access to the public, unless a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

The monopole shall be certified by a professional structural engineer licensed in the State of California to meet any structural standards for steel antenna towers and structures set in the Electronic Industries Association/Telecommunications Industries Association Standards referenced as EIA/TIA-222-E and as amended. Monopoles shall meet the main building setback requirements of the underlying zone. The setback shall be sufficient to:

- a. provide for an adequate vegetative, topographic or other buffer as set forth in Subparagraph (5) (Screening) and (6) (Landscaping) of Paragraph (a) of this subsection;
- b. preserve the privacy of adjoining residential property; and
- c. protect adjoining property from the potential impact of pole failure.

(ii) **Attached or Roof Mounted Antenna Setback.** Roof mounted antennas shall be located at the greatest feasible distance from the edge of the building. Equipment facilities and antennas shall not extend more than ten feet above the highest point of the roof top, unless mounted on the walls of a penthouse.

(3) Locating Antenna at Existing Sites. An effort shall be made to locate new WTF on existing approved structures or sites, when feasible.

(4) Visual impact. The WTF shall be designed to have the least possible visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Antennas clustered at the same site shall be of the same general height and facilities of the same design.

(5) Screening

(i) Ground, roof and pole mounted antennas shall be screened by fencing, buildings or parapets that appear to be an integral part of the building or landscaping so that not more than 25 percent of the combined tower structure and antenna height is visible from grade level of adjoining property and adjoining public rights-of-way.

(ii) Dish antennas shall not be light reflective or have any sign copy on them nor shall they be illuminated, unless required by the FAA.

(iii) Building mounted antennas shall be screened from view under most circumstances, if the antennas would otherwise be visible to adjacent properties and adjacent public rights-of-way.

Omni-directional antennas may not be required to be screened if it is demonstrated that the screening device would create a greater visual impact than the unscreened antennas.

The screening shall include parapets, walls or similar architectural elements provided that it is painted and textured to integrate with the architecture of the building.

As an alternative screening method, landscaping positioned on the premises to screen antennas from adjacent properties may be proposed in lieu of, or in combination with, architectural screening. Antennas shall be mounted on the parapet, penthouse wall or facade, building mounted antennas shall be painted and textured or otherwise architecturally integrated to match the existing building.

(iv) Support structure antennas shall be placed on premises to minimize visual impacts to adjacent non-industrial properties and adjacent public rights-of-way. Landscaping shall be positioned on the premises to minimize the visual impacts to adjacent non-industrial properties and adjacent public rights-of-way.

(v) Accessory equipment and associated equipment facilities shall be located either in an interior space in the existing building or in an attached or detached exterior building. Exterior equipment buildings constructed on premises shall be architecturally similar to the existing building or otherwise architecturally integrated.

(vi) Monopoles shall be of tapered design (e.g., three foot base to 1.5 foot top) with no climbing spikes. Whenever possible, existing light standards in parking lots should be used with antennas above electroliers.

(6) Landscaping and Maintenance. Landscaping shall be required at the perimeter of the property which abuts streets, residential uses, and in all zones, or areas with access to the public as follows:

(i) For monopoles, a landscaped buffer area to soften the visual impact shall commence at the property line. At least one row of shrubs shall be spaced not more than

three feet apart. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of trees or shrubs, not less than four feet in height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Appropriate irrigation and maintenance to sustain any required landscaping shall be required.

(ii) Pursuant to Section [12.24](#) W.49. of this Code, the decision-maker may allow use of an alternate detailed plan and specifications for landscaping and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The antenna and supporting structure or monopole shall be of a design and treated with an architectural material so that it is camouflaged to resemble a tree with a single trunk and branches on its upper part, or shall be designed using other similar stealth techniques. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

(7) **Signal Interference.** 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.

(8) **Time Limits.** All wireless telecommunication facilities shall be removed within 90 days of discontinuance of use.

(b) Application Requirements Checklist For Discretionary Actions. In addition to the submittal requirements prescribed for conditional use permits pursuant to Section [12.24](#)W49 of this Code, an application for approval of a new, modified or additional wireless telecommunication facilities shall contain all of the following information:

(5) **Evidence of Co-location Efforts.** Evidence submitted to the Department of City Planning on those requiring discretionary review pursuant to Section [12.24](#)W49 of this Code or to the Department of Building and Safety for those that are permitted by right prior to the issuance of a building permit, that an effort was made to locate on an existing WTF site including coverage/interference analysis and capacity analysis and a brief statement as to other reasons for success or no success, **including a listing of alternative sites that were examined**, as set forth in Subparagraph (3) Locating Antenna at Existing Sites) and Subparagraph (5) (Screening) of Paragraph (a) of this subdivision.

(6) **Existing Facilities Information.** A listing of addresses and type (i.e., monopole, antenna) of all WTF's within the City of Los Angeles which are operated by the applicant.

(7) **Coverage/Capacity Report (Propagation Study).** A coverage/interference analysis and capacity analysis (also known as a propagation study) that the location and height of the antennas as proposed is necessary to meet the frequency re-use and spacing needs of the system and to provide adequate wireless telecommunication coverage and capacity to areas which cannot be adequately served by locating the

antennas in a less restrictive zone or that an effort was made to locate on existing sites or towers, with no success.

(c) Approval Criteria. In addition to the findings for approval required pursuant to Section [12.24](#)W49 of this Code, a Zoning Administrator may allow a new, modified or additional wireless telecommunication antenna or facility use **based on additional findings that the following criteria are met:**

(1) The site is of a size and shape sufficient to provide the following setbacks:

(i) For a **monopole or tower, the tower setback requirements of Subparagraph (2) (Antenna Setback) of Paragraph (a) of this subdivision are met as to those portions of the property abutting the residential or public uses.**

(ii) For all other towers or monopoles, the site shall be of sufficient size to provide the setback required in the underlying zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.

(2) The required setbacks shall be improved to meet the screening and landscaping standards of Subparagraph (5) (Screening) and Subparagraph (6) (Landscaping) of Paragraph (a) of this subdivision to the extent possible within the area provided.

(3) The visual impact standard of Subparagraph (4) of Paragraph (a) of this subdivision is met; and

(4) An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Subparagraph (3) (Locating Antenna at Existing Sites) of Paragraph (a) of this subdivision.

(d) Variations From The Citywide Wireless Telecommunication Standards. The Zoning Administrator shall have the authority to consider requests to vary from these standards pursuant to Section [12.24](#) W.49. of this Code.

847-879 W. 10th Street : ZA-2018-6316-DB-CUW-1A
FINDINGS SUPPORTING/APPROVING REQUESTED APPEAL

BASIS FOR CONDITIONAL USE PERMITS

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The 53-foot high cellular wireless tower provides a service that is essential and beneficial to the community, city and region. It maintains critical cellular service and is a vital part of the nation's emergency response and disaster preparedness system. A major deficit in service would be created without this wireless tower.

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

The cellular wireless tower's design and location provides a visual buffer from much of the surrounding community. It's design, along with that of the surrounding townhomes, provides less mass than the previous church location, and allows for light, air, etc. to permeate and flow through the site. The height specified allows the existing network to continue providing public health, welfare, and safety service through the maintenance of an existing emergency response and disaster preparedness system that otherwise would see major deficit in service should it be removed.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The cellular wireless tower's design and location offers a singular height element, rather than a massive non-conforming building/structure. This design allows for the thoughtful transition between various heights in the community plan, and maintains the character of the existing neighborhood. In addition, the modifications requested to the Los Angeles Municipal Code requirements (shown graphically in Exhibit "A") allow for landscape and hardscape as well as parking required to service the cellular tower.

4. Consider and balance the benefit of the project to the public with the facility's technological constraints, design, and location, as well as other relevant factors, and in doing so find that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards in LAMC Section 12.21-A.20.

- a. The site is of a size and shape sufficient to provide ... setbacks (for a monopole or tower ... [or] ... all other towers or monopoles.

The subject site is of a size and shape sufficient to provide appropriate setbacks for the proposed wireless tower. The relief requested by the applicant in outlining setbacks that deviate from the Los Angeles Municipal Code (shown graphically in Exhibit "A") is appropriate in this location as the lot is being subdivided for a Small Lot Subdivision. The lot standards and setbacks associated with this specific site comply with the intent of the LAMC and provide additional right of future residential homeowners in preserving the privacy of adjoining residential properties as the site is part of a larger development with maintenance and

847-879 W. 10th Street : ZA-2018-6316-DB-CUW-1A
FINDINGS SUPPORTING/APPROVING REQUESTED APPEAL

reciprocal agreements, as well as disclosures. Typically, future homeowners would not be made aware of local cellular wireless sites in their neighborhood beyond the hearing notice. In this case, homeowners will be required to acknowledge disclosure of the site as it will be part of their purchase and sale documents as well as the underlying planning approvals for the overall site. In this manner, the setbacks, while lesser than the typical code requirements, are appropriate and correct for this site.

b. The required setbacks shall be improvement to meet the screening and landscaping standards of Section 12.21-A20(a)(5) and (6) of the Municipal Code to the extent possible within the are provided.

The subject site provides a decorative fence, landscape and hardscape at the base of the wireless tower in keeping with the architectural palette of the larger surrounding development. These elements comply with the intent of the LAMC. However, beyond that, the applicant's design of the tower itself, enhances the "screening" associated with this wireless tower as it makes it look like an architectural element of the project rather than a steel monopole structure with transmitters, arms and wiring (shown graphically in Exhibit "A").

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

The siting of the wireless tower at the rear of the development is appropriate for this site and in keeping with visual impact standard of the LAMC. The applicant designed and located the tower in this area to minimize the visual impact of the tower on the public right-of-ways. As such, given the access requirements of a cellular wireless tower, it was located adjacent to an alley. Alternate design considerations, such as in a central courtyard area, along 10th Street, etc. were reviewed by the development team (in coordination with Sprint). These design considerations did not provide for a design configuration that provided both unfettered access to a cellular provider, location of required power, etc. These alternate locations were determined to be infeasible. The "lighthouse" structure is architecturally and functionally integrated into the overall site. Given the above items, the visual impact standard of the LAMC has been addressed and complied with.

d. An effort in good faith was made by the applicant to locate existing site or facilities in accordance with the guidelines of Section 12.21-A,20(b)(3) of the Municipal Code.

As identified in the applicant's findings, and again at the hearings for the proposed project, Sprint informed applicant that they were unaware of any sites within the study area that would accommodate the relocation of this specific wireless facility. Subsequent to that transmittal, the applicant, on their own, reviewed five (5) sites within the radius area identified. The sites were chosen for both proximity within the required propagation area as well as potentially likelihood of approval. These sites were identified as infeasible given either technical or operational characteristics. Additionally, the applicant subsequent to the Letter of Determination for this project hired National Engineering & Consulting, Inc. to further review the identified sites within the San Pedro are. While no alternate site was identified, this cumulative outreach constitutes applicant's good faith effort and compliance with the LAMC.