



CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
 City Hall 200 North Spring Street Los Angeles CA 90012
NOTICE OF PUBLIC HEARING

- To Owners:**
- Within a 100-Foot Radius
 - Within a 500-Foot Radius
 - Abutting a Proposed Development Site

- And Occupants:**
- Within a 100-Foot Radius
 - Within a 500-Foot Radius
 - Interested Parties/Others
- And:**

This notice is sent to you because you own property or are an occupant residing near a site for which an appeal from a Department action was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, if applicable, will be among the matters considered at the hearing. The Commission may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional.**

Project Site: 847-879 West 10th Street

Case No. ZA-2018-6316-DB-CUW-1A
CEQA No. ENV-2018-6317-CE
Held By: Harbor Area Planning Commission
Date: May 19, 2020
Time: After 4:30 p.m.
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Harbor Area Planning Commission meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting apcharbor@lacity.org

Staff Contact: Renata Ooms, City Planning Associate
 200 North Spring Street, Room 763
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Council No: 15 – Buscaino
Related Cases: VTT-82296-SL
 ADM-2018-7361-SLD
Plan Area: San Pedro
Zone: RD2-1XL
Plan Overlay: N/A
Land Use: Low Medium II Residential

Applicant: 867 RR, LLC
 Representative: Jonathan Lonner, Burns & Bouchard, Inc.
Appellant: 867 RR, LLC (Owner and Applicant)
 Representative: Josh Guyer, Burns & Bouchard, Inc.

PROPOSED PROJECT:

The project involves the demolition of an existing church and associated surface parking lot; the subdivision of the parcel into 20 lots for the construction and maintenance of a new small lot subdivision which includes 19 small lot homes; and the replacement and relocation of an existing 52 foot, 4 inch rooftop wireless telecommunications facility (previously approved under ZA-2003-4730-CU-A1) with a new permanent wireless telecommunications facility tower.

One of the 19 small lot homes will be set aside as a for-sale unit for Very Low Income household occupation. The homes will have a maximum height of 36 feet and 9 inches and three stories. Each home has a private rooftop deck. Two automobile parking spaces will be provided in private garages for each unit (totaling 38 spaces) and five guest parking spaces will also be provided. Two common access driveways will provide vehicular access to 16 of the units and three units will receive driveway access directly from the rear Alley. Three shared pedestrian paths provide access to the front doors of the 19 units.

The proposed wireless tower will have a height of 53 feet with a base of approximately 26 feet by 11 feet, 6-inches and the tower dimensions will be tapered to approximately 12 feet by 12 feet. Variable setbacks between approximate 3 feet and 9 feet, 8-inches are proposed. In addition to a permanent wireless facility, a temporary monopole wireless telecommunications facility is proposed. The proposed temporary monopole will have a height of 53 feet with a diameter

of 4 feet at its widest. Setbacks of zero feet are proposed for the temporary facility. The temporary facility would be in operation only during in the interim period between removal of the site's existing rooftop wireless telecommunications facility and the completion of the proposed new permanent wireless telecommunications facility. The purpose of the temporary facility is to provide uninterrupted wireless telecommunication capabilities at the site throughout construction. The temporary facility, located near the southeast corner of the site, would be removed once the permanent wireless telecommunications facility is completed and operable.

APPEAL:

An Appeal of the Zoning Administrator's determination to deny, in part, pursuant to Section 12.24 W.49 of the Los Angeles Municipal Code, a Conditional Use Permit, to allow the installation, operation, and maintenance of a 53-foot high temporary monopole and a 53-foot high wireless telecommunications facility tower in the RD2-1XL Zone.

Puede obtener información en Español acerca de esta junta llamando al (213) 978-1300

GENERAL INFORMATION

FILE REVIEW - The complete file will be available for public inspection by appointment only. Please email the staff identified on the front page, at least three (3) days in advance, to arrange for an appointment. **Files are not available for review the day of or day before the hearing.**

AGENDAS AND REPORTS- Commission Agendas are accessible online at planning.lacity.org, by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

TESTIMONY AND CORRESPONDENCE - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

REQUIREMENTS FOR SUBMISSION OF MATERIALS - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. The case number must be written on all communications, plans and exhibits.

Please see revised submission guidelines below which have been modified in order to accommodate the conduct of the public hearing telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020).

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on the front of this page.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "*File Copy. Non-complying Submission*". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions & Hearings" and selecting the specific Commission.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND JUDICIAL REVIEW - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

ACCOMMODATIONS - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other services, such as translation between English and other languages, may also be provided upon written request submitted a minimum of seven (7) working days in advance to: per.planning@lacity.org. Be sure to identify the language you need English to be translated into, and indicate if the request is for oral or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

MASTER APPEAL FORM

WITH ATTACHMENTS



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission, City Planning Commission, City Council, Director of Planning, Zoning Administrator

Regarding Case Number: ZA-2018-6316-DB-CUW

Project Address: 847-879 W. 10th Street, San Pedro

Final Date to Appeal: February 14, 2020

2. APPELLANT

- Appellant Identity: Representative, Applicant, Property Owner, Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the Department of Building and Safety

- Representative, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Josh Guyer

Company/Organization: Burns & Bouchard, Inc.

Mailing Address: 9619 National Blvd.

City: Los Angeles State: CA Zip: 90034

Telephone: 310-802-4261 E-mail: jguyer@burnsbouchard.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self, Other: Property Owner & Applicant

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 2/13/2020

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITIES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant and must provide noticing and pay mailing fees.**

a. Appeal Fee

Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.

Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

JUSTIFICATION FOR APPEAL

ZA-2018-6316-DB-CUW
847-879 W. 10TH STREET

The subject property is a 28,800 square-foot (approximately 0.661 acre) site located mid-block on the southern side of W. 10th Street between Meyler Street and Cabrillo Avenue in the Central San Pedro neighborhood. The site consists of six lots. The western four lots are developed with an existing +/- 14,640 square-foot single-use, single-tenant church building. The eastern two lots are developed with a surface parking lot which serves the church use. The lot is zoned RD2-1XL and has a General Plan land use designation of "Low Medium II Residential."

The Zoning Administrator and Advisory Agency approved the development of a new 36,550 square-foot small lot subdivision project on this site. The project will replace the existing church building and associated surface parking lot. The project includes nineteen (19) units, one (1) of which will be set aside for a Very-Low Income buyer. Two automobile parking spaces will be provided in private garages for each unit (totaling 38 spaces). Five guest parking spaces are also provided along the rear alley.

An existing Wireless Telecommunication Facility (WTF) is situated on the rooftop of the existing church building at a height of approx. 53-feet. This building must be demolished to allow for the construction of the aforementioned project. As a result of binding leases negotiated by the church under their ownership of the site, the wireless facility must be maintained on-site in the event of redevelopment.

The Applicant requested a Conditional Use per LAMC Section 12.24 W.49 to permanently relocate this WTF to a new structure within the Small Lot Subdivision. This structure will be designed in keeping with the overall aesthetic of the Small Lot Subdivision, utilizing design elements from other coastal typologies, most notably, the lighthouse. (The WTF will be temporarily relocated on-site during construction). The Zoning Administrator denied this CUW.

The Applicant appeals this determination with the following justification:

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) submitted to the Planning Case File No. ZA-2018-6316-DB-CUW, this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the

Propagation Study (Page 2) the site is located at the center of an area of “good” service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to “redundant and overlapping” service areas, and would diminish the overall network service area identified.

Additionally, relocation of the site within the San Pedro community is difficult. This area of the community is nearly 95-percent residential (as reflected in Eukon Group’s letter). In these types of locations, Eukon looks for the most beneficial site location, weighted with a sensitivity of its placement. Given the need for this site’s service coverage area, any relocating of this site would be located within a couple blocks of the subject site, and would face similar site location issues. As there is an existing wireless facility on this site, and since its approval there have been no issues related to its installation or maintenance, the continued use of this site as a WTF, along with the shielded design proposed, will perform a function or provide a service that is essential or beneficial to the community, city or region. As such, the maintenance of a WTF on this site is desirable to the public convenience and welfare.

Unlike other land uses which can be spatially determined through the General Plan or other land use plans, the location of WTF is based on technical requirements that include service areas, geographical elevations, alignment with neighboring sites, and customer demand components. Accordingly, WTF are currently located adjacent to and within all types of residential zones throughout the City of L.A., County of L.A., and state of California.

Surrounding uses are similarly zoned, and are developed with a mixture of single-family dwellings to mid-density apartment buildings. The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the portion of the tower exceeding the height limit of both the underlying zone and height of the proposed Small Lot Subdivision is only 12-feet by 12-feet.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project. This WTF will not generate noise, fumes, or traffic and the proposed project will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

The Applicant contends the WTF as proposed complies with the LAMC, as follows:

LAMC Section 12.21 A.20 was implemented primarily with the intent of preventing new monopole structures from degrading and adversely affecting adjacent and nearby properties during a time period where expansion of wireless cellular networks was occurring at a rapid pace, and installing the greatest number of wireless towers at the cheapest cost was of great

interest to wireless telecommunications companies. The applicant believes that replacing the existing rooftop-mounted wireless facility with a facility located within a fully-enclosed tower not only meets, but exceeds, the intent of LAMC Section 12.21 A.20.

However, the reconfiguration of the existing wireless telecommunications facility does not include the location of either a *monopole*. Meriam Webster defines a *monopole* as “a radio antenna consisting of a single often straight element.” The Oxford dictionary defines a *monopole* as “a radio aerial or pylon consisting or a single pole or rod.” The proposed wireless facility is neither of these. The proposed facility is a structure, designed and constructed in keeping with current Los Angeles Building Code requirements. Wireless equipment will be installed within this structure (not roof-mounted), and will be housed within a fully-enclosed tower.

Additionally, the LAMC identifies that certain spacing requirements should be adhered to (i.e. 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.) This setback provision is specifically for monopole structures given that the pole itself has the potential for “structural failure” or “collapse.” This 20-percent can be waived via the provision of a submittal from a structural engineer identifying that “any collapse will occur within a lesser distance under all foreseeable circumstances.” Given that this setback is related to “collapse” of a monopole, and not with regard to the structural stability of a building it is not applicable to this specific installation.

Although the proposed WTF is not a monopole structure, the project as designed attempts to incorporate many of the screening requirements the LAMC imposes on monopole structures. The following findings are included to corroborate the proposal’s compliance with LAMC Section 12.21 A.20:

LAMC Section 12.21 A.20 (a)(1) enumerates regulations to ensure monopole structures are structurally sound and at no risk of collapse. Housing the wireless facility within a fully-enclosed tower structure is consistent with the intent of this section, as the proposal will be subject to standard building codes and regulations ensuring integrity of the structure. The proposed wireless telecommunications facility is not under the jurisdiction of the FAA and does not incorporate a reflective finish on the structure.

LAMC Section 12.21 A.20 (a)(2)(i) specifies setback requirements for monopole structures. As discussed above, the proposed wireless telecommunications facility is not a monopole. The wireless facility is proposed to be situated within a small lot subdivision, on a rectangular lot with dimensions of 25-feet in width and 60.2-feet in depth. This subject lot is within the RD2-1XL zone, and abuts an alley to the south and other similarly-zoned lots to the north, east, and west, all to be improved with small lot dwelling units. Pursuant to LAMC Section 12.22 C.27 (a)(6), no front, side, or rear yards are required between interior lot lines created within an approved small lot subdivision. Additionally, LAMC Section 12.22 C.27 (a)(8)(ii)(b) specifies that in instances when the rear lot line of the perimeter of the subdivision abuts an alley, a 5-foot setback shall be provided from the property line (9.2-feet proposed). Therefore, the wireless tower structure complies with the setback requirements of the underlying zone.

Given that the “20-percent setback” does not apply to this installation, and the setbacks for this

lot are being complied with through the project's overarching Small Lot Subdivision, the remaining setbacks required are intended to minimize visual impact of the WTF. This installation must comply with the following code sections:

LAMC Section 12.21 A.20 (a)(2)(i) states that provided setbacks "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 this subsection, and (b) protect the privacy of adjoining residential property, and (c) protect adjoining property from the potential impact of pole failure." As identified on the applicant's landscape plan, the project will provide adequate landscape and hardscape screening and plantings. Therefore the setbacks, as provided, comply with the underlying zone, and are sufficient to meet the intent of the LAMC's reasoning for providing yard requirements for wireless telecommunications facilities.

LAMC Section 12.21 A.20 (a)(2)(ii) specifies siting requirements for rooftop wireless facilities, which are *not applicable* to the proposal.

LAMC Section 12.21 A.20 (a)(3) compels wireless telecommunications facilities to be placed at locations with existing facilities already on-site. *The subject site complies.* It already has an operating wireless telecommunications facility, and this facility is proposed to be relocated on the subject site.

LAMC Section 12.21 A.20 (a)(4) states that wireless facilities shall be designed to have the least possible visual impact. The existing rooftop facility is located on a legal nonconforming structure. The subject site is located in Height District 1XL, which imposes a height limit of 30-feet for all lots in the RD2 zone. The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the required additional height beyond the height limit is only 12-feet by 12-feet. It is only this portion that will exceed the height of the proposed Small Lot Subdivision.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

The applicant contends that the proposed tower structure, designed to emulate a lighthouse and using the same building materials as the remainder of the proposed development, is the least visually impactful way to replace this wireless facility.

LAMC Section 12.21 A.20 (a)(5)(i) specifies regulations for ground, roof, and pole mounted antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(ii) specifies regulations for dish antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(iii) specifies regulations for building-mounted antennas. As required by this section, all antenna equipment is fully-enclosed within the proposed tower structure and the equipment is not visible to adjacent properties and rights-of-way. The screening device incorporates architectural elements to integrate the wireless facility into the overall development project, including utilizing the same building materials as the other proposed small lot homes and implementing a single landscaping plan that is consistent over all 20 lots in the subdivision.

LAMC Section 12.21 A.20 (a)(5)(iv) specifies regulations for support structure antennas. The proposal includes no support structure antennas as the wireless facility shall be situated within a fully-enclosed tower. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(v) specifies regulations for accessory equipment. All accessory equipment will be located within the fully-enclosed tower structure and not visible to either adjacent properties or adjacent rights-of-way.

LAMC Section 12.21 A.20 (a)(5)(vi) specifies regulations for monopole structure tapering, which is *not applicable*.

LAMC Section 12.21 A.20 (a)(6) specifies landscaping regulations for wireless facilities. The proposal includes landscaping provided to the standards of LAMC Section 12.21 A.20 (a)(6)(i) to the east of the proposed tower. LAMC Section 12.24 W.49 authorizes the Zoning Administrator to allow the use of an alternate detailed plan and specifications for landscaping and screening. In this instance, the proposed project includes the subdivision of land for a Small Lot Subdivision and is therefore subject to the provisions of the Small Lot Design Guidelines.

Consequently, certain regulations are imposed on the proposed lots which have implications on wireless tower screening mechanisms. This includes identifying the location of all trash enclosures and public access easements. Trash enclosures are an unfortunate necessity along alleyways – in this case, they are proposed to be situated between the wireless tower and the property line. This allows the base of the tower to be obscured by enclosures that are typically expected to be located along an alley, rather than the open exposure of the base of a concealed wireless facility, which are not as commonplace. Additionally, the landscaping, required pedestrian accessways, and required guest parking spaces are situated to the west of the tower, which results in a variety of non-sensitive buffering uses to cohabitate the lot with the wireless tower.

**DETERMINATION
LETTER**

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
FERNANDO TOVAR
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ERIC GARCETTI
MAYOR

**DEPARTMENT OF
CITY PLANNING**

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January 30, 2020

867 RR, LLC (A)(O)
1601 North Sepulveda Boulevard
Suite 798
Manhattan Beach, CA 90266

Jonathan Lonner (R)
Burns & Bouchard, Inc.
9619 National Boulevard
Los Angeles, CA 90034

CASE NO. ZA 2018-6316-DB-CUW
DENSITY BONUS AND CONDITIONAL
USE

Related Cases: VTT-82296-SL;
ADM-2018-7361-SLD

847-879 West 10th Street
San Pedro Planning Area

Zone: RD2-1XL

D. M.: 015B197

C. D.: 15 - Buscaino

CEQA: ENV-2018-6317-CE

Legal Description: Lots 3-8, Block 32,
Rudecinda Tract

Pursuant to CEQA Guidelines Section 15061 (b)(2), I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

Pursuant to Los Angeles Municipal Code Section 12.24-W.49, I hereby DENY:

a Conditional Use to permit the installation, operation, and maintenance of a 53-foot high temporary monopole and a 53-foot high wireless telecommunications facility tower in the RD2-1XL Zone;

Pursuant to LAMC 12.22 A.25, I hereby APPROVE:

a 22.5 percent Density Bonus with a minimum of six (6) percent of the units set aside for Very Low Income Households for a project totaling no more than 19 dwelling units, reserving one (1) of the units for Very Low Income household occupancy for a period of 55 years and one (1) On-Menu Incentive as follows:

- a. Height. A 22.5 percent increase in height to permit a maximum height of 36 feet and 9 inches and three stories in lieu of 30 feet and two-stories permitted in the RD2-1XL Zone;

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 plans, floor plans, and other materials 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 Zoning Administrator's opinion, such 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

Density Bonus

7. **Residential Density.** The project shall be limited to a maximum density of 19 residential units including Density Bonus Units.
8. **Restricted Affordable Units.** A minimum of one (1) unit (that is six percent of the base dwelling units or five percent of the total units provided) shall be reserved for Very Low Income Households as defined by Los Angeles Housing and Community Investment Department (HCIDLA) or its successor agency and consistent with State Density Bonus Law 65915 (c)(2).

9. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
10. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make one (1) unit available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. An increase in the number of restricted affordable units or a change in the composition of affordable units shall be permitted shall be consistent with LAMC Section 12.22 A.25. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
11. **Parking.**
 - a. Vehicular parking shall be provided in conformance with Related Case No. VTT-82296-SL.
12. **Density Bonus Waivers/Incentives.**
 - a. **Height.** The residential buildings shall be permitted a 22.5% percent increase in the allowed height and a one-story increase in the allowed number of stories to allow 36 feet and 9 inches and 3 stories in-lieu of the minimum 30 feet and 2 stories permitted in the RD2-1XL Zone.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
14. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

15. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
16. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
17. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
18. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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 three 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.

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 \$2,500 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 **FEBRUARY 14, 2020**, 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 <http://planning.lacity.org>.** Public offices are located at:

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

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

West Los Angeles
 West Los Angeles Development
 Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearings on June 26, 2019 and December 4, 2019 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 Los Angeles Municipal Code (LAMC) Sections 12.24W.49 and 12.24-F have *not* been established; and, I find that the requirements for authorizing a Density Bonus under the provisions of LAMC Section 12.22-A,25 *have been* established, by the following facts:

BACKGROUND

The project site consists of six record lots tied together as one approximately 28,803 square foot interior parcel. The site is located midblock within an interior residential neighborhood on the south side of West 10th Street between Meyler Street and Cabrillo Avenue in the Central San Pedro neighborhood. The site is rectangular in shape having a frontage of 240 square feet on the south side of 10th Street and a uniform depth of 120 feet. The rear of the property abuts an improved 20-foot wide alley. The subject site slopes up gently from the street to the alley and there is a change of grade of approximately five feet between the site's street frontage and the alley.

The San Pedro Community Plan designates the subject property for Low Medium II Residential land uses with the corresponding zones of RD1.5 and RD2. The property is currently zoned RD2-1XL, and is thus consistent with the existing land use designation. The project site is not within the boundaries of any specific plan or interim control ordinance. The Low Medium II land use designation and the RD2-1XL Zones permits multi-family uses subject to density calculated at 1 unit per 2,000 square feet of lot area. As such, the applicant would be permitted to construct a maximum of 15 dwelling units on the subject property by-right (including half the alley per LAMC Section 12.22-C.16). The 1XL Height District on the subject site limits height to 30 feet and two-stories.

The subject site is currently improved with a church (The Rock Solid Revival Center) constructed in 1925 and with a surface parking lot. The church is oriented on the westerly half of the site and the parking lot is on the east half of the site. The height of the existing church is approximately 38 feet to the parapet and has a crown that rises several feet above the parapet. There is an existing roof-mounted wireless telecommunication facility (WTF) on the church that was approved on October 8, 2003 under Case No. ZA-2003-4730-(CU). The Conditional Use approval included an authorization to exceed the maximum permitted 30-foot height limit. The existing roof-mounted facility consists of two sectors located on the east and west portion of the roof

and are mounted behind radio transparent screening material which extend to a maximum height of 52 feet, 4-inches. The screens are only partially visible from some areas adjacent to the site or from a greater distance and are not visible or are minimally visible from other areas immediately adjacent to the site. Where visible, the transparent screening material appears to be a roof-top appurtenance.

The Zoning Administrator's 2003 decision was appealed by aggrieved neighbors who objected to the height of the facility. At its meeting on December 2, 2003, the Harbor Area Planning Commission denied the appeal and upheld the Zoning Administrator's decision. The existing roof-mounted WTF is maintained pursuant to a long-term lease originally executed between Harbor Calvary Church of San Pedro and Sprint PCS. The lease runs through June 1, 2056. The subject site was acquired in 2018 by the applicant who inherited the lease.

The applicant proposes to demolish the existing church (including the existing WTF) in order to subdivide the site into a 20-lot small lot subdivision. The applicant proposes to replace the existing roof-mounted WTF with a free-standing 53-foot high tower. Case ZA-2003-4730(CU) remains active and only applies to the existing roof-mounted facility which may continue to be maintained as long as it is not discontinued or abandoned. A modification to the existing roof-mounted WTF or the addition of a second roof-mounted WTF on the church could be eligible for a Plan Approval application under Case No. ZA-2003-4730(CU). However, voluntary removal of the existing facility will void the existing entitlement and the proposed tower is a new facility subject to a new Conditional Use (a discretionary application). Thus, the existing facility is not grand-fathered and approval of the existing roof-mounted facility does not confer any right to replace the existing facility with the proposed tower or monopole.

The applicant is requesting the following entitlements and clearances in conjunction with the proposed project:

- **Vesting Tentative Tract Map** for the merger and re-subdivision of six (6) lots into a 20 lot subdivision for the purpose of construction and maintenance of 19 small lot homes and one common lot; and
- **Density Bonus with one on-menu incentive** for a project totaling 19 dwelling units, reserving 1 unit for Very Low Income household occupancy. The applicant is setting aside six (6) percent of the units for Very Low Income household occupancy which qualifies the project for a 22.5 percent Density Bonus. The applicant has requested one (1) On-Menu Incentive for a 22.5 percent increase in height to permit a maximum height of 36 feet and 9 inches in lieu of 30 feet and to allow three stories instead of two stories as otherwise required by the RD2-1XL Zone; and
- **Administrative Clearance** for compliance with the Small Lot Design Standards for a 19-unit Small Lot Subdivision.
- **Conditional Use** to permit one temporary 53' high monopole WTF and one permanent 53' high WTF tower. The temporary monopole will be removed upon completion of the permanent tower.
- **A determination** pursuant to Section 12.24-F of the LAMC, authorizing relief from the 1XL Height District to allow a maximum height of 53' in lieu of the maximum 30'

for the temporary and permanent wireless telecommunications facilities; and, authorizing relief from the WTF setback and screening standards contained in Section 12.21-A,20; and,

- The project also requires tree removal, demolition, grading, excavation (the project will include the export of approximately 2,000 cubic yards of dirt), and building permits. Removal of street trees are subject to the review and approval by the Board of Public Works, Urban Forestry Division.

Related Case VTT-82296-SL was filed concurrently with the instant application for the proposed small lot subdivision consisting of 19 lots with one single-family dwelling on each lot and one common area lot located to the rear of the site that will provide three of the five guest parking spaces, trash and recycling bins and the proposed permanent WTF tower. The dwelling units will be three stories with attached garages with a maximum height of 36' 9" with the height incentive. Each dwelling unit will also contain roof-top decks. There are four rows of dwelling units perpendicular to the street with two double-loaded driveway aisles, one on the easterly portion of the site and one on the westerly portion of the site, that will provide vehicular access directly from 10th Street to the attached garages to 16 of the 19 units. Three dwelling units to the rear will have access directly from the alley. Guest parking is accessible from the alley and there is no vehicular circulation between the alley and the subdivision. From the guest parking area, steps lead down to the dwelling units situated at a lower grade.

The permanent tower would be located to the rear of the property adjacent to the alley. The base of the proposed tower will be approximately 26 feet 9" by 11' 6" for a height up to 11' 6". The tower is then tapered to approximately 12' by 12' to its maximum height of 53 feet. Based on the proposed 53-foot height, the tower and monopole are subject to a minimum 10' 6" setback from abutting streets and residential uses. The proposed tower would maintain a reduced 9' 8" setback from the rear property line abutting the alley and a reduced 3 to 4-foot setback from the nearest dwelling unit to the north and an 8' 6" setback from the nearest dwelling unit to the east. The temporary facility would be located near the southeast corner of the site to provide uninterrupted service during construction of the project.

The design of the dwelling units consists of a Cape Cod design with clap board finishes. The proposed tower is designed to emulate a lighthouse and will utilize the same exterior materials as the proposed dwelling units.

SURROUNDING PROPERTIES

Properties immediately surrounding the site along 10th Street and along 11th Street to the south are zoned RD2-1XL and are improved with a mix of one and two-story single-family dwellings and low scale, one and two-story multiple-family uses generally ranging in size between two to five dwelling units with a height of approximately 16 to 24 feet. The adjoining property to the east fronting on 10th Street is improved with a one-story duplex and the adjoining property to the west is improved with a one-story triplex. Properties along the north side of 10th Street are improved with one-story single-family dwellings and a few one and two story multiple-family uses containing between two to five dwelling units.

The abutting properties to the south, across the alley, fronting on 11th Street, are improved with one-story single-family dwellings and 14 one-story detached bungalows on two assembled lots. Properties abutting the site south of the alley are generally under 20 feet in height and have one-story detached garages to the rear accessible from the alley. Although a three block segment of Meyler Street west of the site is zoned commercially with a [Q]C2-1XL Zone, with the exception of one small, one-story bakery, all of the commercially zoned lots are improved with residential uses. Properties further west are zoned the same as the subject site and are similarly improved with a mix of single-family and multiple-family low scale residential uses less than 30 feet high.

STREETS

10th Street, adjoining the subject property to the north is a Local Standard Street, dedicated to a 60-foot wide right-of-way, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

An alley, adjoining the subject property to the south, is dedicated to a width of 20 feet and improved with asphalt roadway and concrete gutter.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. ZA-2003-4731-CU-1A – On December 22, 2002, the Harbor Area Planning Commission denied the appeal and sustained the action of the Zoning Administrator and granted the conditional use permit for the installation, use and maintenance of an unmanned wireless telecommunications facility in the RD2 Zone and pursuant to Los Angeles Municipal Code Section 12.24-F, approval of a height of 52 feet, 4 inches in lieu of the 30-foot maximum height permitted by Height District 1XL.

Case No. ZA-2003-4730-CU – On October 8, 2003, the Zoning Administrator approved a condition use permit for the installation, use and maintenance of an unmanned wireless telecommunications facility and approved the facility with a height of 52 feet 4 inches in lieu of the 30-foot maximum height permitted in Height District No. 1XL.

Surrounding Properties:

Case No. ZA 2001-0315-CU – On July 12, 2001, the Zoning Administrator approved a conditional use permit for the construction, use, and maintenance of a wireless telecommunications facility in the R4-1 Zone, located at 1200 South Cabrillo Avenue.

Public Correspondence (Received prior to initial June 26, 2019 Hearing)

The following is a summary of comments received from several neighbors surrounding the project site via e-mail or telephone calls to staff:

Proposed Tower and Monopole:

I'm opposed to the WTF, the small lot subdivision, and the additional 11 feet in building height.

The proposed WTF Tower is an inappropriate use for a residential neighborhood and that the "hulking tower will destroy the residential feel of the neighborhood."

The existing roof top WTF is not readily noticeable and has virtually no visual impact on the community. The proposed WTF should be moved to different location at the edge of the residential neighborhood, not within the residential neighborhood.

The community was previously opposed to the installation of the exiting rooftop WTF and while they were unable to prevent its installation, they were able to ensure that it would not be visible from any nearby properties. The proposed WTF tower will be very visible and is not aligned with what the community negotiated for the original rooftop WTF on the site.

Density/Height:

I am concerned about the project's density. The immediate area is already "tightly packed with existing apartments, condos and multi-family units." It is his opinion that "adding any more dense developments will change the character of the neighborhood beyond recognition to a place where one feels it's exclusively an apartment area." He feels that the proposed homes are too tall.

I oppose the 11 feet in additional height being requested pursuant to Density Bonus on-menu incentives.

It would be more appropriate to develop the site with "regular size" single family lots and homes no more than two stories in height.

Parking:

With respect to parking, he feels that the project does not provide enough. He feels that many families "have more than two cars" and parking in the neighborhood is already limited.

The neighborhood does not have enough parking spaces and some existing properties do not have adequate on-site parking garages.

The project should add more guest parking. He is aware that the project is meeting the code required parking ratios but feels the developer should offer additional guest parking beyond the 5 spaces that are being provided. It is his opinion that "many households own three or four cars" and therefore the two-car garages provided for each small lot home would be insufficient.

Traffic/Safety:

A representative from an adjacent church stated that members are concerned about traffic and fire. Traffic is getting bad in San Pedro and it takes 15 minutes to go one mile on the freeway. The homes are too close together. It is the Church's opinion that building homes close together is a fire hazard and that if a fire started within the dense small lot development it would easily spread. One these two grounds, the Church does not think the project should be approved.

In a letter dated April 15, 2019, the Northwest San Pedro Neighborhood Council stated support for the 19-unit small lot development. In the letter, the Neighborhood Council “encourage[s] the developer to maintain the coastal fishing village clapboard fit and finishes as presented to the San Pedro Neighborhood Council’s Planning and Land Use Committee.” (Note that the project site is not located within the boundaries of the Northwest San Pedro Neighborhood Council; rather the project site is located two blocks [1,500 feet] west of the eastern boundary of the Northwest San Pedro Neighborhood Council.)

Public Hearings:

Two public hearings were conducted to consider the project. The initial public hearing was a joint hearing held on **June 26, 2019** by the Subdivision Committee and the Zoning Administrator in room 1020 of City Hall, 200 North Spring Street. The requested entitlements considered included a proposed small lot subdivision under Related Case VTT-82296-SL and a Density Bonus for a 22.5% increase in density and height and Conditional Uses for a temporary and permanent wireless telecommunications facility.

A second limited public hearing was held on **December 4, 2019** by the Zoning Administrator to consider only the Conditional Use for the wireless telecommunications facilities, including deviations (not previously requested or noticed) from the WTF standards contained in Section 12.21-A.20 of the L.A.M.C.

June 26, 2019 Joint Hearing: The hearing was attended by the applicant, by the applicant’s representatives, Jonathan Lonner and Josh Guyer, and by several homeowners surrounding the site and a representative of an adjacent church in opposition to the project and to the proposed wireless facilities.

The Project Planner, Renata Ooms, summarized the scope of the project and the requested entitlements and she summarized the reports submitted by various public agencies concerning the proposed tract map/subdivision. Ms. Ooms summarized correspondence received from members of the public in opposition to the request and summarized support for the proposed small lot subdivision by the Neighborhood Council. Ms. Ooms recommended that the matter be taken under advisement pending review of the subdivision map for conformance to the Small Lot Administrative Design Guidelines.

Mr. Lonner stated that at the time the map application was submitted, the Small Lot Administrative Design Guidelines were new, but the applicant would be happy to ensure the map conforms to the design guidelines.

Mr. Lonner noted that the site is permitted 15 dwelling units by-right and up to 22 units with a maximum 35% density bonus. Mr. Lonner noted that the site is entitled to an FAR of 3:1 which permits a buildable floor area of 67,500 square feet. Mr. Lonner also noted that the site is limited to a height of 30 feet. The applicant is proposing 19 dwelling units on the site and is only utilizing one height incentive to allow a height of 36 feet to accommodate open guard rails on the roof top decks. The proposed development is consistent with an FAR of 1.32:1, less than half of the maximum permitted floor area. The site design is in keeping with all required front, side and rear yards and is utilizing ½ the alley to meet the required rear yard setback.

With respect to the proposed wireless facilities, Mr. Lonner noted that the applicant seeks to construct a temporary 53-foot high monopole on the site upon demolition of the existing church and the existing roof-mounted facility during construction of the small lot development. The temporary monopole does not comply with the WTF setbacks and standards contained in Section 12.21-A.20 and approval of the temporary monopole is based on a temporary use to facilitate construction of the proposed permanent tower.

Mr. Lonner noted that the permanent wireless facility will be a 53-foot high tower and will be disguised as a lighthouse with a finish similar to the proposed dwelling units. Mr. Lonner stated that the design of the tower took into consideration input from the community and the lighthouse design is in keeping with the San Pedro Community and is intended to help the tower blend with the small lot development. The applicant is requesting to exceed the maximum 30-foot height limit for both the temporary monopole and the tower.

The Zoning Administrator inquired as to the tower's compliance with the setback and other standards contained in Section 12.21-A.20 of the LAMC. Mr. Lonner stated that those standards only apply to monopoles and to the extent the tower is not a monopole by definition, those standards are not applicable to the proposed tower.

The Zoning Administrator stated that he believed the standards may be applicable and would review the matter to determine the applicability of the standards to the proposed tower.

Mr. Guyer described the outreach conducted on behalf of the project to the broader community. He stated that outreach was conducted to Council District 15, to the Neighborhood Council and the project was presented at a joint meeting of the land use committees of the San Pedro Neighborhood Council and the Central San Pedro Neighborhood Council. The project received support from the Central San Pedro Neighborhood Council. A meeting was also conducted on the site with neighbors adjacent to the project site. The main concern was parking and the project's height.

Mr. David Kester, a homeowner directly across from the site on 10th Avenue testified in opposition to the project. He stated that 19 dwelling units will result in a 140% increase in density over the entire block. The existing homes are older craftsman homes and the proposed development is not true to the area and is out of place. He also objected to the proposed rooftop decks. Mr. Kester expressed concerns regarding trash and debris during construction and expressed concerns about heavy construction machinery on the street. He stated that parking is a problem in the neighborhood, some of the apartment units on the street result in overflow parking on the street. He stated that the provision of only two parking spaces per unit and only five guest parking spaces for a 19-unit development will add to the demand for street parking. He also noted that the provision of one low-income unit is not adequate and the proposed density and height of the proposed tower is unacceptable. Mr. Kester stated that the existing roof-mounted facility was approved years ago against the community's objections. The proposed 53-foot tower is out of scale with the neighborhood and will significantly exceed the height of surrounding buildings.

The following is a summary of the testimony from adjacent residents at the public hearing:

Small Lot Subdivision/Density Bonus:

- The proposed development is out of scale with the neighborhood and too dense.
- The provision of only one Low Income Unit is allowing greater height and massing than otherwise permitted.
- The project's private balconies & roof-top decks will violate the privacy of adjacent properties.

Parking:

- The project does not provide adequate parking.
- Only five guest parking spaces is inadequate for the number and size of the homes.
- I own a 6-unit building nearby and guests are unable to find street parking.
- There will be parking impacts during construction.

Safety/Hazrds:

- Sidewalks in the neighborhood are in bad shape and construction activity will make the sidewalks worse.
- Street lighting is inadequate.
- Crime has increased and assaults are up.
- The project site is on the path of school children.

Tower/Monopole Height:

- 10 years ago the community fought the placement of the existing roof-mounted facility. The zoning only allows 30 feet and the height of the proposed tower is excessively beyond the maximum height permitted.
- The height of the tower and the project is inconsistent with Land Use Policy 1.1 and 3.5 of the San Pedro Community Plan to preserve neighborhood character and requiring that the multi-family developments respect the visual character of existing land use patterns.
- The proposed tower is out of scale with the neighborhood.
- The proposed tower will create an echo chamber.

CEQA:

- The project's CEQA impacts have not been properly analyzed.

Applicant's Response:

Mr. Lonner responded that the parking provided is in compliance to the code and to the small lot standards. Regarding the height of the proposed tower, Mr. Lonner stated that the height of the parapet on the existing church is 38' and the top of the new dwelling units will reach between 36 to 39 feet and the project will be no higher than the existing church. The balconies facing the street will be setback 15' in compliance to the code. The project site is not located within a Community Plan Implementation Overlay (CPIO) District.

December 5, 2019 Hearing:

The hearing was attended by the applicant, Martin Kulli, by the applicant's representative, Jonathan Lonner and by a representative of Council District 15, Axel Palacios. No members of the public attended the second hearing.

Mr. Lonner explained that the goal was design an aesthetically pleasing tower so the mass was obscured and the architectural design was relevant in order to allow for continued service of the existing WTF on the site. The proposed height of 53 feet is the optimum height required to maintain connectivity with other Verizon WTFs. Mr. Lonner noted that the facility must see over the curvature of the earth and the height of the proposed WTF takes into account the topography and built environment in the San Pedro Community which includes hills, trees and buildings. If placed at a height below or above what is needed, the facility loses performance.

Mr. Lonner explained that the optimal height must also take into account the existing system of facilities surrounding the site to ensure connectivity. He stated that the location of the facility on the subject site is important to maintain adequate coverage capacity.

Mr. Lonner reviewed the propagation maps to demonstrate the coverage capacity with and without the facility on the subject site. The map depicts the location of the facility on the subject site and of surrounding facilities within the San Pedro Community that are part of the network that provides service to the community.

Mr. Lonner stated that finding alternative sites in the neighborhood is a challenge due to the lack of existing structures with adequate height and due to the existing zoning regulations which limit height. The area surrounding the site is within the RD2-1XL Height District (which limits height to 30 feet) and are improved with older homes that are 40 to 60 years old consisting of low scale single-family dwellings or duplexes.

Further to the west along Gaffey Street, Mr. Lonner noted that properties are within the 1VL Height District (which limits height to 45 feet) and are within the CPIO which modulates height which doesn't work as the regulations create transitional height issues.

Mr. Lonner furnished a ZIMAS map showing an approximately 1,500-foot radius from the subject site depicting the target ring where a wireless facility would have to be sited in order to maintain the same coverage capacity provided by the existing facility on the subject site. Mr. Lonner then presented a map showing five alternative sites within this radius that were deemed to be unsuitable.

Alternative Site No. 1 is located at 1020 Leland Street (vacant lot) and was deemed unsuitable due to the height limit on the site (1XL) and because the site is too far west on the outer edge of the ring. Mr. Lonner pointed out that since there are no improvements on the site, a monopole more than 52 feet high would have to be constructed on the site.

Alternative Site No. 2 is located at 717 Cabrillo Street (Mary Star of the Sea High School). The site is also subject to a 1XL height limit and is governed by an existing Conditional Use Permit. The wireless carrier stays away from public areas such as parks and school sites.

The preference is a location that is away from public spaces and that is disguised and obscured.

Alternative Site No. 3 is located at 845 W. 12th Street and is also subject to the 1XL height district and is across a park and the carrier won't consider the site.

Alternative Site No. 4 is located at 320 N. Pacific Avenue. The site is also subject to a height limit but the site will potentially be undergoing development with a mixed-use project but the site is too far north.

Alternative Site No. 5 is located at 1331 S. Pacific Avenue and will have a future mixed use development utilizing a density bonus with a height increase, however, the site is too far to the east.

The Zoning Administrator inquired as to whether the property owners of any of the alternative sites were contacted to explore leases and Mr. Lonner stated that no contact was made with any of the property owners.

Mr. Lonner explained that the proposed tower on the subject site is the best alternative and is designed to blend with the small lot development. He stated that while the tower does not comply with the setbacks required under Section 12.21-A,20, those setbacks are intended to ensure the safety of adjacent uses in the event of a collapse. Mr. Lonner noted that the tower will be constructed like any other building and will be subject to approval by Building and Safety to ensure the structural integrity of the tower. The tower will be sited at the rear of the site with access from the alley so that maintenance can be performed via the alley without disturbing residents.

Mr. Palacios stated that his office supports the housing component of the project and understands concerns regarding the wireless facility.

TELECOMMUNICATIONS LAW / HEALTH EFFECTS

The Telecommunications Act of 1996 ("Act") was approved by Congress on February 1, 1996 and signed into law by President Clinton on February 8, 1996. The Act placed several limitations on state and local governments. The intent of the Act is to balance the desire of state and local governments to retain control over construction of telecommunication structures through local planning and zoning authority with the national goal of removing barriers to entry so that new entrants to the wireless telecommunications industry would be able to build out nationwide systems as mandated by the FCC. The Telecommunications Act contains a number of provisions that preempt the authority of local jurisdictions in regulating wireless facilities. One such provision is regarding the consideration of "health concerns" by the decision maker which reads as follows:

Health Concerns May Not Be Considered. The Act expressly prohibits local governments or planning and zoning boards from considering the health or environmental risks associated with wireless telecommunications facilities provided the proposed project does not exceed an established threshold. Congress has vested exclusive jurisdiction to set and enforce radio frequency emissions standards to the FCC (No. 47 U.S.C. Section 332[c][7][b:(iv)]).

The City's adopted Wireless Telecommunications Facility Standards (Ordinance No. 174,132) became effective on September 3, 2001. It and subsequent amendments (i.e., 177,103 and 177,120) were prepared in light of these limitations established by our Federal Government. Pursuant to LAMC Section 12.24-W.49, "The Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors." The primary issue in siting wireless telecommunications facilities is how to balance the applicant's needs for improving wireless telecommunications with the City's goals to reduce visibility of the antennas and to not unnecessarily add to the height, mass, and bulk to buildings and structures. .

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 LAMC. In order for the WTF use to be authorized in a residential zone, certain designated findings have to be made. Additionally, pursuant to 12.24-F, the Zoning Administrator may approve additional height in conjunction with an approved Conditional Use Permit that require additional findings be made.

1. **The project will not 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.**

Unlike the existing roof-mounted WTF, the proposed 53-foot high tower will be out of scale and incompatible with existing improvements surrounding the site and the placement of the proposed tower in close proximity to the proposed dwelling units

on the subject site and to surrounding residential uses is inappropriate and is not in keeping with good zoning practice. Most important, as discussed in more detail under Finding No. 4.d., the applicant's alternative site analysis, required by Section 12.21-A,20(b)(3) of the L.A.M.C., is inadequate and incomplete and has failed to demonstrate that the proposed tower on the subject site is the only feasible alternative to maintain coverage capacity. The Zoning Administrator disagrees with the applicant's assertion that the proposed tower is the least visually impactful way to replace the existing roof-mounted facility.

The applicant has a right to redevelop the property, but the applicant has other options and alternative development scenarios he could pursue that would negate the need for a massive tower or reduce its visual impacts. Important to note, the applicant in the instant case is *not* the wireless carrier and the wireless carrier is not seeking to replace the existing facility, nor is the applicant being compelled to remove and replace the existing facility. The applicant's desire to pursue a development scenario that necessitates replacing the existing roof-mounted facility with a massive tower is ultimately driven by a self-imposed hardship. To be clear, the applicant purchased the property with full knowledge that the property is encumbered by a lease that imposes constraints on redevelopment of the site.

As stated in more detail under Finding No. 4.d., the Alternative Site analysis is incomplete, speculative and lacking in due diligence. None of the property owners of potential sites were contacted to explore leases; three of the five alternative sites considered did not meet the wireless carrier's technical requirements; and, alternative sites were dismissed in anticipation of potential public resistance. Meanwhile other potentially viable sites within the search ring were not considered. In the absence of a more thorough alternative site analysis and good faith effort, the Zoning Administrator is not persuaded that the subject site is the only viable location within the search ring (refer to Finding No. 4.d.).

First, the applicant has the option to buy out the lease which would negate the need for any facility on the site. Under this scenario, the lessee (the wireless carrier) would then be burdened with the task to find an alternative location. Instead, the applicant is the proponent of the proposed small lot development on the site which as designed, requires the voluntary removal and replacement of the existing roof-mounted facility. The the burden to attempt to replace the existing WTF is therefore on the applicant and the wireless carrier has not conducted any due diligence to identify or to attempt to secure alternative sites.

With respect to the proposed development, as stated, the subject site is limited to 15-units by-right and a height limit of 30 feet and two-stories. The existing zoning restrictions would eliminate an entire floor from the proposed development and result in much smaller dwelling units and preclude the provision of roof-top decks, a critical desirable amenity. By utilizing a density bonus to increase the density to 19 units, the applicant is required to set aside one restricted affordable dwelling unit, and is allowed to utilize incentives. The height incentive enables the applicant to increase the height and add a third floor to each unit that significantly increases the size of all 19 units, allowing for 18 substantially larger market rate units in lieu of 15

smaller market rate units by-right. In addition, the applicant (not the homeowners) will retain the lease with the wireless carrier and benefit from the lease revenue, including the right to increase the height of the tower to allow future co-location by-right pursuant to federal law and generate additional lease revenue with another carrier. This scenario provides maximum benefit and advantage to the applicant at the expense of surrounding residents and occupants of the proposed development who will be imposed upon by a 53-foot tower simply to enable the applicant's ability to maximize use of his land to boost and maximize his profit.

Second, the proposed small lot development is not the only viable development scenario available. The applicant could also opt to construct an apartment or condominium on the site utilizing a 35% density bonus and one on-menu height incentive to allow a 35% increase in height up to 40 feet (comparable to the existing church) which could accommodate a roof-top facility that would have minimal visual impacts (similar to the existing roof-top facility). While this alternative would be larger and taller than the proposed small lot development, it is allowed pursuant to the City's Density Bonus provisions and it would negate the need for a 53-foot tower.

Finally, if the applicant is intent on pursuing a small lot development, the applicant could reconfigure and/or reduce the density of the proposed small lot project to better integrate the tower both architecturally and functionally with the design of the project. For example, smaller or less units could allow the creation of a central courtyard where the tower could be integrated as a focal point (or the tower could be replaced with a monopole disguised as a flagpole instead of a tower – monopoles typically have a diameter of 18" maximum). This alternative could have significantly less visual impacts. Rather than being incorporated as an integral feature of the project, the tower is situated on the perimeter of the site on a common lot to the rear that will contain guest parking and trash and recycling areas and sited where it least impacts the site's buildable area and density. Thus, the placement and need for the proposed tower is driven by convenience and is a self-imposed hardship.

With respect to the project's aesthetic and visual impacts, the WTF standards contained in Section 12.21-A,20 of the L.A.M.C. are intended to minimize the visual impact of WTFs. The required setbacks address safety in the event of collapse and also address the privacy of adjoining residential property. The screening standards that require that no more than 25 percent of the combined tower structure and antenna height be visible from grade level of adjoining property and adjoining public rights-of-way is to minimize the visual impact of the facility on surrounding residential improvements and public spaces. While these standards encourage integration of WTFs into the design of existing structures to make them stealth, there is nothing stealth about the proposed tower.

The proposed design is inadequate to limit the visibility of the proposed tower. The proposed tower will rise at least one and one-half to two-stories above the proposed small lot development on the subject site and will rise up to two to three stories above the height of existing one and two-story residential uses surrounding the site.

Due to the site's change in topography, the grade at the rear of the site where the tower is located is five feet higher than the grade of the proposed dwelling units on the subject site and adjacent dwelling units fronting on 10th Street. The change of grade will result in an effective tower height of 58 feet from these adjacent dwelling units. The height of the proposed 53' tower would be approximately 75% higher than the maximum 30' permitted height. The mass and scale of the tower, with a height of 53 feet and a mass of 12' x 12' (above the base) with minimal spacing of 3 to 8 feet directly abutting residential uses would virtually loom directly over the adjacent dwelling units and would obstruct light and visibility on adjacent residential uses.

From the adjacent alley (a public right of way), the entirety of the tower will be fully visible and does not meet the visual impact standard of Section 12.21-A,20. The project includes a six-foot high decorative wooden fence along the alley and the trash enclosure will be located between the fence and the base of the tower. The applicant also proposes raised planters with a height of approximately three feet on the west side of the base of the tower. However, the 6-foot fence and the 3' high raised planter would only partially screen the base of the tower (with a height of 11' 6") and the remainder of the 53-foot high tower would be completely visible. The proposed screening does not effectively screen the tower from adjacent neighbors. A significant portion of the tower would also be prominently visible from adjacent properties and adjacent rights of way (substantially more than 25%).

Thus, the proposed design and screening does little to limit the visibility of the proposed tower and to mitigate the tower's visual impact. Given the height and mass of the tower, merely disguising it as a lighthouse with similar finishes as the proposed dwelling units does not adequately integrate or blend the tower with the small lot development. Unlike the existing roof-top facility, the tower will be prominently visible. While the tower is disguised as a lighthouse, occupants within the habitable areas of the adjacent dwelling units would only see a 12' x 12' tower mass directly in front of their units. The elevations show the nearest dwelling units have windows facing the tower only three to nine feet from their windows or dwelling units and upon entering and exiting their dwelling units. The proposed tower would virtually loom directly over the adjacent dwelling units and would obstruct light and ventilation and would obstruct visibility of adjacent residential uses.

In addition, the mass and height of the proposed tower is unprecedented in an interior residential neighborhood characterized by a mix of one and two-story single-family dwellings and low scale, one and two-story multiple-family uses with a height of approximately 16 to 24 feet well below the 30-foot height limit.

In terms of safety, in the event of collapse, debris from the tower would inevitably fall on the adjoining units located only three to eight feet from the tower and in the adjacent alley, a public right-of-way used by neighboring residents to access their garages.

Based on the foregoing, the Zoning Administrator finds that the height and mass of the proposed WTF is out of scale and out of character with surrounding

improvements, is not in keeping with good zoning practice and will not enhance the built environment. As stated above, there are alternative development scenarios that could negate the need for a huge tower on the site or reduce its visual impacts. Meanwhile, denial of the request does not result in a reduction of coverage capacity to the existing network since the existing WTF may continue to be maintained.

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

The height and mass of the proposed 53' height tower will not be compatible with surrounding improvements and will result in significant visual impacts that will aesthetically degrade adjacent properties. The proposed tower will obstruct light and ventilation and will obscure visibility on adjacent residential improvements. The tower's design (disguised as a lighthouse) and screening does little to mitigate the tower's visual impacts on residential improvements directly adjacent to and in close proximity to the tower. The size and location of the proposed tower is not in keeping with good zoning practice. The project site is located within an interior residential neighborhood zoned RD2-1XL that is characterized by one and two-story single-family homes and low scale multiple-family residential uses. Most of the existing improvements surrounding the project site are well below the maximum 30' height limit of the 1XL Height District. The dwelling units within the proposed small lot subdivision will have a maximum height of 36' 9" to the peak of their roofs.

The base of the proposed tower will be approximately 26 feet 9" by 11' 6" for a height up to 11' 6". The tower is then tapered to approximately 12' by 12' to its maximum height of 53 feet. The proposed tower would maintain reduced setbacks of 9' 8" from the rear property line abutting the alley and is setback only 3 to 4 feet from the nearest dwelling unit to the north and is set back only 8' 6" from the nearest dwelling unit to the east (within the proposed small lot subdivision). The elevations show the nearest dwelling units have windows facing the tower only three to 8 1/2 feet from the nearest dwelling units. The proposed tower would virtually loom directly over the adjacent dwelling units and would obstruct light and ventilation and would obstruct visibility of the dwelling units.

From the adjacent alley (a public right of way), the entirety of the tower will be fully visible. The project includes a six-foot high decorative wooden fence along the alley and the trash enclosure will be located between the fence and the base of the tower. The applicant proposes raised planters with a height of approximately three feet on the west side of the base of the tower. However, the 6-foot fence and the raised planter would do little to obscure the 53-foot high tower and its base with a height of 11' 6". A significant portion of the tower would also be prominently visible from adjacent streets (more than 25%).

Thus, the tower's design does little to limit the tower's visibility or to effectively screen the tower from adjacent neighbors, inconsistent with the WTF standards contained in Section 12.21-A,20 of the L.A.M.C. Moreover, in the event of collapse,

debris from the tower would inevitably fall on the adjoining units located only three to eight feet from the tower and in the adjacent alley, a public right-of-way used by neighboring residents to access their garages.

As noted, the existing roof-mounted facility was approved under Case No. ZA-2003-4730(CU) and the existing roof-mounted facility may continue to be maintained as long as it is not discontinued or abandoned. The applicant is obligated under an existing lease to maintain the existing facility on the subject site and the applicant's desire to remove and replace the existing roof-mounted facility with a massive tower to pursue the proposed small lot development is a self-imposed hardship. As detailed under Finding No. 1, the applicant has other options or alternative development scenarios available that could negate the need for a massive tower or reduce its visual impacts.

3. **The project does not substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. Community Plans guide the physical development of neighborhoods by establishing the goals and policies for land use. The project site is located within the San Pedro Community Plan, which establishes goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The San Pedro Community Plan designates the subject property for Low Medium II Residential land uses with the corresponding zones of RD1.5 and RD2 Zones. The property is currently zoned RD2-1XL, and is thus consistent with the existing land use designation. The conditional authorization for a wireless telecommunication facility within the subject site is allowed through the approval of the Zoning Administrator, subject to certain findings. For reasons outlined under Findings No. 1, 2 and 4, the requisite findings have not been established in the affirmative and the design of the proposed tower is incompatible with surrounding residential improvements and is inconsistent with the San Pedro Community Plan.

The Community Plan text includes the following relevant land use goals and policies:

Goal LU1: Complete, livable and quality residential neighborhoods throughout San Pedro that provide a variety of housing types, densities, forms and designs and a mix of uses and services that support the needs of residents.

LU1.1: Neighborhood character. Maintain the distinguishing characteristics of San Pedro's residential neighborhoods with respect to lot size, topography, housing scale and landscaping, to protect the character of existing stable neighborhoods from new, out-of-scale development.

LU1.3: Neighborhood transitions. Assure smooth transitions in scale, form, and character, by regulating the setback, step-backs, rear elevations, and backyard landscaping of new development where neighborhoods of differing housing type and density abut one another.

Goal LU2: Single-family neighborhoods throughout San Pedro that provide safe, secure and high quality residential environments for all economic, physical ability, age and ethnic segments of the community and are maintained at the distinct scale, character and identity that has long characterized these neighborhoods.

Policy LU2.2: Height transitions. Provide height transitions between established single-family neighborhoods and adjacent multi-family, commercial, and industrial areas.

The design and size of the proposed tower is not consistent with the aforementioned polices that: discourage out of scale development (LU 1.1); encourage smooth transitions in scale, form, and character (by regulating setbacks and stepbacks) (LU1.3); and, encourage height transitions between established single-family neighborhoods and adjacent multi-family, commercial, and industrial areas (LU2.2).

The proposed tower is out of place and is inconsistent with the existing land use pattern in the neighborhood (LU3.5) is inconsistent with the neighborhood character. The requested waivers from the WTF standards contained in Section 12.21-A,20 are excessive and undermine the intent of the standards to reduce the visual impact of WTFs. Therefore, the proposed tower is inconsistent with the intent of the zoning regulations and the goals and policies of the San Pedro Community Plan.

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 set forth in Section 12.21-A.20 of the LAMC.**
 - a. **The site is of a size and shape sufficient to provide the following setbacks:**
 - i. **For a monopole or tower, the tower setback requirements 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.**

The subject site is not of sufficient size and shape to provide the required setbacks. The applicant has requested relief from the XL Height District to allow a maximum height of 53' in lieu of the maximum 30' and has requested relief from the WTF standards contained in Section 12.21-A,20. Section 12.21-A,20(a)(2)(i) requires that Monopoles be setback "*...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*". It also requires that the setback "*...shall be sufficient to provide for an adequate vegetative, topographic or other buffer; preserve the privacy of adjoining residential property; and protect adjoining property from potential impact of pole failure*".

Based on the proposed 53-foot height, the tower and monopole are subject to a minimum 10' 6" setback from abutting streets and residential uses. The proposed tower would maintain a 9' 8" setback from the rear property line abutting the alley and a variable 3 to 4-foot setback from the nearest dwelling unit to the north and an 8' 6" setback from the nearest dwelling unit to the east. As noted under Finding No. 1, the height and mass of the proposed tower, with a height of 53 feet and a mass of 12' x 12' (above the base) with minimal spacing of 3 to 8 feet directly abutting residential uses is out of scale with surrounding improvements and is unprecedented. The tower would loom directly over the adjacent dwelling units and would obstruct light and visibility and would be obtrusive and invasive on adjacent residential uses. While the tower is disguised as a lighthouse as viewed from a greater distance, occupants within the habitable areas of the dwelling unit would only see a 12' x 12' tower mass three feet and eight feet from their windows or dwelling units and upon entering and exiting their dwelling units. Moreover, in the event of collapse, debris from the tower would inevitably fall on the adjoining units located only three to eight feet from the tower as well as on the adjacent alley, a public right-of-way used by neighboring residents to access their garages.

The requested deviations are the result of a self-imposed hardship driven by the applicant's desire to maximize use of the property to the highest density possible and to boost his profit. The scope and size of the proposed tower is more appropriate for a larger site where it could be better integrated into the design and layout of a project or another location such as a major commercial street or large public space where the tower could serve as a focal point and/or community identification sign. However, the mass and height of the proposed tower is out of place and out of character in an interior residential neighborhood directly adjacent to predominantly one and two-story residential uses.

- b. **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.**

Section 12.21-A,20(a)(5) requires that “...*ground, roof and pole mounted antennas 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% of the combined tower structure and antenna height is visible from grade level of adjoining property and adjoining public rights-of-way... 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*”.

These screening standards are intended to minimize the visual impact of the facility as viewed from adjacent rights-of-way and from adjacent residential uses. While these standards encourage integration of WTFs into the design of existing structures to make them stealth, there is nothing stealth about the proposed tower. From the adjacent alley (a public right of way), the entirety of the tower will be fully visible.

The project includes a six-foot high decorative wooden fence along the alley and the trash enclosure will be located between the fence and the base of the tower. The applicant proposes raised planters with a height of approximately three feet on the west side of the base of the tower. However, the 6-foot fence and the raised planter would do little to obscure the 53-foot high tower. A significant portion of the tower would also be prominently visible from adjacent streets. Therefore, the tower’s design and proposed screening is inadequate to limit the tower’s visibility and its visual impact.

- c. **The visual impact standard of Section 12.21-A,20(a)(4) of the Municipal Code is not met.**

Section 12.21-A,20(a)(4) requires that 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. The applicant contends that the proposed tower on the subject site is the best alternative and is designed to blend with the small lot development. The applicant’s findings state that the applicant believes that the proposed tower structure, designed to emulate a lighthouse, and using the same building materials as the remainder of the proposed development, is the least visually impactful way to replace this wireless facility. The applicant further notes that by placing the tower to the rear of the site and adjacent to the alley, the tower will be obscured by the proposed development on the site and maintenance of the facility can be conducted without disrupting residents on the site. The applicant also noted that landscaping will be provided next to the base of the tower to provide adequate screening.

As stated, while the tower is disguised to emulate a lighthouse, the height, mass and bulk of the tower is out of scale with surrounding improvements and is imposing on adjacent residential uses, especially those only three to eight feet away. Applying the same materials and finishes to accessory structures to help them blend with the main development on the site might be suitable for smaller accessory structures such as trash enclosures and the like.

In the instant case, the height and size of the proposed tower and its placement on the perimeter of the site does not adequately integrate the tower into the project's design. Rather than being incorporated as an integral feature of the project, the tower is situated on a common lot to the rear of the development that will contain guest parking and trash and recycling areas. The tower is placed where it least impacts the site's buildable area and density.

In another context, the proposed lighthouse design might be more appropriate, such as on a larger site where it could be both architecturally and functionally integrated into the design of the project to serve as a focal point, such as designed around a central courtyard or other design feature. The lighthouse tower could also serve as a community identification sign on a larger public space or an entry point to the community on a commercial street.

Finally, as explained in more detail under Finding No. 1, the proposed tower is not the only feasible design alternative and the applicant has other viable options available that would not result in the need for a massive tower. The applicant has the ability to buy-out the lease with the wireless carrier or pursue other development scenarios that could incorporate a WTF that would result in significantly less visual impacts.

- d. **An effort in good faith was not made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(b)(3) of the Municipal Code.**

The City's Wireless Telecommunications Facility (WTF) Ordinance strongly encourages the location of new WTF on existing approved structures or sites, when feasible; and, requires submittal of evidence that a good faith effort was made to locate on an existing WTF, including coverage/interference analysis and capacity analysis and a statement as to other reasons for success or no success, including a listing of alternative sites that were examined.

The following criteria are considered when selecting a site: 1) Technical: The site must be strategically located to be able to achieve the optimum coverage to close the identified significant gap in service; 2) Leasing: The property must have an owner who is willing to enter into a long term lease agreement; 3) The property must be appropriately zoned in accordance with local land use codes to allow for a successful permitting process.

At the December 5, 2019 public hearing, the applicant's representative furnished a ZIMAS map showing a 1,500-foot radius around the subject site where the

applicant's representative estimates that a replacement wireless facility would need to be located to maintain current capacity (Note: the map was not prepared by an engineer). A separate map depicted the location of five theoretical alternative sites within this radius that were deemed to be unsuitable to replace the existing wireless facility. In considering alternative sites, the applicant's representative noted that the preference is a location that is away from public spaces such as schools and parks (due to public resistance) and that the carrier won't consider such sites; and, the preference is a location that can be disguised or is obscured.

Based on the information submitted and the statements made at the December 5, 2019 public hearing, the alternative site analysis is incomplete and speculative. None of the five Alternative Sites presented by the applicant were identified by engineers of the wireless company and appear to have been randomly selected. The Alternative Sites include: 1) a vacant lot at 1029 Leland Street (which would require a monopole); 2) Mary Star of the Sea High School at 717 Cabrillo Street; 3) a City of LA Recreation Center at 845 W. 12th Street; 4) a property at 320 N. Pacific Avenue proposed for a mixed-use development; and 5) a property at 1331 S. Pacific Avenue improved with an existing mixed-use development that included a Density Bonus and Height Incentive.

Three of the five alternative sites (Alternative Sites 1, 4 & 5) were deemed unsuitable because the height limit on the sites was too restrictive and because they were located on the outer edges or completely outside of the search ring and therefore, not technically viable. Two of the five sites (Alternative Sites 2 & 3), were deemed unsuitable due to height restrictions and due to the potential for public opposition or resistance.

At the public hearing on December 5, 2019, the Zoning Administrator inquired as to whether any of the property owners of the alternative sites were contacted to explore leases. The applicant's representative stated that no contact was made with any of the property owners. It is not clear why three of the five sites were considered when they did not meet the technical criteria. Moreover, similar to the subject site, a review of the zoning pattern in the San Pedro Community reveals that, with minor exceptions, all residential properties within the San Pedro Community (in and out of the search ring) are subject to the 1XL Height District and most commercial properties within the search ring are within the 1VL Height District (45 feet) or within the CPIO and subject to transitional height limitations. Therefore, any new location within the search ring would require discretionary approval as well as relief from the height regulations. The zoning restrictions and political considerations on alternative sites rejected are no different than the conditions and circumstances on subject site. In fact, the existing roof-top facility on the subject site authorized in 2003, which is substantially less prominent, was subject to opposition and was appealed to the Harbor Area Planning Commission. It would not be reasonable to anticipate the instant application, consisting of a 53-foot high tower, would not encounter any less resistance than an alternative site.

The applicant's aversion or disinclination to avoid potential resistance on alternative sites is not justification to allow a 53-foot tower on the subject site. That said, a

review of WTF applications authorized within the San Pedro community confirms other WTFs have been approved on public sites. An AT&T roof-top facility was approved under Case No. ZA-2001-0315(CU) at 1200 S. Cabrillo Avenue well within the search ring of the instant case. The building is owned by the Boys and Girls Club and is occupied by a gym and other recreational uses. Assuming the facility is active, this would present an opportunity to co-locate and possibly qualify for an administrative approval. In the event the facility is not operational or active, the 2001 authorization was not appealed and the site is under the same ownership and presents a viable alternative. Meanwhile, a Sprint PCS facility was approved under Case No. ZA-2009-4011-CUW at 1402 W. 8th Street in San Pedro. The WTF consisted of a 57-foot, 10-inch high WTF mounted within an existing church steeple in the [Q]C2-1XL Zone. The Zoning Administrator's approval was appealed by aggrieved parties and the Zoning Administrator's determination was upheld by the Harbor Area Planning Commission.

At the hearing, the Zoning Administrator pointed out the location of an existing church located one-half block east of the subject site within the search ring that has a similar height and similar conditions as the church on the subject site. The applicant noted that the church is historic and therefore was not considered. To be clear, any historic status would not preclude an application and the design would simply need to comply to the Secretary of the Interior Standards. There is also an existing church with a very high steeple (Mary Star of the Sea) located at 870 W. 8th Street, three blocks north of the subject site (west of Mary Star of the Sea High School) and within the search ring that was not considered or rejected on the assumption it would not be welcome. The church steeple appears to have the required height to allow a WTF to be integrated to the steeple and remain stealth.

The Zoning Administrator recognizes that the number of buildings within the search ring with adequate height to accommodate a roof-top facility are limited. However, a cursory review of aerial photos of the community did reveal potential sites within the search ring consisting of a four-story apartment at 728 W. 7th Street (west of Gaffey) and a commercial shopping center with a large flat roof and large surface parking lot on the west side of Gaffey between 5th and 6th Streets that could potentially accommodate a roof-top facility or monopole within the parking lot.

The fact that none of the property owners of potential sites were contacted to explore leases; that three of the five alternative sites identified do not meet the wireless carrier's technical requirements; and, that alternative sites were dismissed in anticipation of potential public resistance, or, that other potentially viable sites were not considered, makes the Alternative Site analysis incomplete and speculative. As previously stated, the proponent of the instant application is not the wireless carrier but is the proponent of the small lot development proposed on the subject site. The wireless carrier (Sprint PCS) is not seeking to remove or replace the existing facility and is not considering or exploring any alternative sites. Therefore, the burden to attempt to replace the existing WTF has been placed on the applicant and the wireless carrier has not conducted any due diligence to identify or to attempt to secure alternative sites.

Thus, the Alternative Site analysis is lacking. In the absence of a thorough and more realistic good faith effort, the Zoning Administrator is not persuaded that the subject site is the only viable location within the search ring. Meanwhile, denial of the request does not result in a reduction of coverage capacity to the existing network since the existing WTF may continue to be maintained.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

5. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in 12.22-A.25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

As conditioned by this approval, the subject property complies with all applicable provisions of LAMC Section 12.22 A.25. The Project qualifies for a 22.5% density bonus because 1 unit, or 6% of the units allowable per the existing zoning, will be restricted for use by Very Low Income residents. The quantity of restricted affordable units automatically qualifies the applicant for increases in density and reduced parking requirements. In addition, since the Project sets aside at least 6% of its units for very low-income occupants, it qualifies for one incentive from a specific menu of concessions as described below.

Height. Pursuant to LAMC Section 12.22-A.25(f)(5), the Project is eligible for a 22.5 percent increase in Height up to 36 feet and 9 inches in lieu of 30 feet pursuant to the RD2-1XL Zone. The requested increase in height allows the developer to expand the building envelope. The compact development of 19 small lot homes, including one affordable unit, is made feasible by the incentive which allow the homes to include a third story. The third story allows each unit to include a ground floor with a two car garage and a bedroom/office, a second

floor with a kitchen and living space, and a third floor with two bedrooms. As such, the requested incentive permits an exception to zoning requirements that result in a building design that provide for affordable housing costs.

- b. *The incentives will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

There is no evidence that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(h)). The proposed Project and potential impacts were analyzed in accordance with State California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to the CEQA Guidelines Section 15332 (Class 32)(See Case No. ENV 2018-6317-CE). The Class 32 Categorical Exemption is intended to promote infill development within urbanized areas.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus.

California State Assembly Bill 2222 went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application was submitted to the Department of City Planning on December 22, 2014, prior to the effective date of the amended law. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of

concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for “averaging” of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Sections 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the LAMC. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City’s development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

FINANCIAL ANALYSIS/PRO-FORMA

On September 26, 2016 Governor Brown Signed AB 2501, AB 2556, AB 2442, and AB 1934 which amended the State Density Bonus Law (Government Code Section 65915). The amendments took place on January 1, 2017. In particular, AB 2501 restricted the ability of local jurisdictions to require special studies unless they meet the provisions of state law. Financial pro-formas and third-party reviews are no longer required for any density bonus case filing.

In addition, the 2016 changes to State Density Bonus law also modified the finding required to deny an incentive. Now a requested concession or incentive shall be granted unless the City makes a written finding, based on substantial evidence, of any of the following: a) the concession or incentive “does not result in identifiable and actual cost reductions,” to provide for affordable housing costs or rents for the targeted units; b) the concession or incentive has a specific adverse impact on public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable; or c) if

the concession or incentive is contrary to state or federal law. Prior law allowed a concession or incentive to be denied if the City had substantial evidence that the concession or incentive was "not required in order to provide for" affordable housing costs or rents for the targeted units, or substantial evidence in support of findings "b)" or "c)" above.

ADDITIONAL MANDATORY FINDINGS

6. 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.

FINDINGS OF FACT (CEQA)

7. A project qualifies for a Class 32 Categorical Exemption if it is a project to be developed on an infill site and meets the following five conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. (See also Case No. ENV-2018-6317-CE.)

CLASS 32 CATEGORICAL EXEMPTION

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The project site is located within the San Pedro Community Plan, which establishes goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the San Pedro Community Plan, which designates the site with a Low Medium II Residential land use designation, corresponding to the RD1.5 and RD2 Zones. The Project Site is zoned RD2-

1XL, which is consistent with the land use designation. The RD2-1XL Zone limits the development of the site to one dwelling per 2,000 square feet of lot area. The project site has approximately 31,200 square feet of lot area (lot plus half one-half alley per 12.22 C.16), which would permit a maximum base density of 15 dwelling units. The project is proposing to set aside 6 percent (one unit) of the base density, pursuant to LAMC Section 12.22-A.25 for a Very Low Income Household in exchange for a 22.5% density bonus, which allows nineteen units total. With nineteen small lot homes proposed, the project's residential density does not exceed the maximum allowable density for the underlying zone. As shown on the tract map, the Project proposes to subdivide the project site into 20 small lots, 19 of which will have small lot units and one will have a Wireless Telecommunications Facility (WTF). A temporary WTF is proposed for the southeast corner of the site and will be removed from the site following completion of the permanent WTF. The site is not located within a specific plan area or other overlay.

The applicant is not requesting a zone change or general plan amendment and the project would comply with the applicable regulations of small lot developments and the LAMC. Therefore, the project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:

The project site is located in the San Pedro Community Plan area within Los Angeles city limits. The project site encompasses approximately 28,804 square feet of total lot area (approximately 0.661 acres). The site is in a built-up and previously developed area – it is currently developed with a 13,400 square foot church and a surface parking lot. The surrounding area is developed with a variety of single- and multi-family residential uses. The nearest commercial uses consist of commercial and office uses along 9th Street, one block to the north, in addition to a variety of retail, restaurant, and automotive uses lining South Gaffey Street, located approximately 1,000 feet to the east of the subject property. Therefore, the project will occur within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The project site is located in an urbanized area within the San Pedro Community Plan area. The project site and the surrounding neighborhood have been developed with structures and landscape for several decades. There are no trees located on site. The Tree Report prepared by The Tree Resource dated June 2, 2018, confirms that there are no protected trees on-site, as defined under Los Angeles Municipal Ordinance No. 177,404. There are five trees in the public right-of-way, however per the Tree Report these

trees are not considered a species that is on the Native or Protected list in the city of Los Angeles. The street trees will be removed and replaced to the satisfaction of the Bureau of Street Services. Additionally, the project site does not include any riparian areas or other sensitive plant communities, and as an urbanized site with an existing church with rooftop wireless telecommunication facilities and surface parking lot, it does not have substantive value as a habitat for endangered, rare, or threatened species. Therefore, the project site has no value as habitat for endangered, rare, or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

Traffic. The project site is currently developed with a church, with an existing wireless telecommunications facility on the roof, and a surface parking lot. The project proposes the demolition of all existing structures and the construction of nineteen small lot homes, one temporary wireless telecommunications facility, and one permanent wireless telecommunications facility, resulting in a net increase of nineteen units. Per the LADOT traffic studies manual and the Los Angeles CEQA Thresholds Guide, a Traffic Study is only required for development projects forecast to generate over 43 afternoon commuter peak hour trips, or if more than 500 daily trips will be generated or diverted/shifted. Per the LADOT Traffic Study Assessment dated August 7, 2018, the operation of nineteen small lot homes is not expected to exceed either of these thresholds. The project is expected to generate 179.4 daily trips with 14.1 morning peak hour trips and 18.8 afternoon peak hour trips. As a result, the project will not have a significant impact relating to traffic.

Noise. The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As the project is required to comply with the above ordinances and regulations, it will not result in any significant noise impacts. All construction-related noise impacts would be less than significant and temporary in nature.

The project will not generate permanent significant operational noise impacts. The proposed project is residential and will result in a net increase of 19 homes and replace and relocated one permanent wireless telecommunications facility tower. Neither the proposed existing church nor the replaced and relocated WTF are expected to introduce any stationary noise sources. Regulatory compliance with the applicable City codes would ensure that potential noise sources associated with residential uses, such as from air conditioning systems, recurrent activities including conversation and dog barking, and automobile operation, would not increase ambient noise levels to a significant level. Thus, the project will not result in any significant short-term or long-term effects relating to noise.

Air Quality. The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. A significant air quality impact would occur if the project would:

- 1) Conflict with or obstruct implementation of the applicable Air Quality Plan;
- 2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable Federal or State ambient air quality standards;
- 3) Expose sensitive receptors to substantially pollutant concentrations;
- 4) Create objectionable odors affecting a substantial number of people.

An Air Quality Study prepared by DKA Planning, LLC dated February 8, 2019 indicated that the project impacts related to air quality would be less than significant and that the cumulative impacts related to air quality would be less than significant, as well. The proposed project is not expected to conflict with or obstruct the implementation of the AQMP and SCAQMD rules. Therefore, project impacts related to air quality will be less than significant.

The proposed project will be required to comply with all applicable regulations regarding air quality management. During construction, appropriate dust control measures would be implemented as part of the proposed project, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

By implementing Best Management Practices, all construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

Water Quality. The project is not adjacent to any water sources and construction of the project will not impact water quality. The project will not generate, store, or dispose of substantial quantities of hazardous materials that could affect water quality. Construction activities would not involve any significant excavation near an identified water source. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70. Best Management Practices would also be required during general operation of the project to ensure that stormwater runoff meets the established water quality standards and waste discharge requirements. As the project consists of the new construction of nineteen homes, it will not have a significant impact on the amount or quality of effluent generated. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site and would not result in any significant effects relating to water quality.

(e) The site can be adequately served by all required utilities and public services:

The site is currently developed with a church and surface parking lot in a highly urbanized area served by existing public utilities and services. The site is fully served by public sewer and water, and the existing use at the site has been and will continued to be served by all required utilities and public services. The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. It is serviced by the LAPD's South Bureau, Harbor Division and the South Bureau Fire Department. These utilities and public services have continuously served the neighborhood for more than 50 years.

The project consists of the new construction of nineteen small lot homes, one temporary wireless communications facility, and one permanent wireless telecommunications facility; one 25,600 square foot church, with a wireless

telecommunications facility on the roof, and surface parking lot will be demolished, resulting in a net increase of nineteen residential units. As a result, the project will not have a significant impact on existing utility and service demand and capacities. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, and LED lighting. As a result, the proposed project will not create any impact on existing utilities and public services through the construction of nineteen new small lot homes.

EXCEPTIONS TO CATEGORICAL EXEMPTIONS

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed project.

- (a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

As the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is not applicable.

- (b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

This exception does not apply to the proposed project. Cumulative impacts related to the construction of the proposed project can be assessed by considering the quantity of projects of the same type in the same place. There are no projects of the same type as the proposed project in terms of type and scale within 1,000 feet of the subject site. The project involves the demolition of a church with rooftop WTF and surface parking lot and construction of 19 residential units in an area previously developed with and surrounded by residential uses. The project is entirely consistent with the existing General Plan designation, zoning, and requirements of the LAMC. The Project will not generate a significant number of vehicle trips that would require mitigation and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. Therefore, cumulative impacts under this category will be less than significant.

- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

This exception does not apply to the proposed project. The project site is comprised of approximately 28,800 square feet of lot area located in an urbanized area within the community of San Pedro in the City of Los Angeles. The project proposes to demolish an existing church, which has an existing wireless telecommunications facility on the roof, in addition to a surface parking lot and to construct 19 small lot homes in addition to one temporary and one permanent wireless telecommunications facility in an area zoned and designated for such development. Properties in the vicinity consist of single and multi-family residential uses and the proposed project is compatible with the surrounding residential development and consistent with the underlying zone. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway.

- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

This exception does not apply to the proposed project. The project site is not listed as a hazardous waste site on EnviroStor, California's data management system for tracking hazardous waste sites. Additionally, the subject property is in a well-established residential neighborhood, and the surrounding area has long been developed with urban residential uses. Hazardous waste and materials would not be expected to pose a significant constraint on sites long developed with such uses. Although there is the potential for asbestos and/or lead-based paint to be present in the existing buildings to be demolished due to their age, removal of such materials is subject to standard safety requirements and would not classify the project site as a hazardous waste site.

Additionally, the project site is not located within a Methane Zone or Methane Buffer Zone, nor is it located in a Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. There are no oils, elevators, in-ground hydrologic systems, monitoring or water supply wells, or above- or below-ground storage tanks, or potentially fluid-filled electrical equipment on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. Therefore, this exception does not apply to this project.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The subject property, at 847-579 West 10th Street, is currently developed with a church and surface parking lot. The existing church was constructed in 1925, and the surrounding area consists almost entirely of other single- and multi-family residences. No structures on the subject property have been identified through the SurveyLA database, and the project site is not located in a designated Historic Preservation Overlay Zone. The project site is also not identified in any state or national register of historic resources. For these reasons, demolition of the existing structures on the project site and construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, and this exception does not apply to the proposed project.

CONCLUSION

As outlined above, the project is consistent with the surrounding developments, including established surrounding residential uses, and is entirely consistent with the existing General Plan designation, zoning, and requirements of the LAMC. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, environmental habitat, noise, air quality, or water quality. The project is located in an urbanized and long-developed area, and thus will be adequately served by all required public utilities and services.

In addition, as the project is in an urbanized area, it is not in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant impacts that are not already accounted for by the General Plan and future environmental clearances. The project is consistent with the surrounding developments, including established surrounding residential uses, does not present any unusual circumstances, and would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2

Exceptions, apply to this project, and as such, the project qualifies for a Class 32 Categorical Exemption.

Inquiries regarding this matter should be directed to Renata Ooms, Planning Staff for the Office of Zoning Administration at 213-978-1222 or Renata.Ooms@lacity.org.

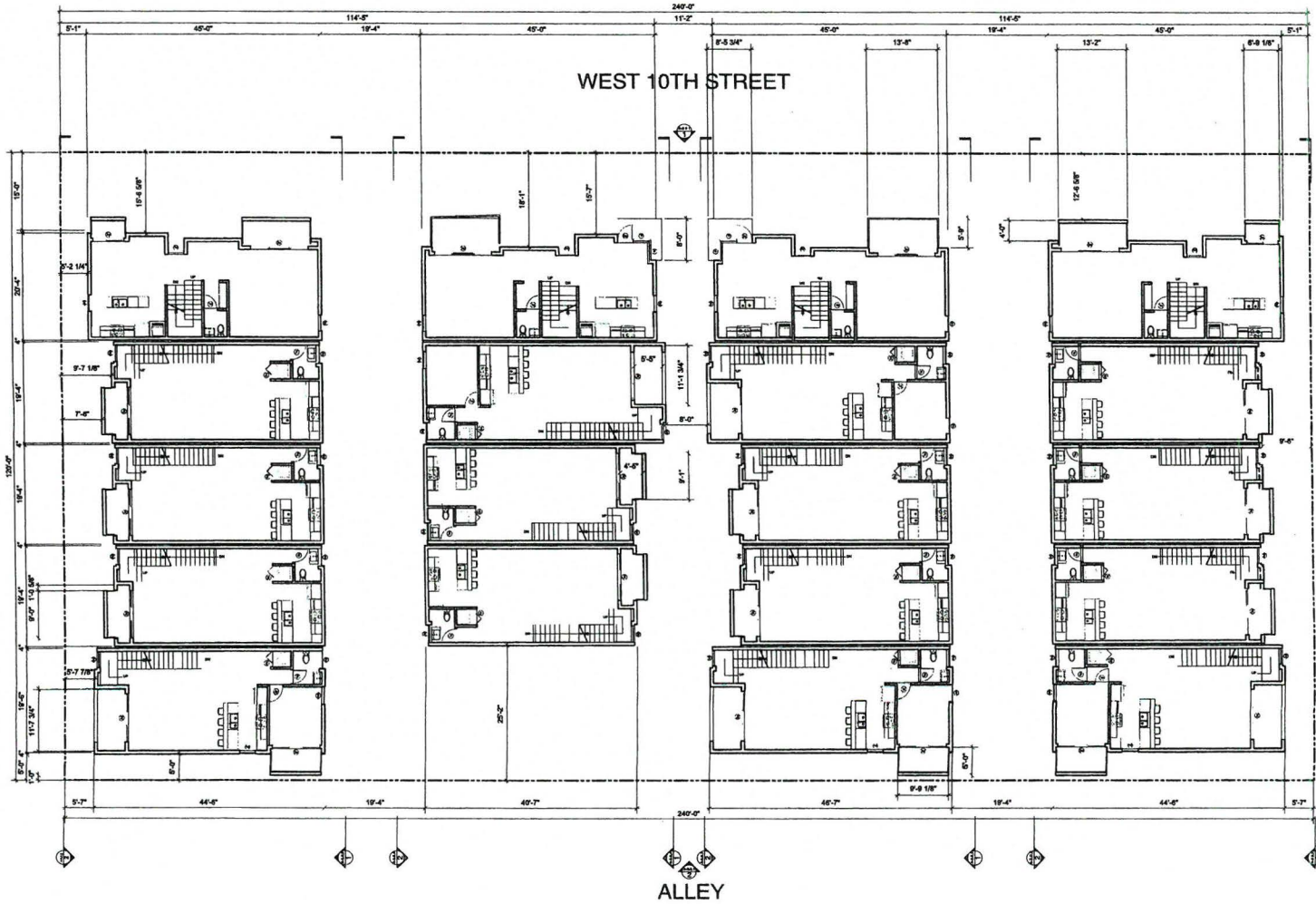
A handwritten signature in blue ink that reads "Fernando Tovar". The signature is fluid and cursive, with the first name being more prominent.

FERNANDO TOVAR
Associate Zoning Administrator

FT:JP:RO:bk

cc: Councilmember Joe Buscaino
Fifteenth District
Adjoining Property Owners
Interested Persons

EXHIBIT "A"
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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

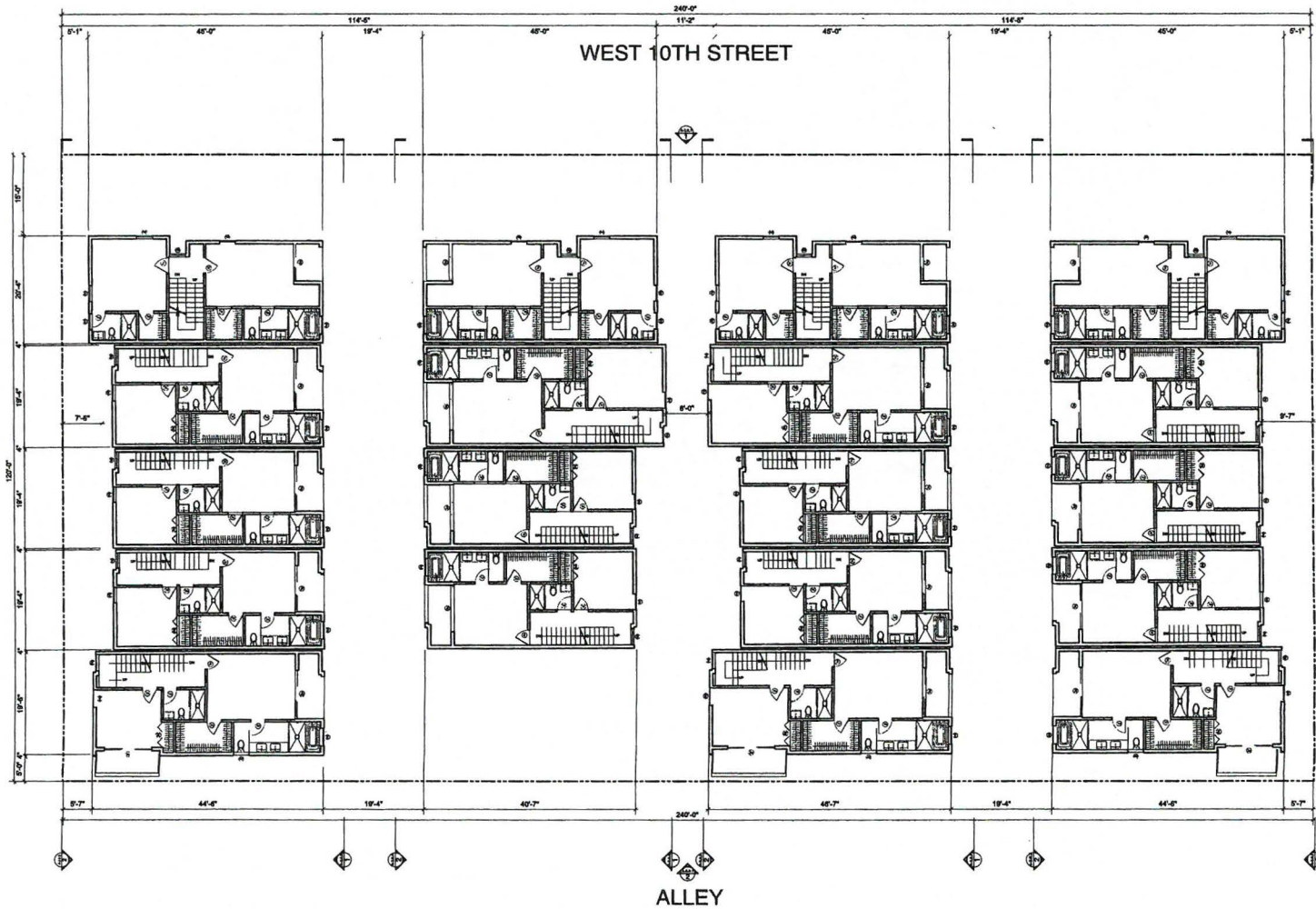
NO.	DATE

1 SECOND LEVEL PLAN
 Scale: 1/100



DR BC JD
2018-01
A
SECOND LEVEL PLAN
A-2.0.2

EXHIBIT "A"
 Page No. 4 of 15
 Case No. 18-0017-DR-CW



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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

NO. _____ DATE _____

1 THIRD LEVEL PLAN
 Scale: 1/16"



DR BC JD
 2018-01
 THIRD LEVEL PLAN
 A-2.0.3

EXHIBIT "A"
 Page No. 5 of 15
 Case No. 18-0316-DB-010



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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOF REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

NO. _____ DATE _____

DR BC JD
 2018-01
 ROOF PLAN
 A-2.0.4

2 THIRD LEVEL PLAN
 Scale: 1/10





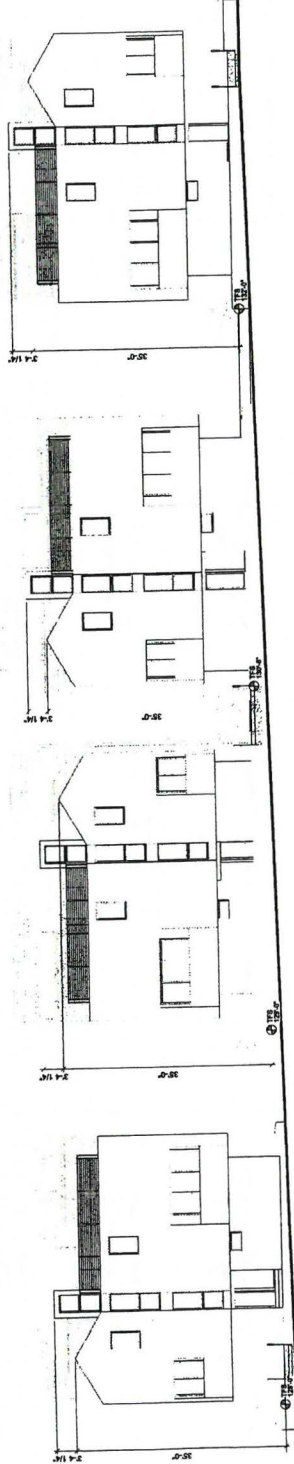
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C: 310-450-7409

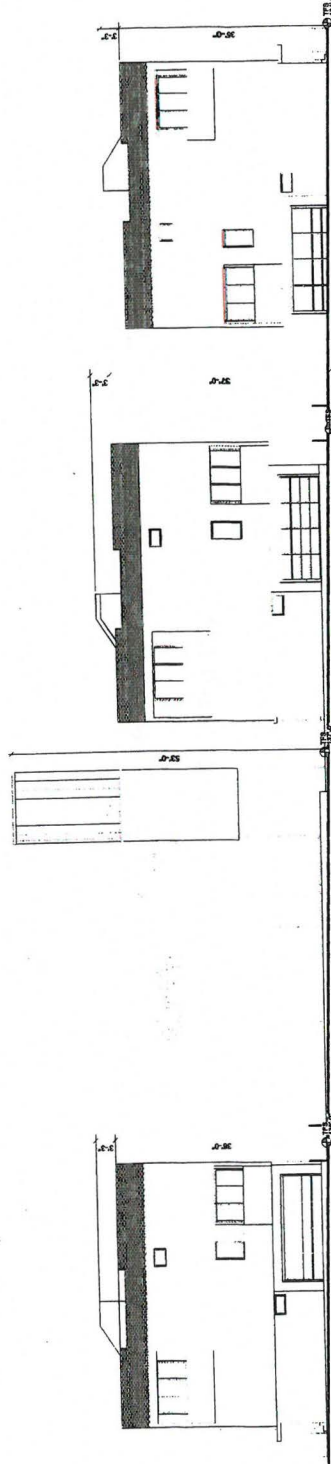
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SMALL LOT SUBDIVISION
847 W 10TH ST
LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
1601 N SEPULVEDA BLVD #798
MANHATTAN BEACH, CA 90266



1 NORTH ELEVATION
Scale: 1/8" = 1'-0"



2 SOUTH ELEVATION
Scale: 1/8" = 1'-0"

NO.	DATE

DR. BC. JD.

2018-01

ELEVATIONS

A-3.0.1

EXHIBIT "A"
Page No. 6 of 15
Case No. 18-0316-0000



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SMALL LOT SUBDIVISION

847 W 10TH ST
LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
1601 N SEPULVEDA BLVD #798
MANHATTAN BEACH, CA 90286

EXHIBIT "A"
Page No. 15 of 15
Case No. 21-1218-1226-DO-CU11



1 EAST ELEVATION
Scale: 3/16" = 1'-0"



2 WEST ELEVATION
Scale: 3/16" = 1'-0"

NO. _____ DATE _____

DR BC JD

2018-01

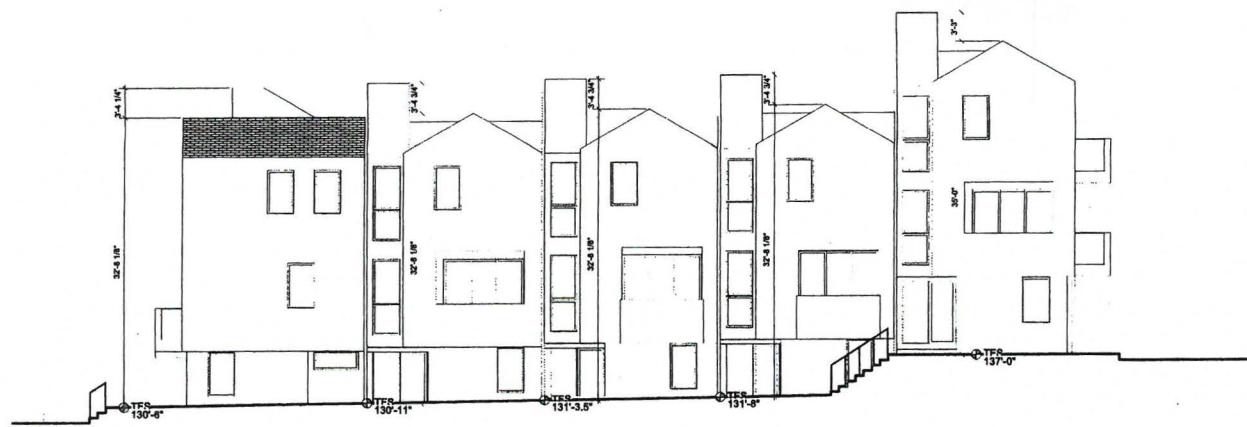
ELEVATIONS

A-3.0.2

EXHIBIT "A"
 Page No. 8 of 16
 Case No. 18-1616-00-000



1 EAST ELEVATION
SCALE: 3/16" = 1'-0"



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"

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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

NO.	DATE
DR BC JD	
2018-01	
ELEVATIONS	
A-3.0.3	

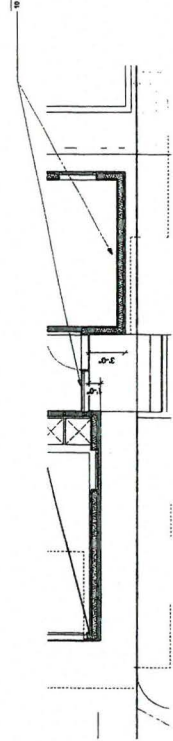
EXHIBIT "A"
 Page No. 13 of 15
 Obs. No. 6311-DB-CMU



- KEYNOTES**
1. 3" W/ SHIELDED VALUWAY LIGHTS @ 4' O.C.
 2. 4" TALL HELLO TALL LIGHT BACKLIT METAL NUMBERS
 3. ALL WINDOWS SETBACK 6" FROM SURFACE
 4. BALCONY RAIL PROJECTS 1" FROM SURFACE
 5. BALCONY SET BACK 2" FROM FACE OF BUILDING
 6. BASE SETBACK 6" FROM FACE OF BUILDING
 7. CANOPES PROJECTS 2" FROM FACE OF BUILDING
 8. ENTRY LIGHTING FROM DOWNLIGHTS FLUSH TO SMART & CANOPY
 9. ENTRY SETBACK 1" FROM FACE OF BUILDING
 10. FACE OF BUILDING
 11. GLASS @ STAIRS SET BACK 6" FROM FACE OF BUILDING
 12. ORNAMENTAL PLANTER
 13. FACADE CHANGES SHALL BE A DEPTH GREATER THAN OR EQUAL TO 8 INCHES

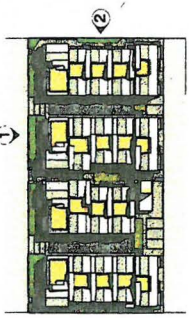
1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

2 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



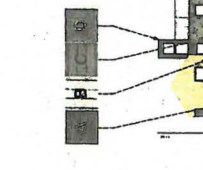
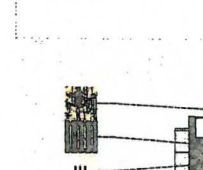
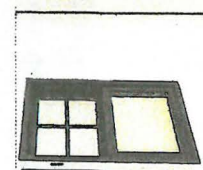
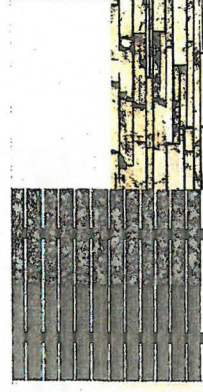
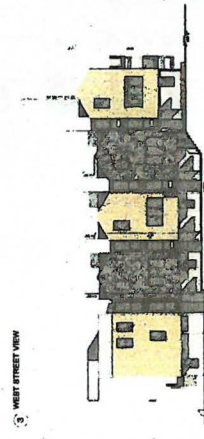
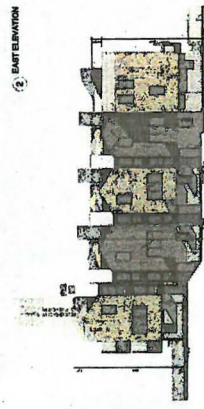
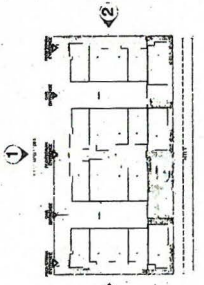
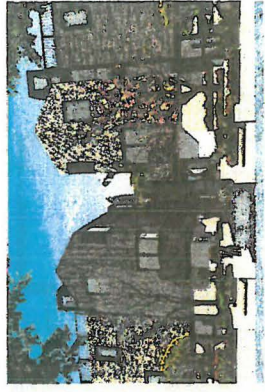
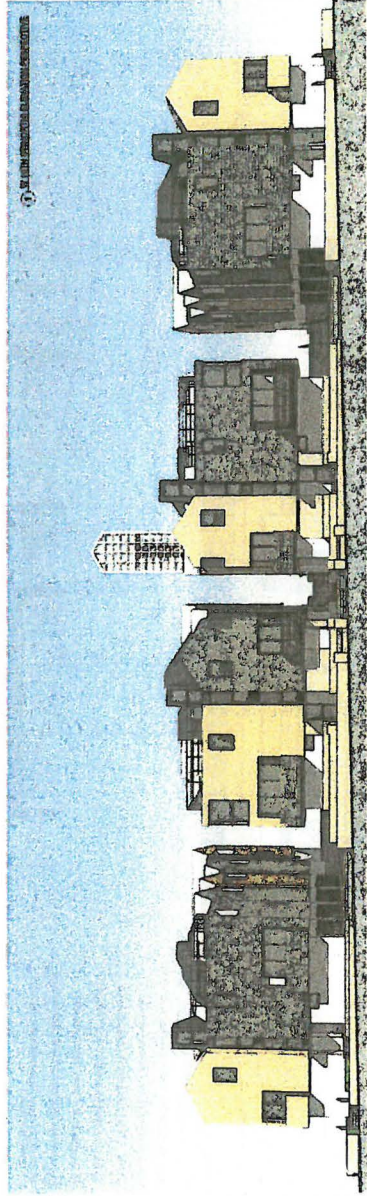
3 FIRST FLOOR PLAN (NORTH)
 SCALE: 1/8" = 1'-0"

4 FIRST FLOOR PLAN (EAST)
 SCALE: 1/8" = 1'-0"



NINETEEN SMALL LOTS
 847 W 10TH ST., SAN PEDRO, CA 90731
 SMALL LOT DESIGN SHEET

W 10TH STREET DEVELOPMENT | MATERIAL BOARD



- A** Bronze Finish Fiberglass Window Frame
- B** Light color Stained Plywood Siding Board
- C** Dark Color Stained Plywood Siding Board
- D** Charcoal Sand Finished Cement Plaster
- E** White Venetian Finished Cement Plaster
- F** Spaced Horizontal Stained Wood Strip Charcoal
- G** Cast Ledgerstone Panels

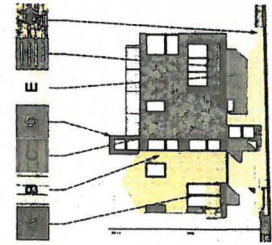
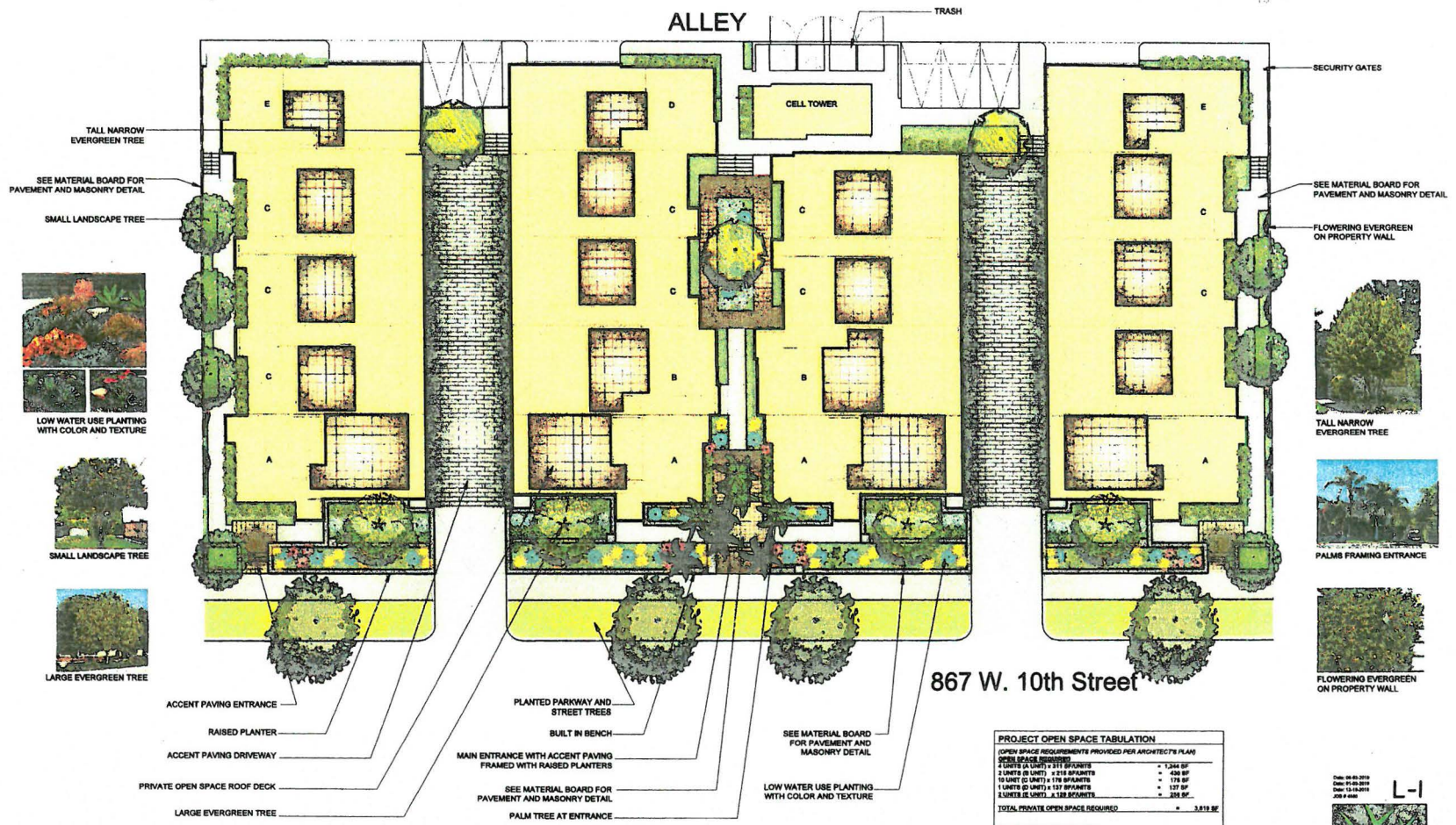


EXHIBIT "A"
 Page No. 14 of 15
 28-2918-Valc-13-w-10
 Case No. 9860

EXHIBIT "A"
 Page No. 15 of 15
 Case No. 2018-6516-PB-CU10



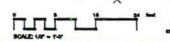
867 W. 10th Street

PROJECT OPEN SPACE TABULATION	
OPEN SPACE REQUIREMENTS PROVIDED FOR ARCHITECT'S PLAN	
OPEN SPACE PROVIDED	
1 UNIT @ 1 UNIT x 111 SQUARE FEET	= 1,244 SF
2 UNITS @ 1 UNIT x 212 SQUARE FEET	= 424 SF
16 UNITS @ 1 UNIT x 176 SQUARE FEET	= 2,816 SF
1 UNIT @ 1 UNIT x 137 SQUARE FEET	= 137 SF
4 UNITS @ 1 UNIT x 136 SQUARE FEET	= 544 SF
TOTAL PRIVATE OPEN SPACE PROVIDED	= 3,619 SF
COMMON OPEN SPACE PROVIDED	
100 SF Common required open space (required)	
FRONT YARD COMMON OPEN SPACE	= 1,673 SF
TOTAL OPEN SPACE	= 5,292 SF

L.A. Group Design Works, Inc.

867 W. 10th Street
 San Pedro, CA

L.A. GROUP
 Design Works
 Landscape Architecture
 24011 Vanowen Blvd., Suite 201
 Culver City, CA 91502
 Phone: 310.331.9711 / 310.331.9712
 Email: Design@laxgroup.com



Landscape Architecture

**DEPARTMENT OF
CITY PLANNING
APPLICATION**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number

ZA-2018-6316-DB-CUW

Env. Case Number

ENV-2018-6317-EAF & ENV-2018-6318-CE

Application Type

DB/CUW/VTT small lot

Case Filed With (Print Name)

Sarah Goldman

Date Filed

10/29/2018

Application includes letter requesting:

Waived hearing

Concurrent hearing
Related Case Number _____

Hearing not be scheduled on a specific date (e.g. vacation hold)

*Provide all information requested. Missing, incomplete or inconsistent information will cause delays.
All terms in this document are applicable to the singular as well as the plural forms of such terms.
Detailed filing instructions are found on form CP-7810*

1. PROJECT LOCATION

Street Address¹ 847-879 W. 10TH STREET, SAN PEDRO Unit/Space Number _____
Legal Description² (Lot, Block, Tract) LOTS 3-8, BLOCK 32, RUDECINDA TRACT
Assessor Parcel Number 7454-015-003, -004, -005 Total Lot Area 28,800 (PER ZIMAS)
Lot Dimensions 243 x 120 (PER ZIMAS)

2. PROJECT DESCRIPTION

Present Use CHURCH AND ASSOCIATED SURFACE PARKING (w/WIRELESS FACILITY)
Proposed Use SMALL LOT SUBDIVISION (w/WIRELESS FACILITY)
Project Name (if applicable) _____

Describe in detail the characteristics, scope and/or operation of the proposed project DEMOLITION OF (E) CHURCH BUILDING AND ASSOCIATED SURFACE PARKING LOT. SUBDIVISION OF LAND AND CONSTRUCTION OF (N) 19-UNIT SMALL LOT PROJECT (18 Market Rate & 1 VLI Unit), AND ON-SITE WIRELESS FACILITY.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e. vacant)
- Site has existing buildings (provide copies of building permits)
- Site is located within 500 feet of a freeway or railroad
- Site is located within 500 feet of a sensitive use (e.g. school, park)

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)
² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)

Site has special designation (e.g. National Historic Register, Survey LA)

Proposed Project Information

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: 36,550 square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing 0 – Demolish(ed)³ 0 + Adding 19 = Total 19
 Number of Affordable Units⁴ Existing _____ – Demolish(ed) _____ + Adding 1 = Total 1
 Number of Market Rate Units Existing _____ – Demolish(ed) _____ + Adding 18 = Total 18
 Mixed Use Projects, Amount of Non-Residential Floor Area: N/A square feet

Public Right-of-Way Information

Have you submitted the Planning Case Referral Form to BOE? (required) YES NO
 Is your project required to dedicate land to the public right-of-way? YES NO
 If so, what is/are your dedication requirement(s)? _____ ft.
 If you have dedication requirements on multiple streets, please indicate: _____

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? YES NO

Authorizing Code Section 12.22 A.25

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: SB1818 DENSITY BONUS WITH ONE ON-MENU INCENTIVE (11-FOOT ADDITIONAL HEIGHT)

Authorizing Code Section 12.24 W.29 49

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: CONDITIONAL USE FOR WIRELESS TELECOMMUNICATIONS FACILITY (50- FEET IN HEIGHT)

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) ZA-2003-4730-CU

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____ Ordinance No.: _____

- Condition compliance review
- Clarification of Q (Qualified) classification
- Modification of conditions
- Clarification of D (Development Limitations) classification
- Revision of approved plans
- Amendment to T (Tentative) classification
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

Subdivision Case Filed As Part of This Application For Small Lot Subdivision Purposes. (VTT-82296)

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

- a. Specialized Requirement Form _____
- b. Geographic Project Planning Referral _____
- c. Citywide Urban Design Guidelines Checklist _____
- d. Affordable Housing Referral Form _____
- e. Mello Form _____
- f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form _____
- g. HPOZ Authorization Form _____
- h. Management Team Authorization _____
- i. Expedite Fee Agreement _____
- j. Department of Transportation (DOT) Referral Form _____
- k. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) _____
- l. Order to Comply _____
- m. Building Permits and Certificates of Occupancy _____
- n. Hillside Referral Form _____
- o. Low Impact Development (LID) Referral Form (Storm water Mitigation) _____
- p. Proof of Filing with the Housing and Community Investment Department _____
- q. Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name _____
Company/Firm 867 RR, LLC
Address: 1601 N. SEPULVEDA BL. Unit/Space Number 798
City MANHATTAN BEACH State CA Zip Code: 90266
Telephone (310) 935-3185 E-mail: aoneill@sq1homes.com
Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant
Name (if different from applicant) _____
Address _____ Unit/Space Number _____
City _____ State _____ Zip Code: _____
Telephone _____ E-mail: _____

Agent/Representative name JONATHAN LONNER
Company/Firm BURNS & BOUCHARD, INC.
Address: 9619 NATIONAL BLVD. Unit/Space Number _____
City LOS ANGELES State CA Zip: 90034
Telephone 310-802-4261 E-mail: jlonner@burnsbouchar.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) _____
Name _____
Company/Firm _____
Address: _____ Unit/Space Number _____
City _____ State _____ Zip Code: _____
Telephone _____ E-mail: _____

Primary Contact for Project Information *(select only one)* Owner Applicant
 Agent/Representative Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.


PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature 

Date 10-18-18

Print Name Adam O'Neill

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 10-18-18 before me, Liz Matias, Notary Public
(Insert Name of Notary Public and Title)

personally appeared Adam O'Neill, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature

(Seal)



APPLICANT

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____

Date: 10-18-18

Print Name: ADAM O'NEILL

OPTIONAL
NEIGHBORHOOD CONTACT SHEET

9. **SIGNATURES** of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

REVIEW of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

ENVIRONMENTAL REPORT

COUNTY CLERK'S USE

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

VTT-82236-SL (Related Cases ADM-2018-7361-SLD; ZA-2018-6316-DB-CUW)

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2018-6317-CE

PROJECT TITLE

847-879 West 10th Street

COUNCIL DISTRICT

15

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

847-879 West 10th Street

Map attached.

PROJECT DESCRIPTION:

Additional page(s) attached.

Demolition of an existing church and rooftop wireless telecommunications facility and associated surface parking lot; subdivision of the parcel into 20 lots for the construction and maintenance of a new small lot subdivision which includes 19 small lot homes; a new permanent wireless telecommunications facility tower with a maximum height of 53 feet located on one of the subdivide lots; a temporary monopole wireless telecommunications facility with a maximum height of 53 feet. The homes will have a maximum height of 36 feet and 9 inches and three stories. Each unit will have two automobile parking spaces provided in private garages (totaling 38 spaces) and five guest parking spaces will also be provided. Two common access driveways will provide vehicular access to 16 of the units and three units will receive driveway access directly from the rear Alley. The project is requesting a Vesting Tentative Tract Map, Administrative Clearance for compliance with the Small Lot Design Standards, a Density Bonus, a Conditional Use Permit for a Wireless Telecommunications Facility, and a deviation in height in conjunction with a Conditional Use Permit and any addition actions including but not limited to, tree removal, demolition, grading (up to 2,000 cubic yards exported and imported), excavation, haul route, and building permits. Removal of street trees are subject to the review and approval by the Board of Public Works, Urban Forestry Division.

NAME OF APPLICANT / OWNER:

867 RR, LLC

CONTACT PERSON (If different from Applicant/Owner above)

Jonathan Lonner, Burns & Bouchard, Inc.

(AREA CODE) TELEPHONE NUMBER

310-802-4261

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s)

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) 32

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

In-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Renata Ooms

[Handwritten signature of Renata Ooms]

STAFF TITLE

City Planning Associate

ENTITLEMENTS APPROVED

Vesting Tentative Tract Map (VTT), Administrative Clearance for compliance with Small Lot Design Standards (ADM), Density Bonus (DB), Conditional Use (CUW).

FEE:

\$7,102.02 and \$458.79

RECEIPT NO.

0302139795 and 0302139795

REC'D. BY (DCP DSC STAFF NAME)

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

PLOT PLANS

SMALL LOT SUBDIVISION

847 W 10TH ST
LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
1601 N SEPULVEDA BLVD #798
MANHATTAN BEACH, CA 90266

ISSUED FOR
NO. _____ DATE _____

DRAWN DR BC JD

PROJECT # 2018-01

SCALE

TITLE SITE PLAN-1

SHEET NO. **A-1.0.2**

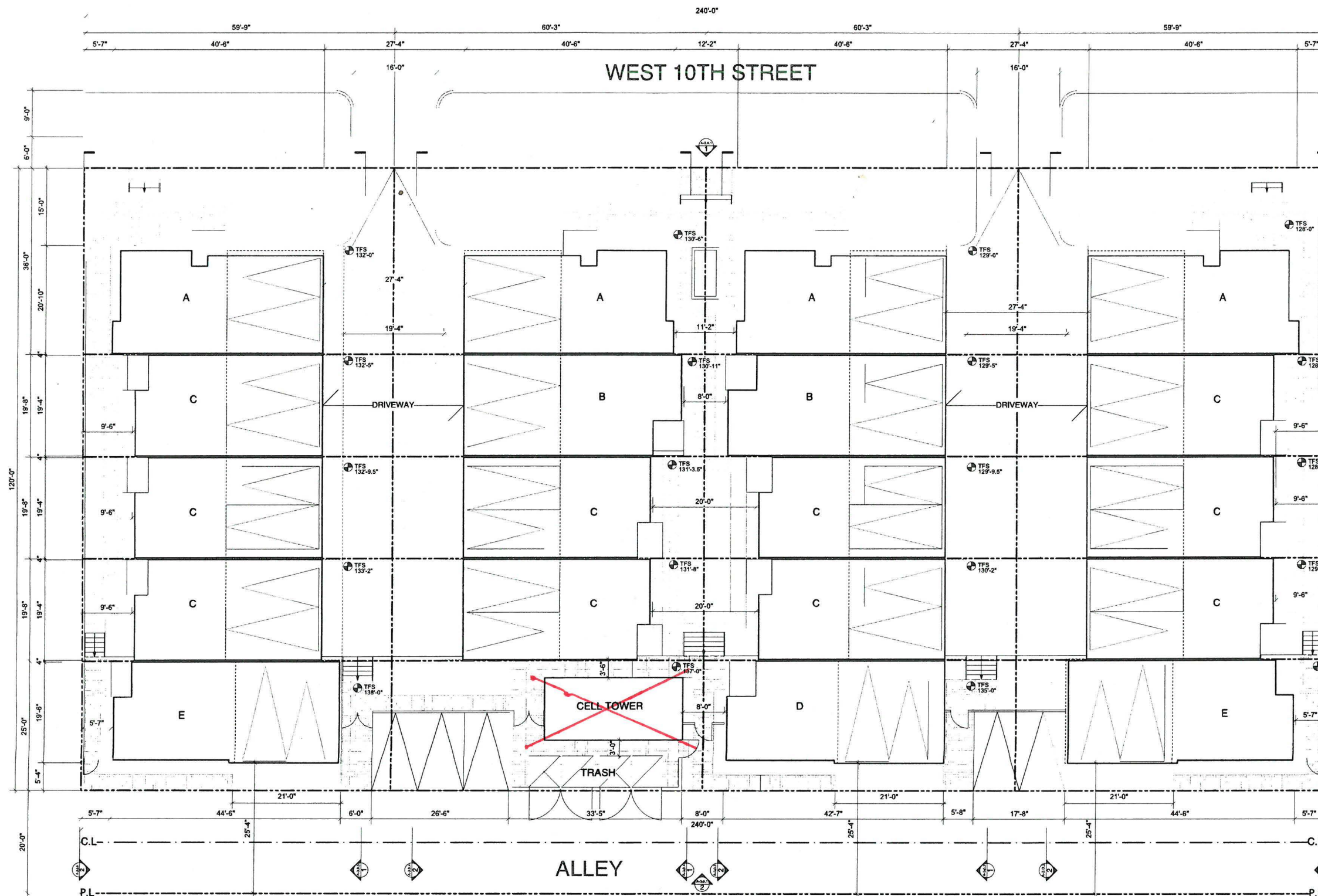


EXHIBIT "A"
Page No. 1 of 15
Case No. 2018-6316-DRCAD

AREA CALCULATION

ZONING CODE:	
GARAGE	= 6368 SF
TOTAL LIVING SPACE AREA:	= 30195 SF

UNIT AREA PER TYPE

UNIT	ZONING CODE
A	1733+318SF
B	1717+325SF
C	1482+325SF
D	1689+364SF
E	1680+364SF

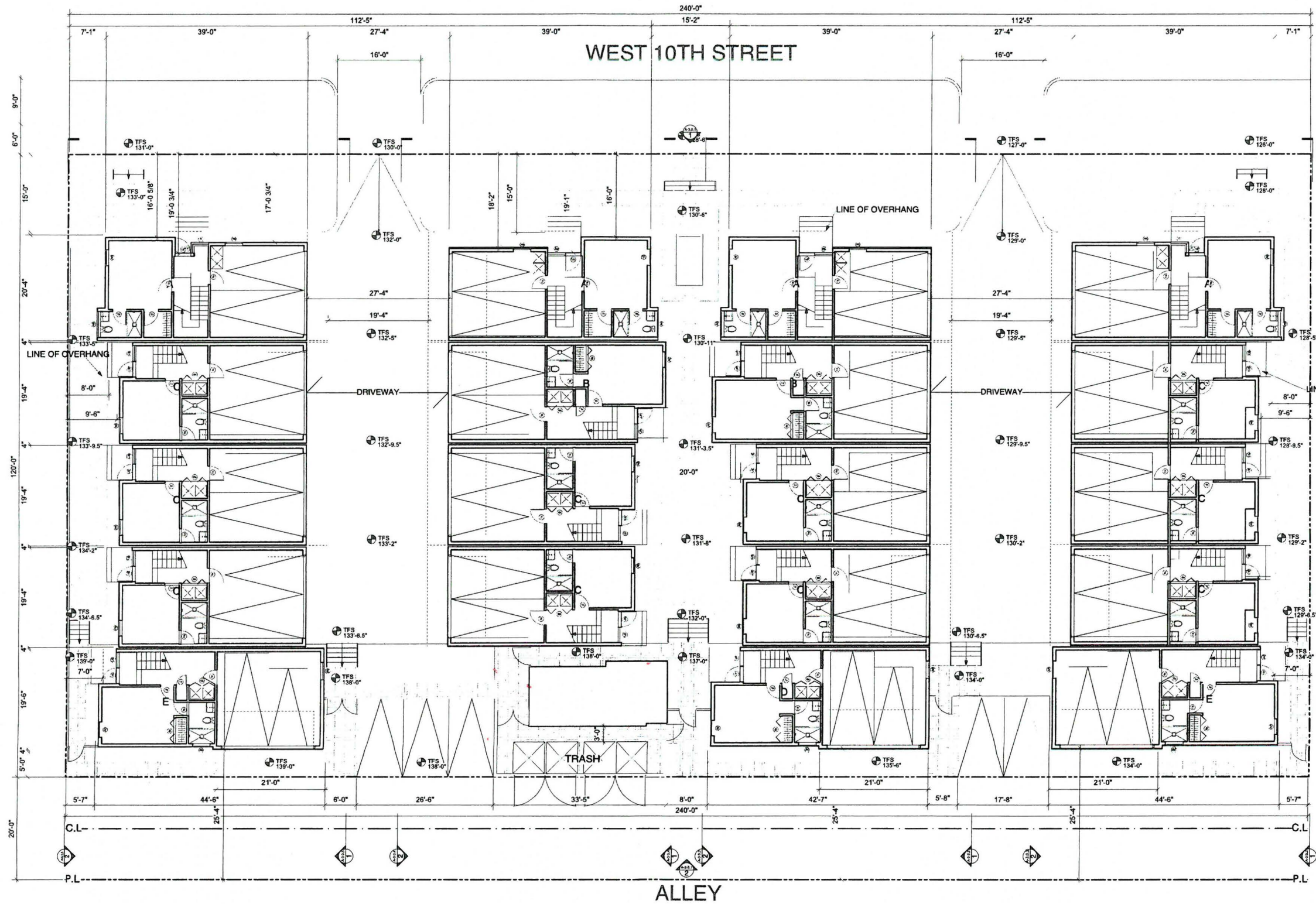
GENERAL NOTES

1. ALL ARROWS POINT UP
2. TFS - HEIGHT DATUM AT LOWEST POINT 5' FROM THE BUILDING

KEY NOTES

2 SITE PLAN
Scale: 1:100

EXHIBIT "A"
 Page No. 2 of 15
 SA 2018-626-DCUW



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SMALL LOT SUBDIVISION

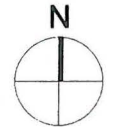
847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

ISSUED FOR NO. _____ DATE _____

DRAWN DR BC JD
 PROJECT # 2018-01
 SCALE _____
 TITLE FIRST LEVEL PLAN
 SHEET NO. A-2.0.1

1 GROUND LEVEL PLAN
 Scale: 1:100



SMALL LOT SUBDIVISION

847 W 10TH ST
LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
1601 N SEPULVEDA BLVD #798
MANHATTAN BEACH, CA 90266

ISSUED FOR: _____ DATE: _____
NO. _____

DRAWN DR BC JD

PROJECT # 2018-01

SCALE

TITLE THIRD LEVEL PLAN

SHEET NO. **A-2.0.3**

EXHIBIT "A"
Page No. 4 of 15
24:2018-0316-PB-CAW



1 THIRD LEVEL PLAN
Scale: 1:100

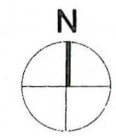


EXHIBIT "A"
 Page No. 5 of 15
 Case No. 2A-2018-6316-DB-uu



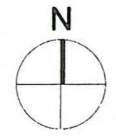
R&D
 ARCHITECTS
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 O: 310-450-7409
 www.rd-arch.net
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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

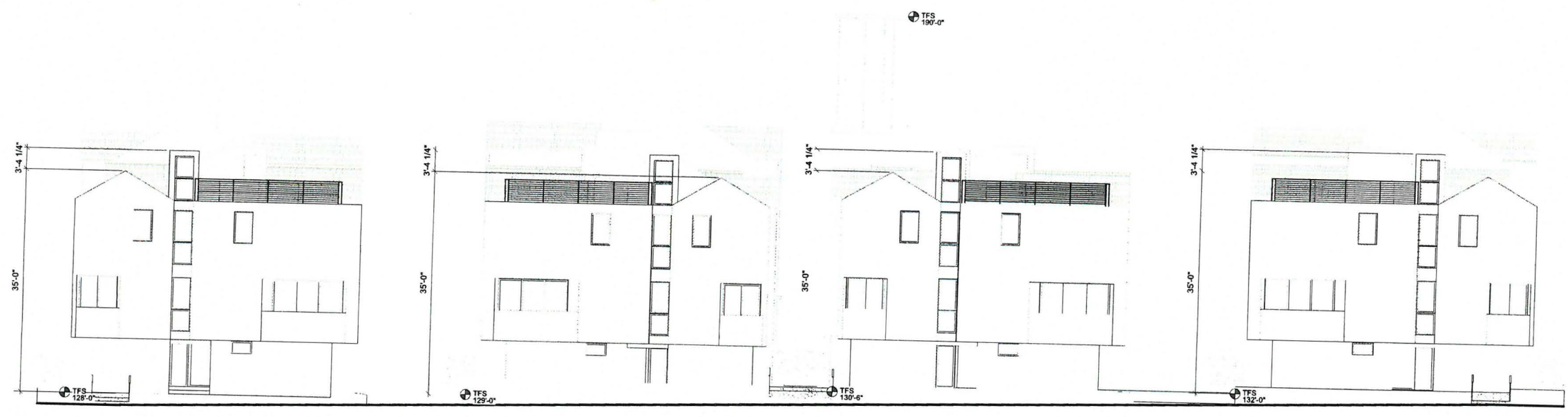
ISSUED FOR: _____
 NO. _____ DATE _____

2 THIRD LEVEL PLAN
 Scale: 1:100

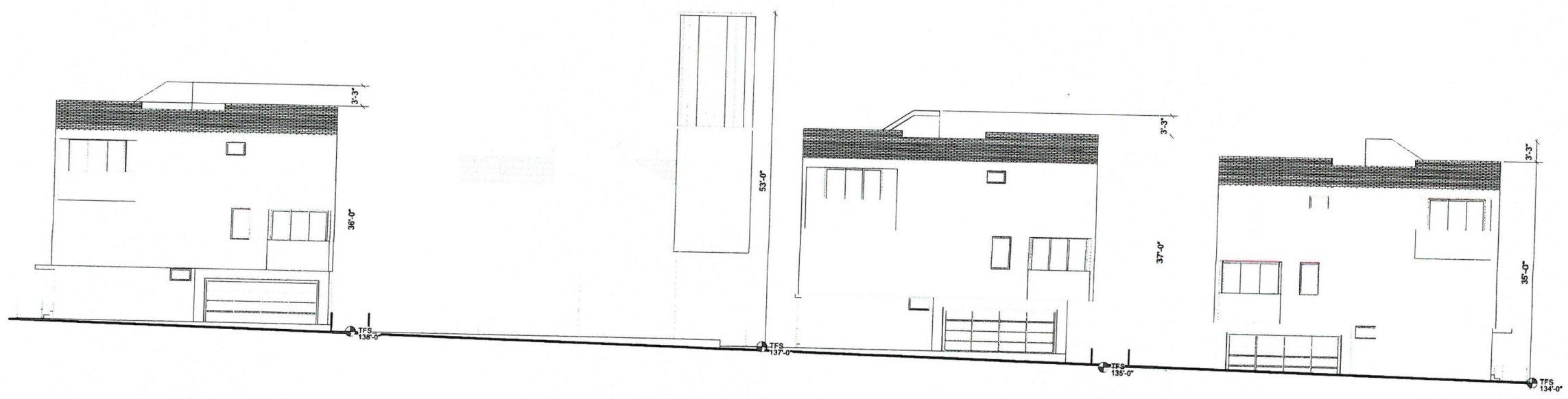


DRAWN DR BC JD
 PROJECT # 2018-01
 SCALE _____
 TITLE ROOF PLAN
 SHEET NO. A-2.0.4

EXHIBIT "A"
 Page No. 6 of 15
 Case No. 18-6316 DP-UD



1 NORTH ELEVATION
 Scale: 1/8" = 1'-0"



2 SOUTH ELEVATION
 Scale: 1/8" = 1'-0"

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 O: 310-450-7409
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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

ISSUED FOR: _____
 NO. _____ DATE _____

DRAWN: DR BC JD

PROJECT #: 2018-01

SCALE: _____

TITLE: ELEVATIONS

SHEET NO: **A-3.0.1**

SMALL LOT SUBDIVISION

847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

EXHIBIT "A"
 Page No. 7 of 15
 Case No. 2A-2018-6316-DB-CMU



1 EAST ELEVATION
 Scale: 3/16" = 1'-0"



2 WEST ELEVATION
 Scale: 3/16" = 1'-0"

ISSUED FOR _____ NO. _____ DATE _____

DRAWN **DR BC JD**

PROJECT # **2018-01**

SCALE _____

TITLE **ELEVATIONS**

SHEET NO. **A-3.0.2**

EXHIBIT "A"
 Page No. 8 of 16
 Case No. LA-2018-6916-DP-LMS



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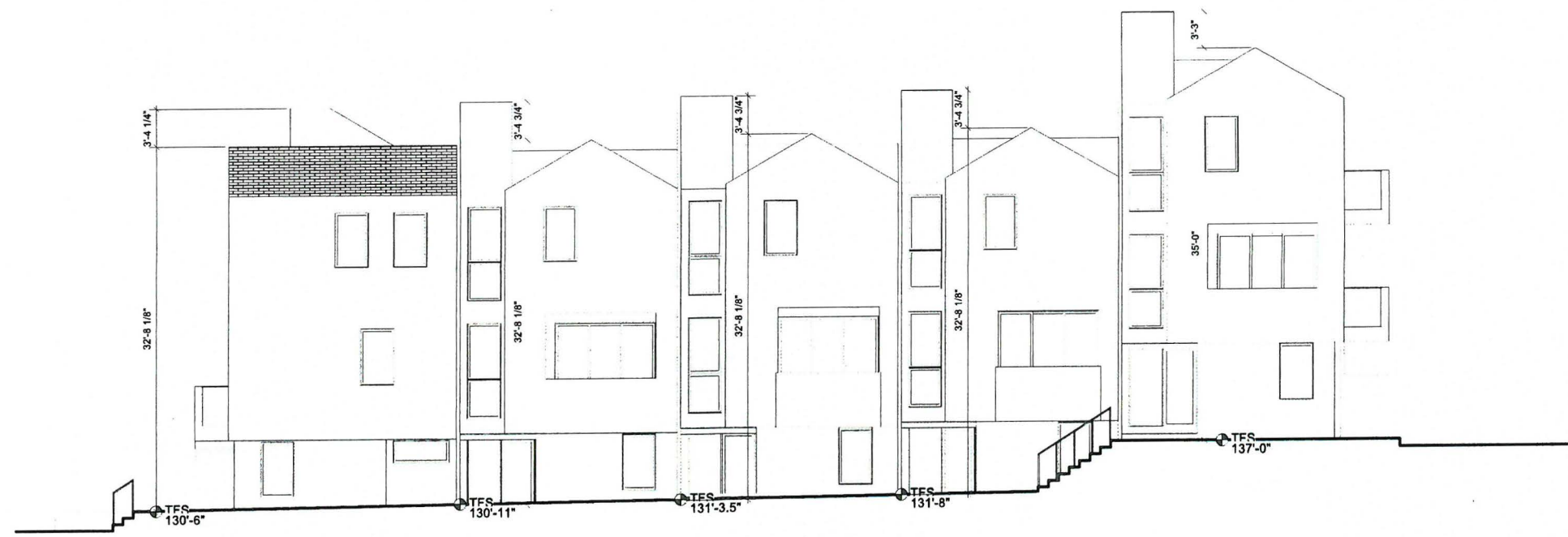
SMALL LOT SUBDIVISION

847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266



1 EAST ELEVATION
 Scale: 3/16" = 1'-0"



2 WEST ELEVATION
 Scale: 3/16" = 1'-0"

ISSUED FOR: _____
 NO. _____ DATE _____

DRAWN: DR BC JD

PROJECT #: 2018-01

SCALE: _____

TITLE: ELEVATIONS

SHEET NO: A-3.0.3

EXHIBIT "A"
 Page No. **9** of **15**
 Case No. **LA 18-0316-DP-CAD**



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SMALL LOT SUBDIVISION

847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266



1 EAST ELEVATION
 Scale: 3/16" = 1'-0"



2 WEST ELEVATION
 Scale: 3/16" = 1'-0"

ISSUED FOR _____ DATE _____
 NO. _____

DRAWN DR BC JD

PROJECT # 2018-01

SCALE _____

TITLE ELEVATIONS

SHEET NO. **A-3.0.4**

EXHIBIT "A"
 Page No. 10 of 15
 Case No. 18-12316-PO-CUW



1 EAST ELEVATION
 Scale: 3/16" = 1'-0"



2 WEST ELEVATION
 Scale: 3/16" = 1'-0"

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SMALL LOT SUBDIVISION
 847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266

ISSUED FOR NO. DATE

DRAWN DR BC JD

PROJECT # 2018-01

SCALE

TITLE ELEVATIONS

SHEET NO. **A-3.0.5**

EXHIBIT "A"
 Page No. 11 of 15
 A-2018-6316-PD-CAL
 Case No.

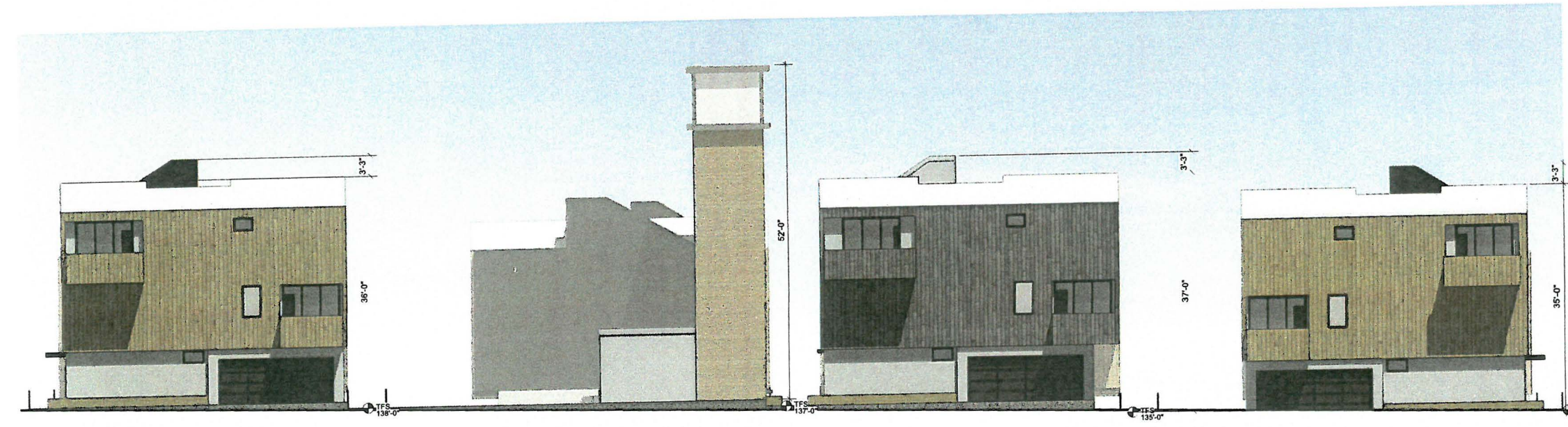


1 NORTH ELEVATION
 Scale: 1/8" = 1'-0"

SMALL LOT SUBDIVISION

847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266



2 SOUTH ELEVATION
 Scale: 1/8" = 1'-0"

ISSUED FOR NO.	DATE

DRAWN	DR BC JD
PROJECT #	2018-01
SCALE	
TITLE	COLORLED ELEVATIONS
SHEET NO	A-3.0.1A

EXHIBIT "A"
 Page No. 12 of 15
 Case No. 18-1316-DB-WUP



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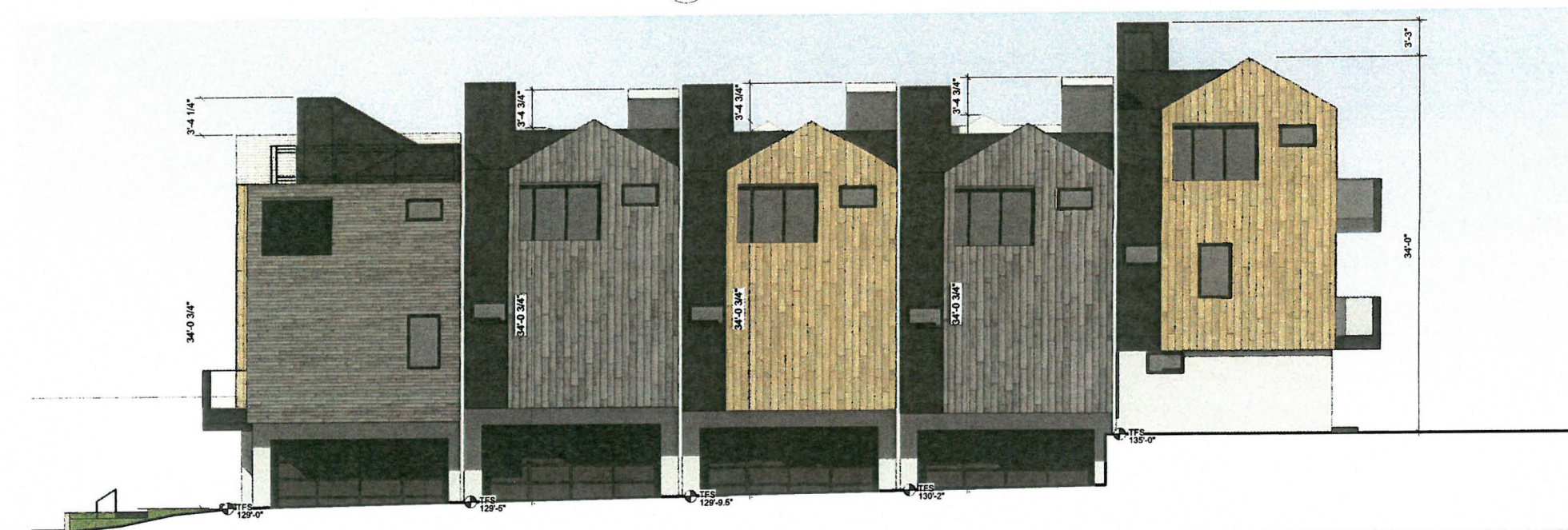
SMALL LOT SUBDIVISION

847 W 10TH ST
 LOS ANGELES, CA 90731

ROOT REAL ESTATE, LLC
 1601 N SEPULVEDA BLVD #798
 MANHATTAN BEACH, CA 90266



1 EAST ELEVATION
 Scale: 3/16" = 1'-0"



2 WEST ELEVATION
 Scale: 3/16" = 1'-0"

NOTE: FACADE DETAILS SHOWN ON SMALL LOT DESIGN SHEET

ISSUED FOR: _____
 NO. _____ DATE _____

DRAWN DR BC JD

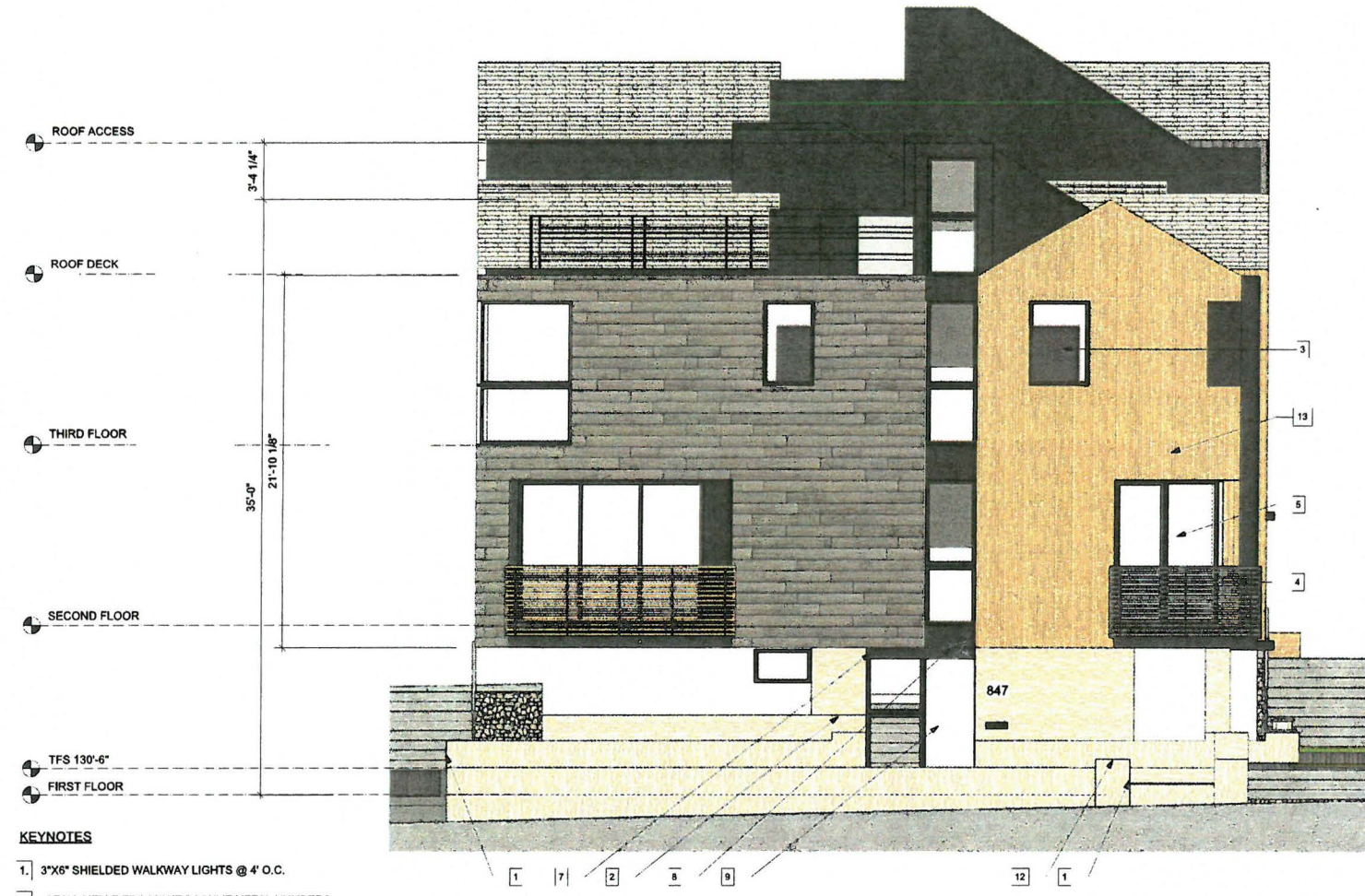
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SCALE

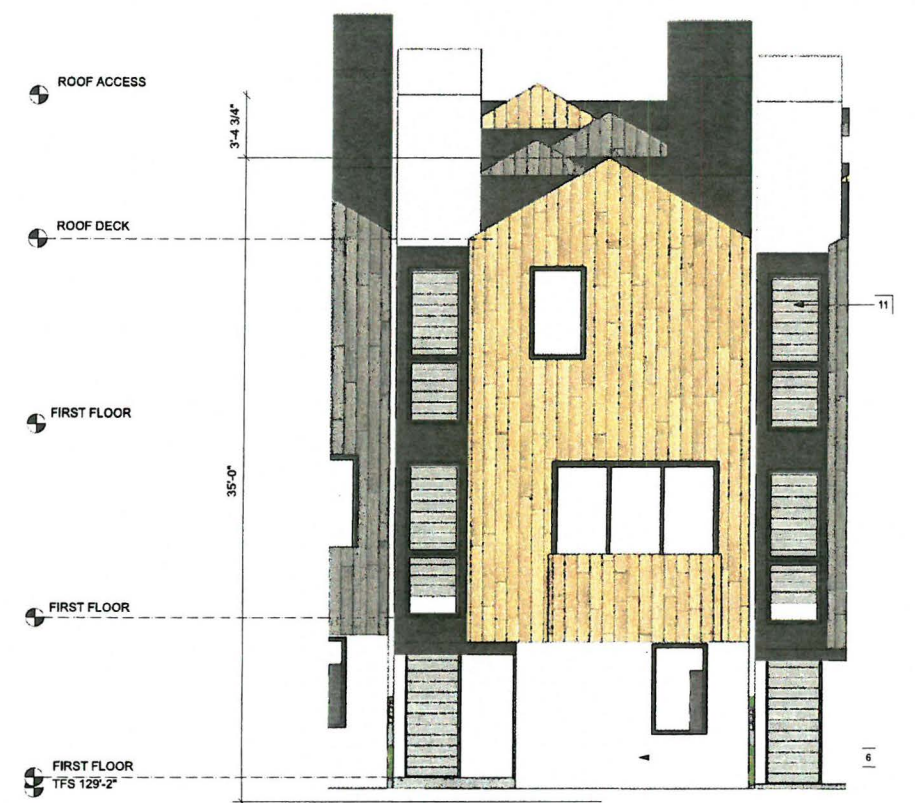
TITLE COLORED ELEVATIONS

SHEET NO. **A-3.0.2A**

EXHIBIT "A"
 Page No. 13 of 15
 Case No. 15-6316-DB-CW

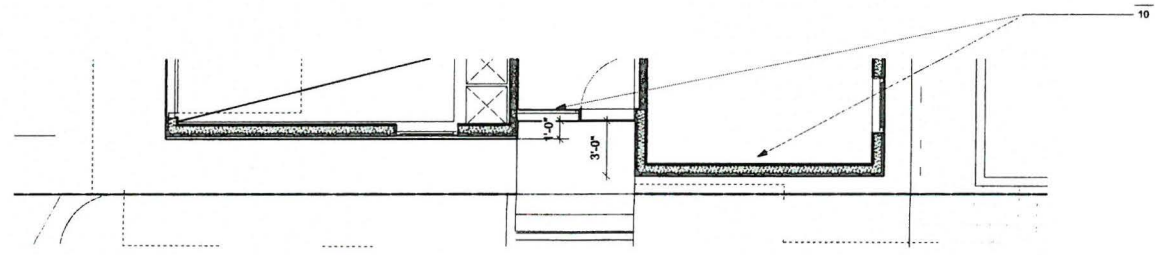


1 NORTH ELEVATION
 Scale: 1/4" = 1'-0"

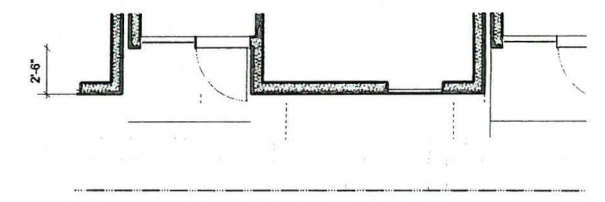


2 EAST ELEVATION
 Scale: 1/4" = 1'-0"

- KEYNOTES**
1. 3"x6" SHIELDED WALKWAY LIGHTS @ 4' O.C.
 2. 6" TALL HELLE TILA LIGHT BACKLIT METAL NUMBERS
 3. ALL WINDOWS SETBACK 3" FROM SURFACE
 4. BALCONY RAIL PROJECTS 1"6" FROM SURFACE
 5. BALCONY SET BACK 2' FROM FACE OF BUILDING
 6. BASE SETBACK 6" FROM FACE OF BUILDING
 7. CANOPIES PROJECTS 2' FROM FACE OF BUILDING
 8. ENTRY LIGHTING FROM DOWNLIGHTS FLUSH TO SOFFIT @ CANOPY
 9. ENTRY SETBACK 1' FROM FACE OF BUILDING
 10. FACE OF BUILDING
 11. GLASS @ STAIRS STE BACK 6" FROM FACE OF BUILDING
 12. ORNAMENTAL PLANTER
 13. FACADE CHANGES SHALL BE A DEPTH GREATER THAN OR EQUAL TO 6 INCHES



3 FIRST FLOOR PLAN (NORTH)
 Scale: 1/4" = 1'-0"



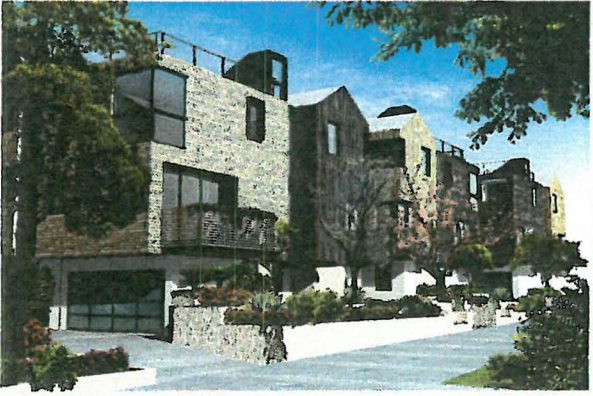
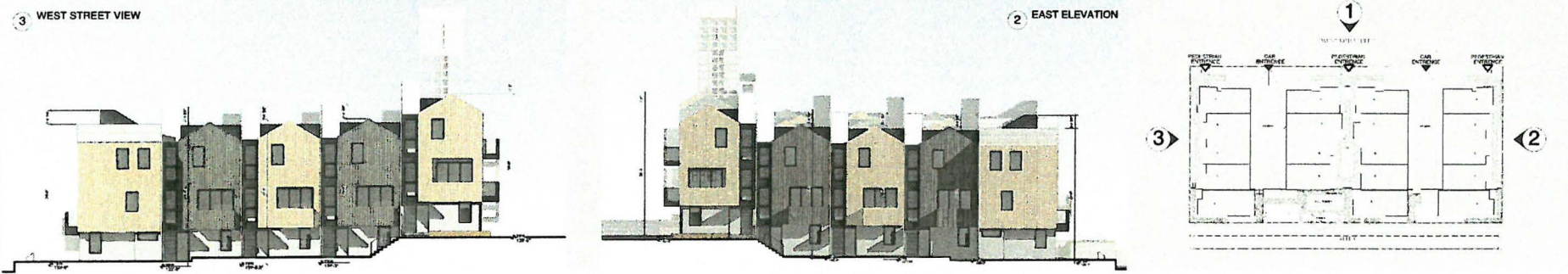
4 FIRST FLOOR PLAN (EAST)
 Scale: 1/4" = 1'-0"



NINETEEN SMALL LOTS
 847 W 10TH ST, SAN PEDRO, CA 90731
 SMALL LOT DESIGN SHEET

W 10TH STREET DEVELOPMENT | MATERIAL BOARD

EXHIBIT "A"
 Page No. 14 of 15
 Case No. 2018-0016-DB-WD



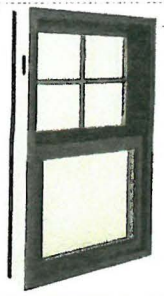
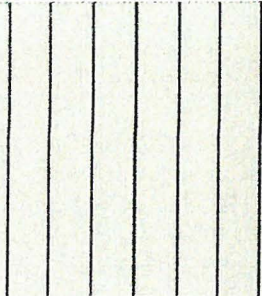

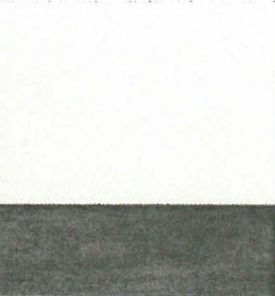
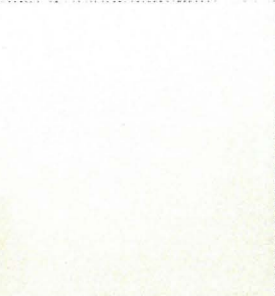
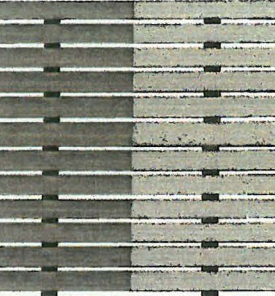
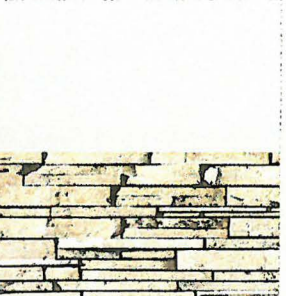
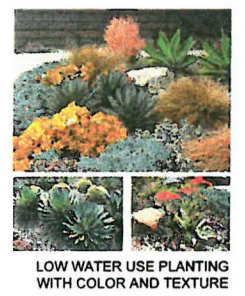
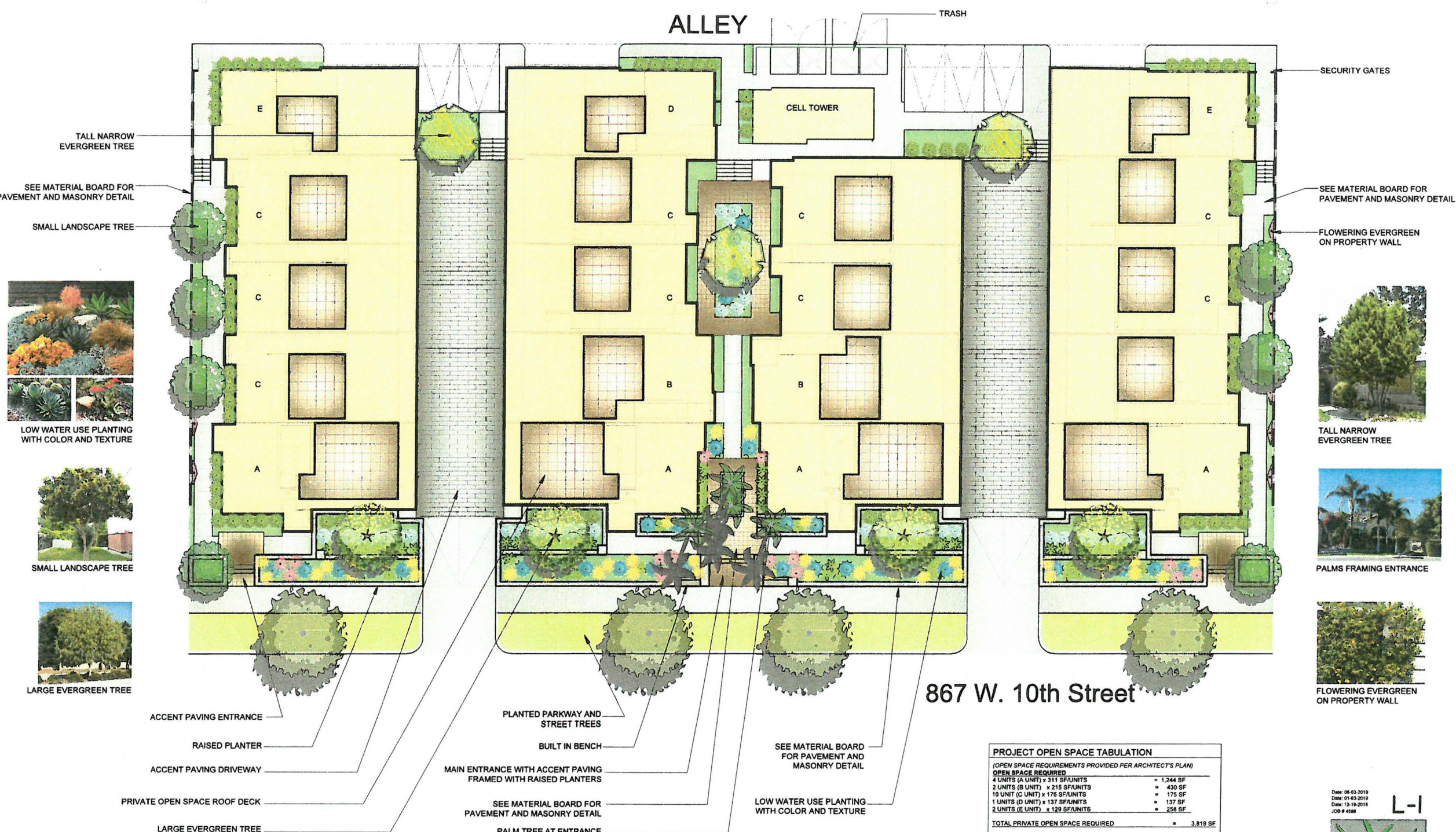
	 <p>A</p> <p>Bronze Finish Fiberglass Window Frame</p>	 <p>B</p> <p>Light color Stained Plywood Siding Board</p>	 <p>C</p> <p>Dark Color Stained Plywood Siding Board</p>	 <p>D</p> <p>Charcoal Sand Finished Cement Plaster</p>	 <p>E</p> <p>White Venetian Finished Cement Plaster</p>	 <p>F</p> <p>Spaced Horizontal Stained Wood Strip Guardrail</p>	 <p>G</p> <p>Cast Ledge Stone Panels</p>
--	--	---	--	--	---	---	--

EXHIBIT "A"
 Page No. 15 of 15
 Case No. 218-6916-PD-CMU



867 W. 10th Street

867 W. 10th Street
 San Pedro, CA

PROJECT OPEN SPACE TABULATION	
<i>(OPEN SPACE REQUIREMENTS PROVIDED PER ARCHITECT'S PLAN)</i>	
OPEN SPACE REQUIRED	
4 UNITS (A UNIT) x 311 SF/UNITS	= 1,244 SF
2 UNITS (B UNIT) x 215 SF/UNITS	= 430 SF
10 UNIT (C UNIT) x 175 SF/UNITS	= 1,750 SF
1 UNITS (D UNIT) x 137 SF/UNITS	= 137 SF
2 UNITS (E UNIT) x 129 SF/UNITS	= 258 SF
TOTAL PRIVATE OPEN SPACE REQUIRED	= 3,819 SF
COMMON OPEN SPACE PROVIDED	
<i>(300 SF Common required open space required)</i>	
FRONT YARD COMMON OPEN SPACE	= 1,673 SF
TOTAL OPEN SPACE	= 5,492 SF

L.A. Group Design Works, Inc.

Date: 08-03-2019
 Date: 01-03-2019
 Date: 12-19-2018
 JOB # 4598

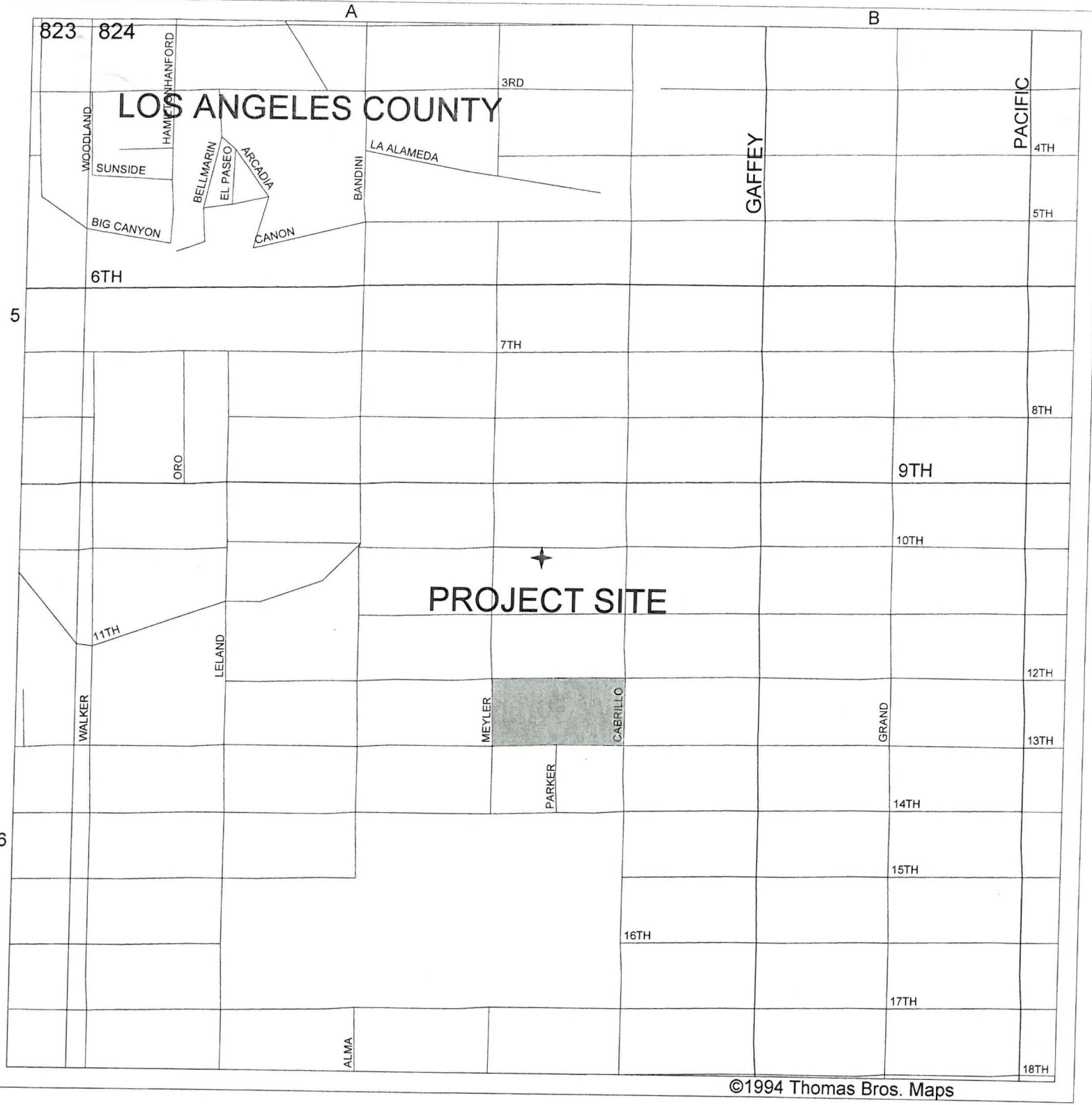
L-1

L.A. GROUP
 Design Works
 Landscape Architecture
 24013 Ventura Blvd. Suite 201
 Calabasas, CA 91302
 p 818.251-9718 / 818.251-9719
 email: DesignWorks@lagroupinc.net

SCALE: 1/8" = 1'-0"

Landscape Architecture

RADIUS MAP



©1994 Thomas Bros. Maps

VICINITY MAP  **ZA-2018-6316**

SITE : 847-879 W. 10TH STREET

GC MAPPING SERVICE, INC.
 3055 WEST VALLEY BOULEVARD
 ALHAMBRA CA 91803
 (626) 441-1080, FAX (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

CORRESPONDENCE



Fernando Tovar <fernando.tovar@lacity.org>

867 W. 10th Street - WTF Component of Small Lot Subdivision (VTT-8296 & ZA-2018-6316-DB-CUW)

6 messages

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Fri, Jul 12, 2019 at 12:05 PM

Mr. Tovar:

Per my message earlier last week, please find additional findings related to the wireless facility proposed for the 867 W. 10th Street project site.

As identified at the hearing, and again in the attached findings, the "20-percent setback" identified in the Los Angeles Municipal Code [LAMC 12.22 A.20 (2)(i)] is provided for monopoles and is identified given it identifies a "safe distance" related to monopole structural failure/collapse. As this site is not requesting approval for a monopole, this safety factor is not required. A building permit will be required to permit the construction of the WTF element on-site, and as part of that submittal appropriate structural review will take place. This review will verify that the building is in keeping with current L.A. Building Code provisions. In this way, the 20-percent setback is not required for this installation as the LADBS review will confirm compliance with the Building Code. Other setbacks (inc. those for landscape, etc.) are addressed in greater detail in the attached findings.

As part of the attached, we have included a new copy of the propagation study and an updated letter from Eukon (Sprint's consultant) with regard to the reasons this site is superior to others in the immediate area given service levels and proximity to active sites (such as parks, schools, etc.). We have been included those elements in the attached findings, for your use and/or review.

If you have any additional questions, comments, or concerns please do not hesitate to contact us on this matter.

Hope all is well.

JL

Jonathan Lonner
BURNS & BOUCHARD, INC.
9619 National Blvd.
Los Angeles, CA 90034


(310) 802-4261 (office)

(310) 802-4262 (direct)

3 attachments

 **LA99XT733[2].pptx**
1539K

 **Sprint Coverage Letter LA99XC733 7-7-19[1].doc**
418K

 **CUW Findings (Updated) [FINAL].pdf**
75K

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:39 PM

Hi Jonathan, the elevations and renderings show the height of the proposed tower but not the width of the tower or the height or width of the attached structure (which I assume will contain associated equipment). I noticed in the updated findings you submitted that the base of the tower is 27' x 12' and will taper to 12' x 12'. Can you submit the following information please:

- 1) Detailed elevations of just the tower and any attached structures or equipment cabinets showing height and massing from all four sides with dimensions showing height and width of the base (where its 27' x 12') and dimensions for height and width where it transitions to 12' x 12'.
- 2) An enlarged or more detailed site plan for the rear portion showing distance/setbacks between both the the base and the tapered portion of the tower to the exterior walls of the three nearest dwelling units on Lots 9, 15 & 5 and distance of the base and tower to the alley property line.
- 3) Location, dimension and specs of proposed landscaped planters around the base of the tower.
- 4) Photo simulations showing existing views without the tower and with the tower from 10th Street, the adjoining alley and 11th Street.

This would be extremely helpful,

Thanks,

Fernando

[Quoted text hidden]

--



**Fernando Tovar, Associate Zoning
Administrator**
Department of City Planning
T: (213) 978-1303 |
200 N. Spring St., Room 763
Los Angeles, CA. 90012

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:46 PM

Jonathan, minor correction to my last e-mail, I meant to reference Lots 9, 10 and 5 under Item 2, not Lot 15.

On Fri, Jul 12, 2019 at 12:05 PM Jonathan Lonner <jlonner@burnsbouchard.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Thu, Aug 15, 2019 at 6:47 PM

Working on it ...

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From: Fernando Tovar <fernando.tovar@lacity.org>
Sent: Thursday, August 15, 2019 6:46:34 PM
To: Jonathan Lonner <jlonner@burnsbouchard.com>
Subject: Re: 867 W. 10th Street - WTF Component of Small Lot Subdivision (VTT-8296 & ZA-2018-6316-DB-CUW)

[Quoted text hidden]

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Fri, Aug 16, 2019 at 12:37 PM

Thank you. Also, can you furnish a copy of the lease agreement between the church and the wireless carrier.

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Mon, Sep 16, 2019 at 11:49 AM

Fernando:

I apologize for the delay on these exhibits.

I wanted to send them all in one package, and we've had some scheduling issues with the architect on this job.

I hope to have these to you ASAP.

Again, I apologize for the delay.

JL

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Sent: Thursday, August 15, 2019 6:39 PM
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Fernando Tovar <fernando.tovar@lacity.org>

867 W. 10th Street - WTF Component of Small Lot Subdivision (VTT-8296 & ZA-2018-6316-DB-CUW)

7 messages

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Fri, Jul 12, 2019 at 12:05 PM

Mr. Tovar:

Per my message earlier last week, please find additional findings related to the wireless facility proposed for the 867 W. 10th Street project site.

As identified at the hearing, and again in the attached findings, the "20-percent setback" identified in the Los Angeles Municipal Code [LAMC 12.22 A.20 (2)(i)] is provided for monopoles and is identified given it identifies a "safe distance" related to monopole structural failure/collapse. As this site is not requesting approval for a monopole, this safety factor is not required. A building permit will be required to permit the construction of the WTF element on-site, and as part of that submittal appropriate structural review will take place. This review will verify that the building is in keeping with current L.A. Building Code provisions. In this way, the 20-percent setback is not required for this installation as the LADBS review will confirm compliance with the Building Code. Other setbacks (inc. those for landscape, etc.) are addressed in greater detail in the attached findings.

As part of the attached, we have included a new copy of the propagation study and an updated letter from Eukon (Sprint's consultant) with regard to the reasons this site is superior to others in the immediate area given service levels and proximity to active sites (such as parks, schools, etc.). We have been included those elements in the attached findings, for your use and/or review.

If you have any additional questions, comments, or concerns please do not hesitate to contact us on this matter.

Hope all is well.

JL


Jonathan Lonner
BURNS & BOUCHARD, INC.
9619 National Blvd.
Los Angeles, CA 90034

(310) 802-4261 (office)

(310) 802-4262 (direct)

3 attachments

 **LA99XT733[2].pptx**
1539K

 **Sprint Coverage Letter LA99XC733 7-7-19[1].doc**
418K

 **CUW Findings (Updated) [FINAL].pdf**
75K

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:39 PM

Hi Jonathan, the elevations and renderings show the height of the proposed tower but not the width of the tower or the height or width of the attached structure (which I assume will contain associated equipment). I noticed in the updated findings you submitted that the base of the tower is 27' x 12' and will taper to 12' x 12'. Can you submit the following information please:

- 1) Detailed elevations of just the tower and any attached structures or equipment cabinets showing height and massing from all four sides with dimensions showing height and width of the base (where its 27' x 12') and dimensions for height and width where it transitions to 12' x 12'.
- 2) An enlarged or more detailed site plan for the rear portion showing distance/setbacks between both the the base and the tapered portion of the tower to the exterior walls of the three nearest dwelling units on Lots 9, 15 & 5 and distance of the base and tower to the alley property line.
- 3) Location, dimension and specs of proposed landscaped planters around the base of the tower.
- 4) Photo simulations showing existing views without the tower and with the tower from 10th Street, the adjoining alley and 11th Street.

This would be extremely helpful,

Thanks,

Fernando

[Quoted text hidden]

--



**Fernando Tovar, Associate Zoning
Administrator**
Department of City Planning
T: (213) 978-1303 |
200 N. Spring St., Room 763
Los Angeles, CA. 90012

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:46 PM

Jonathan, minor correction to my last e-mail, I meant to reference Lots 9, 10 and 5 under Item 2, not Lot 15.

On Fri, Jul 12, 2019 at 12:05 PM Jonathan Lonner <jlonner@burnsbouchard.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Thu, Aug 15, 2019 at 6:47 PM

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[Quoted text hidden]

Fernando Tovar <fernando.tovar@lacity.org> Mon, Sep 16, 2019 at 5:34 PM
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Not a problem. Thanks for the update.

[Quoted text hidden]

CUW FINDINGS

847-879 W. 10TH STREET

The Applicant is requesting a Conditional Use approval for a Wireless Telecommunication Facility pursuant to LAMC Section 12.24 W.49. This application requires the following findings for approval to be made:

I. Describe how 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.

An existing Wireless Telecommunication Facility (WTF) is situated on the rooftop of an existing church building at a height of approx. 53-feet. This building will be demolished to allow for the construction of a new 19-unit Small Lot Subdivision project. A component of the proposed project is to permanently relocate this WTF to a new structure. This structure will be designed in keeping with the overall aesthetic of the Small Lot Subdivision, utilizing design elements from other coastal typologies, most notably, the lighthouse. (The WTF will be temporarily relocated on-site during construction.)

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the Propagation Study (Page 2) the site is located at the center of an area of "good" service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to "redundant and overlapping" service areas, and would diminish the overall network service area identified.

Additionally, relocation of the site within the San Pedro community is difficult. This area of the community is nearly 95-percent residential (as reflected in Eukon Group's letter). In these types of locations, Eukon looks for the most beneficial site location, weighted with a sensitivity of its placement. Given the need for this site's service coverage area, any relocating of this site would be located within a couple blocks of the subject site, and would face similar site location issues. As there is an existing wireless facility on this site, and since its approval there have been no issues related to its installation or maintenance, the

continued use of this site as a WTF, along with the shielded design proposed, will perform a function or provide a service that is essential or beneficial to the community, city or region. As such, the maintenance of a WTF on this site is desirable to the public convenience and welfare.

II. Explain why 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 subject site is located in the Central San Pedro neighborhood, and within the RD2-1XL zone. Unlike other land uses which can be spatially determined through the General Plan or other land use plans, the location of WTF is based on technical requirements that include service areas, geographical elevations, alignment with neighboring sites, and customer demand components. Accordingly, WTF are currently located adjacent to and within all types of residential zones throughout the City of L.A., County of L.A., and state of California.

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the Propagation Study (Page 2) the site is located at the center of an area of "good" service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to "redundant and overlapping" service areas, and would diminish the overall network service area identified.

In its current configuration, the subject site is currently developed with a church building and associated surface parking lot. The proposed project includes the demolition of the site, subdivision of land into 20 individual lots, and the construction of a new, 19-dwelling Small Lot Subdivision project. Surrounding uses are similarly zoned, and are developed with a mixture of single-family dwellings to mid-density apartment buildings.

The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All

wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the portion of the tower exceeding the height limit of both the underlying zone and height of the proposed Small Lot Subdivision is only 12-feet by 12-feet.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

As designed and proposed, this WTF will not generate noise, fumes, or traffic and the proposed project will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

III. Explain why project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The San Pedro Community Plan designates the property for Low-Medium II Density Residential use. The property is not located within the area of any Specific Plan or interim control ordinance. The San Pedro Community Plan does not specifically enumerate WTF installation policies, however the LAMC authorizes a Zoning Administrator to grant the requested Conditional Use on parcels such as the subject site. As described above, the resituating of the permanent WTF does not have any detrimental impact on nearby properties. The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, and therefore the Applicant's request is consistent with the various elements and objectives of the General Plan.

IV. Describe how the project is consistent with the general requirements of the WTF standards set forth in Section 12.21 A.20 of the LAMC in a manner that balances the benefit of the project to the public with the facility's technological constraints, design, and location, as well as any other relevant factors.

LAMC Section 12.21 A.20 was implemented primarily with the intent of preventing new monopole structures from degrading and adversely affecting adjacent and nearby properties during a time period where expansion of wireless cellular networks was occurring at a rapid pace, and installing the greatest number of wireless towers at the cheapest cost was of great interest to wireless telecommunications companies. The applicant believes that replacing the existing rooftop-mounted wireless facility with a facility located within a fully-enclosed tower not only meets, but exceeds, the intent of LAMC Section 12.21 A.20.

However, the reconfiguration of the existing wireless telecommunications facility does not

include the location of either a *monopole*. Meriam Webster defines a *monopole* as “a radio antenna consisting of a single often straight element.” The Oxford dictionary defines a *monopole* as “a radio aerial or pylon consisting or a single pole or rod.” The proposed wireless facility is neither of these. The proposed facility is a structure, designed and constructed in keeping with current Los Angeles Building Code requirements. Wireless equipment will be installed within this structure (not roof-mounted), and will be housed within a fully-enclosed tower.

Additionally, the LAMC identifies that certain spacing requirements should be adhered to (i.e. 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.) This setback provision is specifically for monopole structures given that the pole itself has the potential for “structural failure” or “collapse.” This 20-percent can be waived via the provision of a submittal from a structural engineer identifying that “any collapse will occur within a lesser distance under all foreseeable circumstances.” Given that this setback is related to “collapse” of a monopole, and not with regard to the structural stability of a building it is not applicable to this specific installation. *[A statement within the approval identifying that the wireless tower requires a building permit to be issued by the Los Angeles Department of Building & Safety should provide a similar level of certainty that the structure complies with code.]*

Although the proposed WTF is not a monopole structure, the project as designed attempts to incorporate many of the screening requirements the LAMC imposes on monopole structures.

The following findings are included to corroborate the proposal’s compliance with LAMC Section 12.21 A.20:

LAMC Section 12.21 A.20 (a)(1) enumerates regulations to ensure monopole structures are structurally sound and at no risk of collapse. Housing the wireless facility within a fully-enclosed tower structure is consistent with the intent of this section, as the proposal will be subject to standard building codes and regulations ensuring integrity of the structure. The proposed wireless telecommunications facility is not under the jurisdiction of the FAA and does not incorporate a reflective finish on the structure.

LAMC Section 12.21 A.20 (a)(2)(i) specifies setback requirements for monopole structures. As discussed above, the proposed wireless telecommunications facility is not a monopole. The wireless facility is proposed to be situated within a small lot subdivision, on a rectangular lot with dimensions of 25-feet in width and 60.2-feet in depth. This subject lot is within the RD2-1XL zone, and abuts an alley to the south and other similarly-zoned lots to the north, east, and west, all to be improved with small lot dwelling units. Pursuant to LAMC Section 12.22 C.27 (a)(6), no front, side, or rear yards are required between interior lot lines created within an approved small lot subdivision. Additionally, LAMC Section 12.22 C.27 (a)(8)(ii)(b) specifies that in instances when the rear lot line of the perimeter of

the subdivision abuts an alley, a 5-foot setback shall be provided from the property line (9.2-feet proposed). Therefore, the wireless tower structure complies with the setback requirements of the underlying zone.

Given that the “20-percent setback” does not apply to this installation, and the setbacks for this lot are being complied with through the project’s overarching Small Lot Subdivision, the remaining setbacks required are intended to minimize visual impact of the WTF. This installation must comply with the following code sections: LAMC Section 12.21 A.20 (a)(2)(i) states that provided setbacks “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 this subsection, and (b) protect the privacy of adjoining residential property, and (c) protect adjoining property from the potential impact of pole failure.”

As identified on the applicant’s landscape plan, the project will provide adequate landscape and hardscape screening and plantings. Therefore the setbacks, as provided, comply with the underlying zone, and are sufficient to meet the intent of the LAMC’s reasoning for providing yard requirements for wireless telecommunications facilities.

LAMC Section 12.21 A.20 (a)(2)(ii) specifies siting requirements for rooftop wireless facilities, which are *not applicable* to the proposal.

LAMC Section 12.21 A.20 (a)(3) compels wireless telecommunications facilities to be placed at locations with existing facilities already on-site. *The subject site complies.* It already has an operating wireless telecommunications facility, and this facility is proposed to be relocated on the subject site.

LAMC Section 12.21 A.20 (a)(4) states that wireless facilities shall be designed to have the least possible visual impact. The existing rooftop facility is located on a legal nonconforming structure. The subject site is located in Height District 1XL, which imposes a height limit of 30-feet for all lots in the RD2 zone.

The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the required additional height beyond the height limit is only 12-feet by 12-feet. It is only this portion that will exceed the height of the proposed Small Lot Subdivision.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

The applicant believes that the proposed tower structure, designed to emulate a lighthouse and using the same building materials as the remainder of the proposed development, is the least visually impactful way to replace this wireless facility.

LAMC Section 12.21 A.20 (a)(5)(i) specifies regulations for ground, roof, and pole mounted antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(ii) specifies regulations for dish antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(iii) specifies regulations for building-mounted antennas. As required by this section, all antenna equipment is fully-enclosed within the proposed tower structure and the equipment is not visible to adjacent properties and rights-of-way. The screening device incorporates architectural elements to integrate the wireless facility into the overall development project, including utilizing the same building materials as the other proposed small lot homes and implementing a single landscaping plan that is consistent over all 20 lots in the subdivision.

LAMC Section 12.21 A.20 (a)(5)(iv) specifies regulations for support structure antennas. The proposal includes no support structure antennas as the wireless facility shall be situated within a fully-enclosed tower. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(v) specifies regulations for accessory equipment. All accessory equipment will be located within the fully-enclosed tower structure and not visible to either adjacent properties or adjacent rights-of-way.

LAMC Section 12.21 A.20 (a)(5)(vi) specifies regulations for monopole structure tapering, which is *not applicable*.

LAMC Section 12.21 A.20 (a)(6) specifies landscaping regulations for wireless facilities. The proposal includes landscaping provided to the standards of LAMC Section 12.21 A.20 (a)(6)(i) to the east of the proposed tower. LAMC Section 12.24 W.49 authorizes the Zoning Administrator to allow the use of an alternate detailed plan and specifications for landscaping and screening. In this instance, the proposed project includes the subdivision of land for a Small Lot Subdivision and is therefore subject to the provisions of the Small Lot Design Guidelines. Consequently, certain regulations are imposed on the proposed lots which have implications on wireless tower screening mechanisms. This includes identifying the location of all trash enclosures and public access easements. Trash enclosures are an unfortunate necessity along alleyways – in this case, they are proposed to be situated between the wireless tower and the property line. This allows the base of the tower to be obscured by enclosures that are typically expected to be located along an alley,

rather than the open exposure of the base of a concealed wireless facility, which are not as commonplace. Additionally, the landscaping, required pedestrian accessways, and required guest parking spaces are situated to the west of the tower, which results in a variety of non-sensitive buffering uses to cohabitate the lot with the wireless tower.



7-7-19

Sprint Site LA99XC733
867 W. 19th St. San Pedro

To Whom this may Concern;

This Sprint site at 867 10th St. is critically important to Sprint network. As you can see by the attached PowerPoint deck, this site covers a large swath of this primarily residential area of San Pedro. In addition to cell phone coverage it also provides the 911 emergency coverage for all Sprint customers.

You can see by the "without" coverage map, there is a huge hole in the coverage in this area. You see the "with" coverage map and see how much this site covers from this location.

This area of San Pedro is nearly 95% residential, both single family and multi-unit. This dramatically reduces the number of potential candidates to house this Sprint Site. There are some properties to the west, but they are clubs or fields where children are present and we do our absolute best to avoid these properties. They are too close to existing Sprint sites as well and would be redundant and overlapping and not provide the coverage the existing location on 10th St. provides.

Chip Clustka
Site Acquisition on behalf of Sprint

EukonGroup

a SFC Communications, Inc. company
630 South Grand Ave, Suite 101
Santa Ana, CA 92705

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Sprint LA Metro LTE1900 Coverage **LA99XT733**

October 7, 2019

#gettingbettereveryday

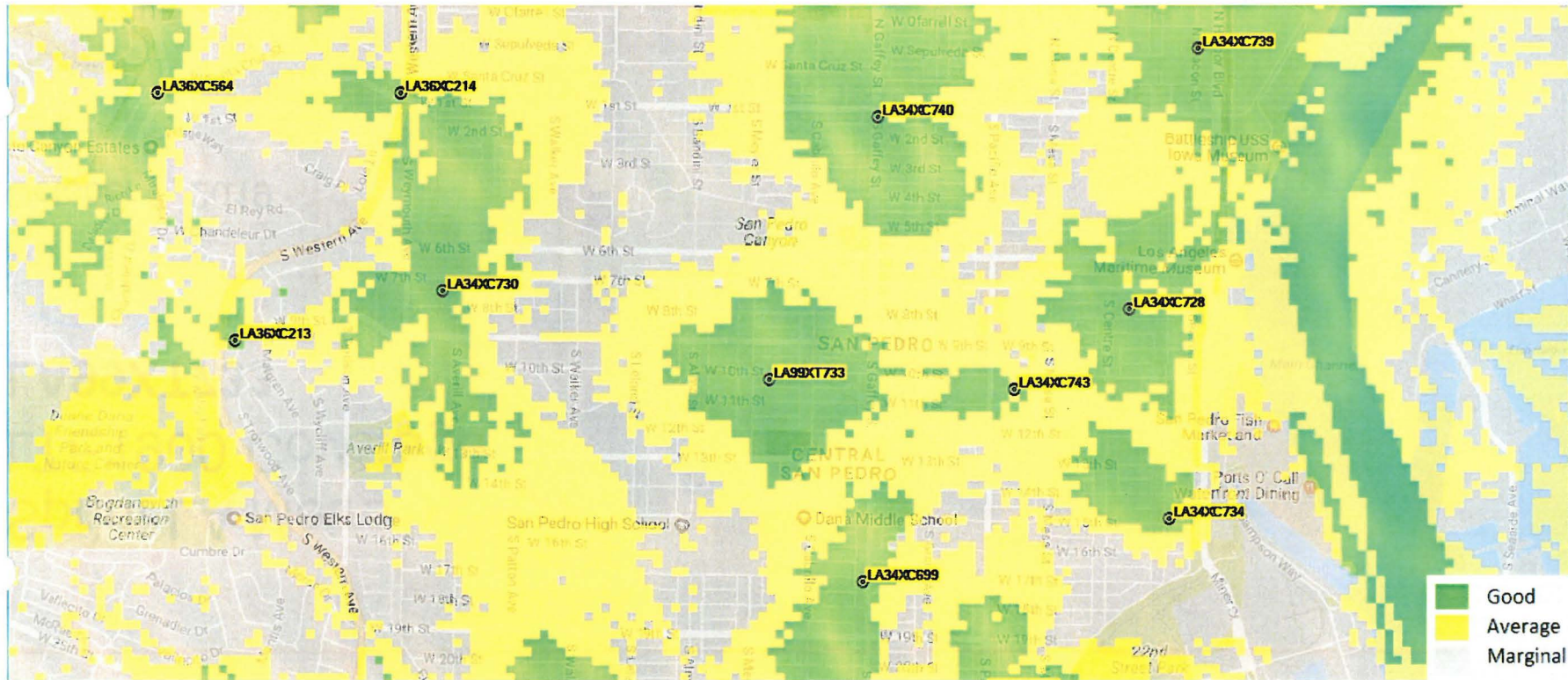
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Version Date: 01/05/16
10/7/2019 3:16 PM

Coverage with LA99XT733



Sprint

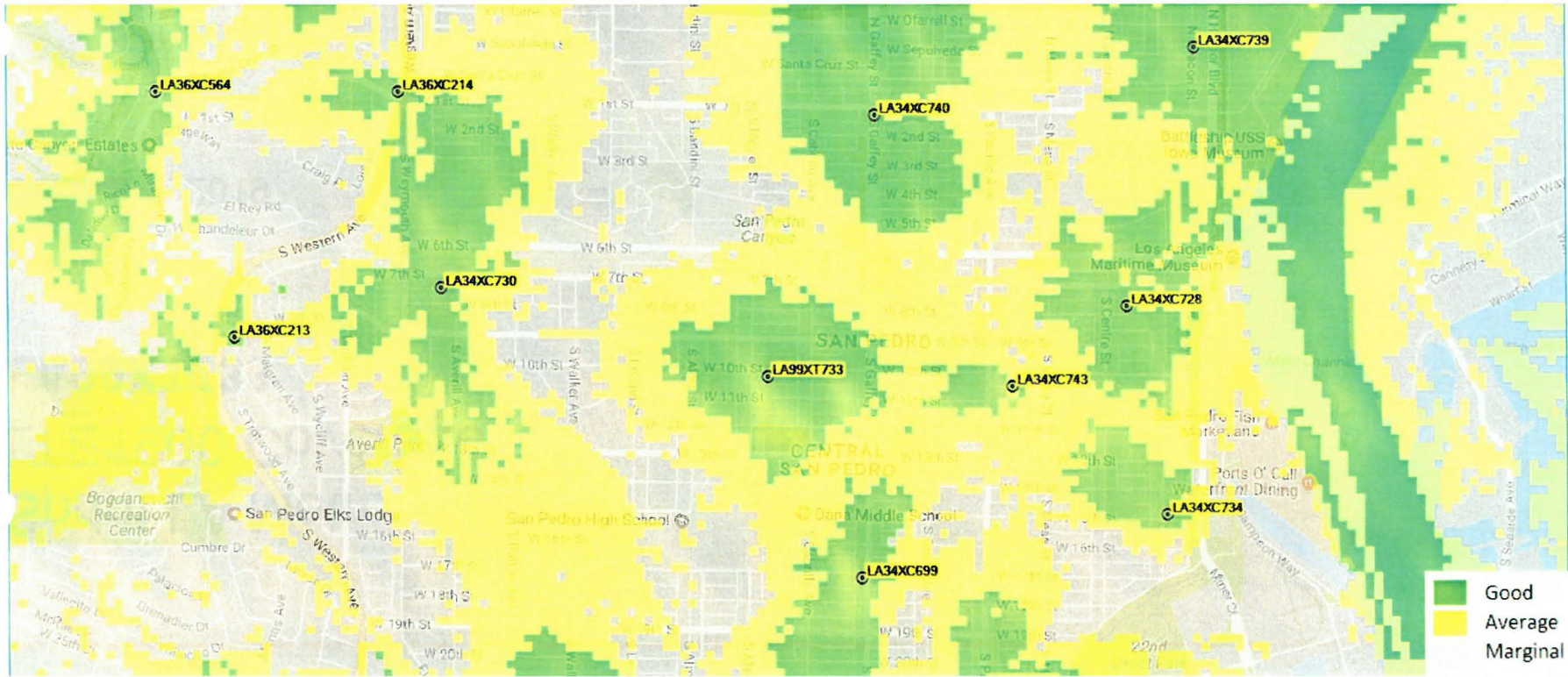


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Coverage with LA99XT733



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Sprint LA Metro LTE1900 Coverage LA99XT733

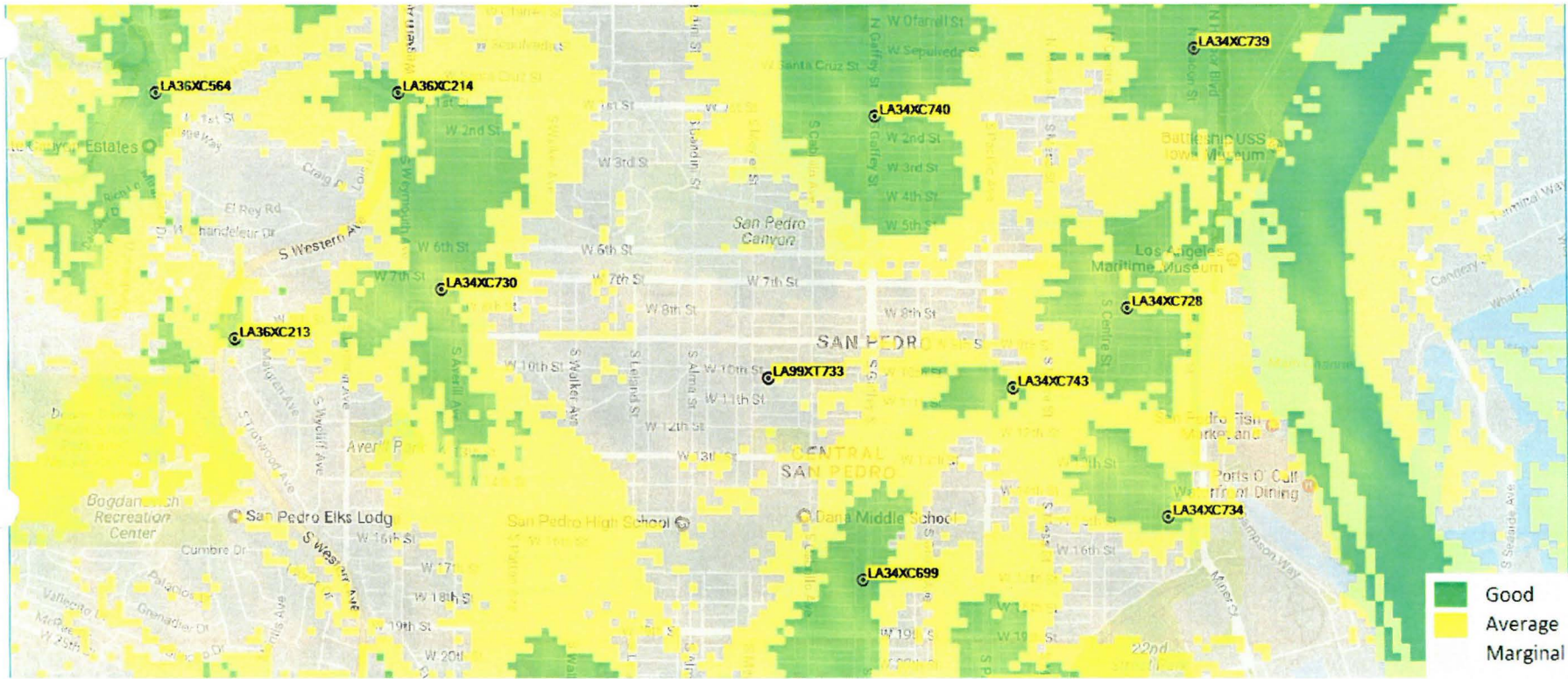
October 7, 2019

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Coverage without LA99XT733

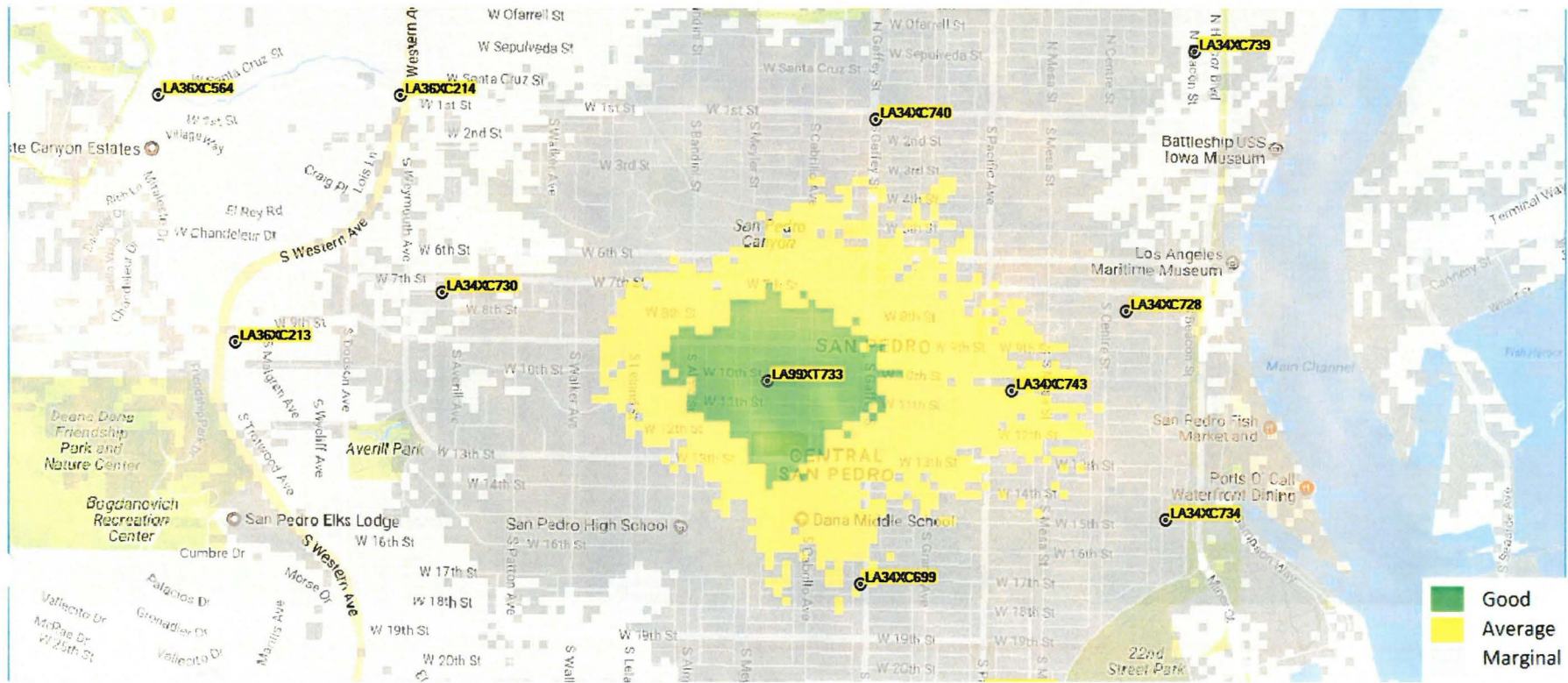


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10/7/2019 3:16 PM

Single Site Coverage of LA99XT733

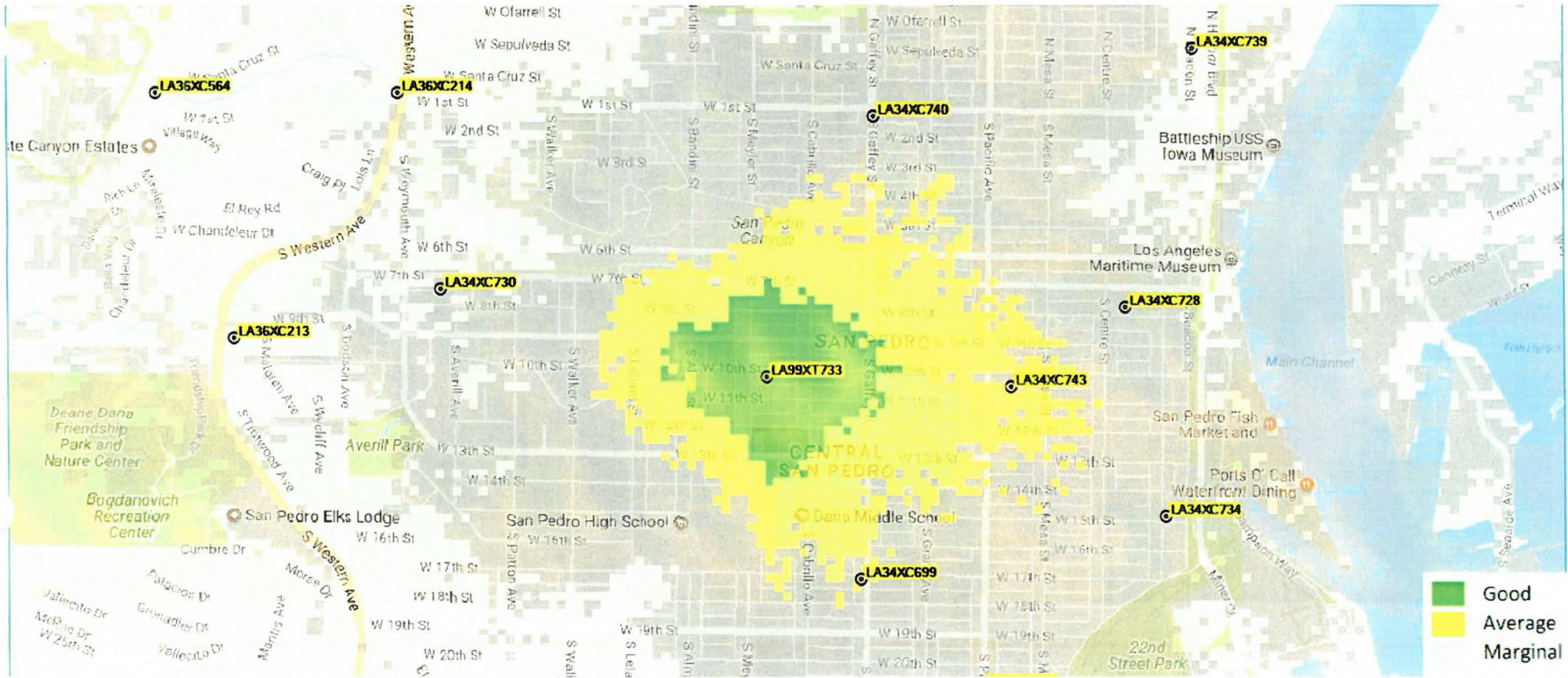


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Single Site Coverage of LA99XT733

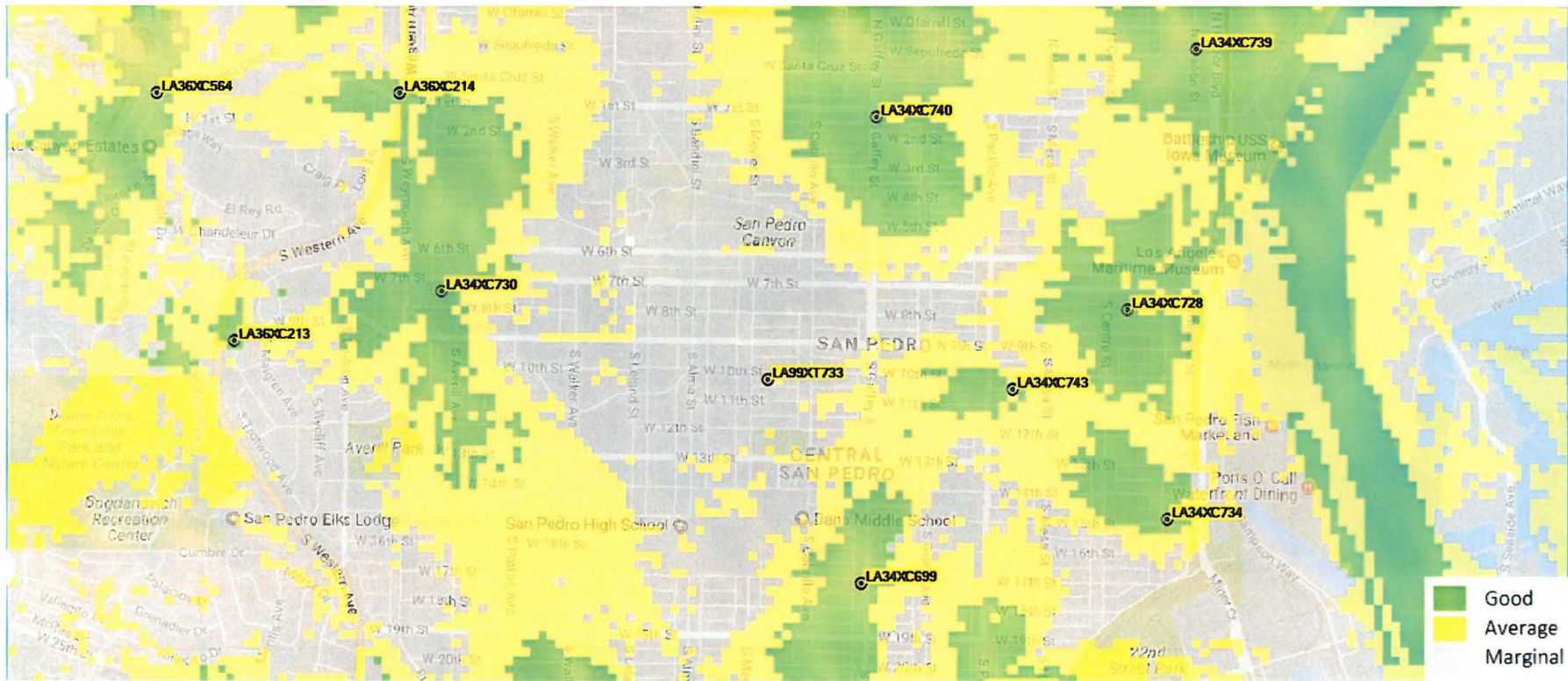


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Coverage without LA99XT733



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10/7/2019 3:16 PM



Sprint LA Metro LTE1900 Coverage LA99XT733

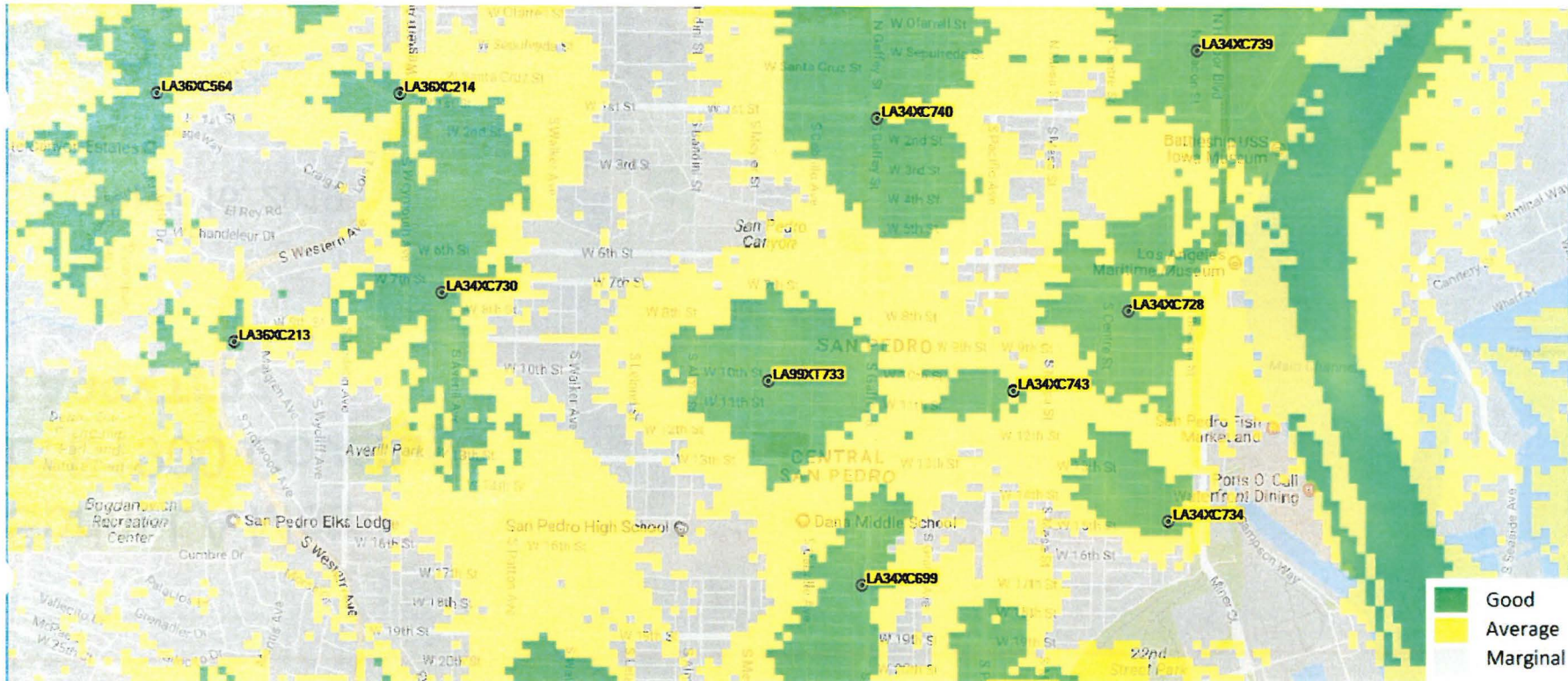
September 16, 2019

#gettingbettereveryday

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Template Version: 16:9GBED1.2
Version Date: 01/05/16
9/16/2019 5:33 PM

Coverage with LA99XT733

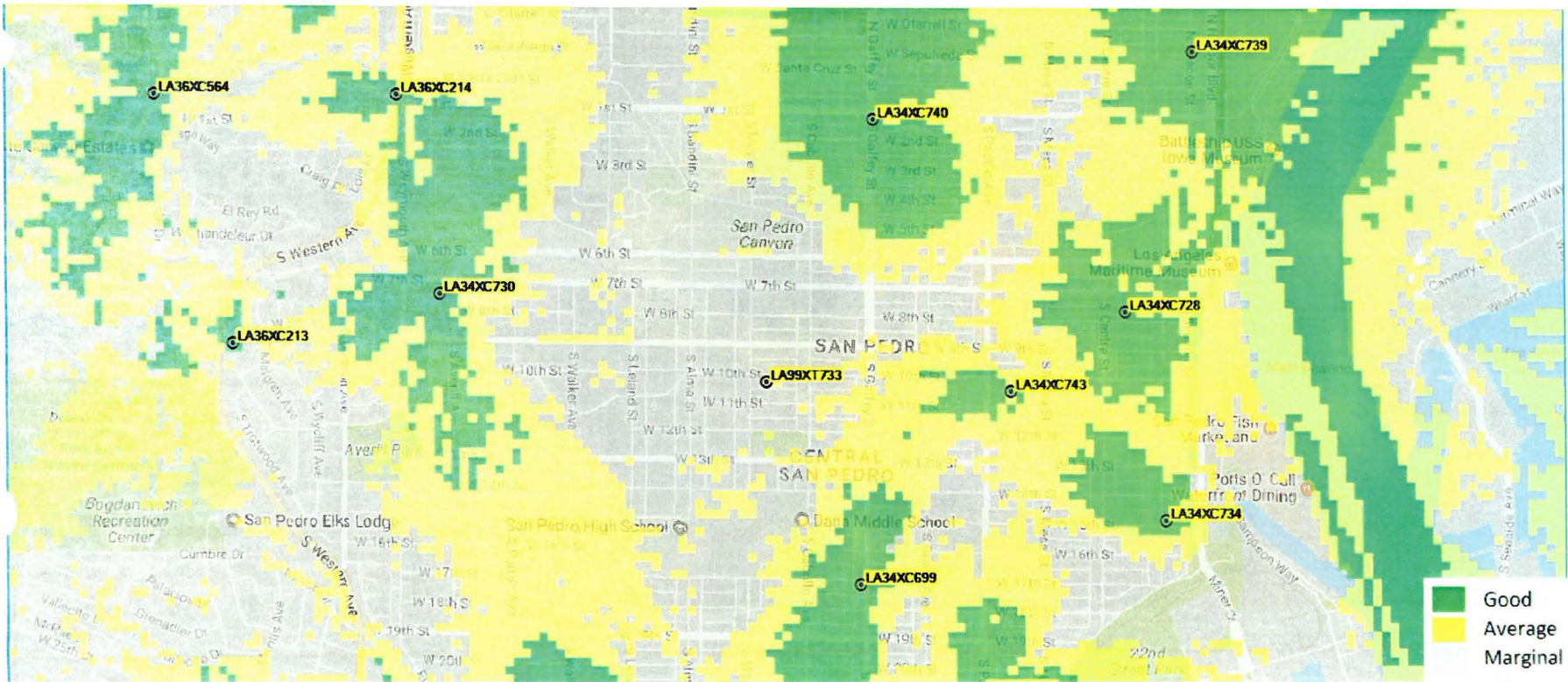


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Template Version: 16:9GBED1.2
Version Date: 01/05/16
9/16/2019 5:33 PM

Coverage without LA99XT733

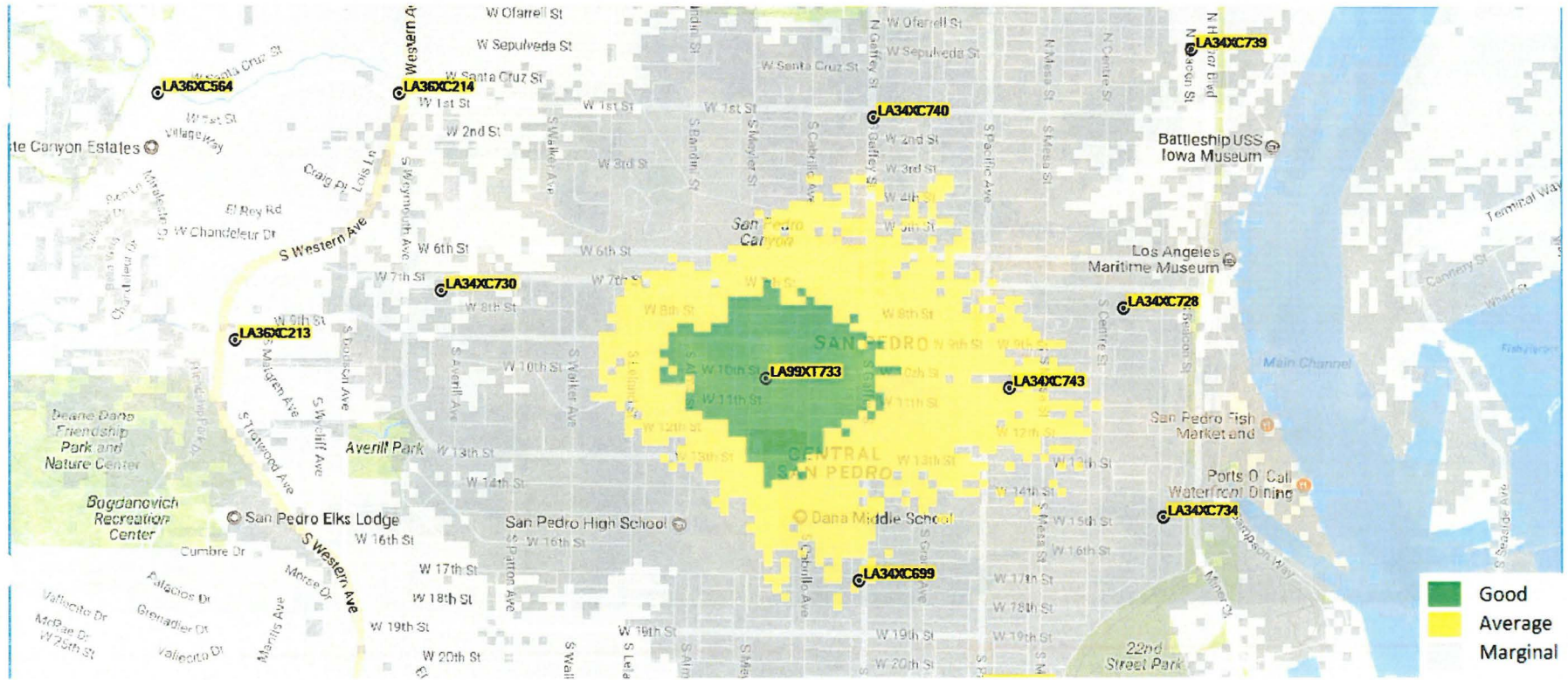


#gettingbettereveryday

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Template Version: 16:9GBED1.2
Version Date: 01/05/16
9/16/2019 5:33 PM

Single Site Coverage of LA99XT733



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Template Version: 16:9GBED1.2
Version Date: 01/05/16
9/16/2019 5:33 PM



Sprint


(310) 802-4261 (office)

(310) 802-4262 (direct)

3 attachments

 **LA99XT733[2].pptx**
1539K

 **Sprint Coverage Letter LA99XC733 7-7-19[1].doc**
418K

 **CUW Findings (Updated) [FINAL].pdf**
75K

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:39 PM

Hi Jonathan, the elevations and renderings show the height of the proposed tower but not the width of the tower or the height or width of the attached structure (which I assume will contain associated equipment). I noticed in the updated findings you submitted that the base of the tower is 27' x 12' and will taper to 12' x 12'. Can you submit the following information please:

- 1) Detailed elevations of just the tower and any attached structures or equipment cabinets showing height and massing from all four sides with dimensions showing height and width of the base (where its 27' x 12') and dimensions for height and width where it transitions to 12' x 12'.
- 2) An enlarged or more detailed site plan for the rear portion showing distance/setbacks between both the the base and the tapered portion of the tower to the exterior walls of the three nearest dwelling units on Lots 9, 15 & 5 and distance of the base and tower to the alley property line.
- 3) Location, dimension and specs of proposed landscaped planters around the base of the tower.
- 4) Photo simulations showing existing views without the tower and with the tower from 10th Street, the adjoining alley and 11th Street.

This would be extremely helpful,

Thanks,

Fernando

[Quoted text hidden]

--



**Fernando Tovar, Associate Zoning
Administrator**
Department of City Planning
T: (213) 978-1303 |
200 N. Spring St., Room 763
Los Angeles, CA. 90012

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Thu, Aug 15, 2019 at 6:46 PM

Jonathan, minor correction to my last e-mail, I meant to reference Lots 9, 10 and 5 under Item 2, not Lot 15.

On Fri, Jul 12, 2019 at 12:05 PM Jonathan Lonner <jlonner@burnsbouchard.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Thu, Aug 15, 2019 at 6:47 PM

Working on it ...

Get [Outlook for iOS](#)

From: Fernando Tovar <fernando.tovar@lacity.org>

Sent: Thursday, August 15, 2019 6:46:34 PM

To: Jonathan Lonner <jlonner@burnsbouchard.com>

Subject: Re: 867 W. 10th Street - WTF Component of Small Lot Subdivision (VTT-8296 & ZA-2018-6316-DB-CUW)

[Quoted text hidden]

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Fri, Aug 16, 2019 at 12:37 PM

Thank you. Also, can you furnish a copy of the lease agreement between the church and the wireless carrier.

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Mon, Sep 16, 2019 at 11:49 AM

Fernando:

I apologize for the delay on these exhibits.

I wanted to send them all in one package, and we've had some scheduling issues with the architect on this job.

I hope to have these to you ASAP.

Again, I apologize for the delay.

JL

From: Fernando Tovar <fernando.tovar@lacity.org>
Sent: Thursday, August 15, 2019 6:39 PM
To: Jonathan Lonner <jlonner@burnsbouchard.com>
Subject: Re: 867 W. 10th Street - WTF Component of Small Lot Subdivision (VTT-8296 & ZA-2018-6316-DB-CUW)

[Quoted text hidden]

Fernando Tovar <fernando.tovar@lacity.org>
To: Jonathan Lonner <jlonner@burnsbouchard.com>

Mon, Sep 16, 2019 at 5:34 PM

Not a problem. Thanks for the update.

[Quoted text hidden]

Jonathan Lonner <jlonner@burnsbouchard.com>
To: Fernando Tovar <fernando.tovar@lacity.org>

Mon, Sep 23, 2019 at 10:13 AM

Fernando:

As discussed last week (and to supplement the plans/exhibits requested by your office), I have attached a diagram of the wireless structure and the lease documentation associated with the wireless use on this site. The attached diagram includes dimensions of all the distances you requested. (A clearer hardcopy will be delivered to your office later today.)

The lease documents attached include the original lease executed in 2006, and the recorded memorandum identifying the extensions of the lease through 2056.

If you need any additional items, please do not hesitate to contact me with any questions, comments or concerns.

Hope all is well.


JL


Jonathan Lonner
BURNS & BOUCHARD, INC.
9619 National Blvd.
Los Angeles, CA 90034

(310) 802-4161 (office)
(310) 802-4262 (direct)

3 attachments

 **867 W. 10 Street - Wireless Structure Exhibit.pdf**
211K

 **853194_Recorded Memorandum of Lease with Rock Solid and WCP.pdf**
303K

 **853194_Sprint Cell Lease with Rock Solid Church.pdf**
3456K

June 24, 2019

David Foley
665 25th Street
Manhattan Beach, CA 90266

Ms. Renata Ooms, City Planning Associate
200 North Spring Street, Room 763
Los Angeles, CA 90012

Dear Ms. Ooms,

This correspondence is in reference to Case VTT-82296-SL.

I am the owner of the property at 835 West 10th Street, which is located two doors East of the proposed project. Unfortunately, I will be traveling and unable to attend the Wednesday June 26 meeting, but would like to express my serious concerns with this project here for the Agency's consideration.

First, I object to locating a 53 foot wireless antenna array on the proposed new construction. This is represented by the applicant as a simple replacement of an existing 52 foot 4 inch wireless facility, but to the best of my knowledge this is not accurate. As can be seen in photographs taken June 20th, 2019 in Annex A, the structure has no visible 52 foot wireless facility, and all structures on the roof appear to be well below this height.

Locating a 53 foot tall wireless antenna array, however cleverly disguised, is not in character of this quiet residential neighborhood. Most homes in this area are single story as shown in street views in Annex B, so this proposed wireless facility will tower over the homes by approximately 35 feet.

I'm also very concerned about the safety of residents due to RF radiation from this cell site. Several of the local residents are retired or taking care of small children (including the property immediately adjacent to the East), and will therefore be exposed radiation in close proximity on a near continuous basis. I know the science in this area is somewhat inconclusive, but locating a wireless facility in this residential neighborhood doesn't seem smart when commercial locations on Gaffey Street are just two blocks away.

I therefore respectfully request that the 53 foot wireless facility be denied based on the applicants likely misrepresentation of facts to the Agency, as well as the above aesthetic and safety concerns.

VTT-82296-SL

ZA-2018-6316-DB-CUW

Second, while I acknowledge the proposed project's height and density may be allowed by code when including the low income density bonus, I'd like to plead to the Agency's discretion to force further restrictions on both height and density. As stated above and shown in Annex B, most of the homes in this area are single story. Proposed structures of 36 feet 9 inches will dramatically change the character of this neighborhood.

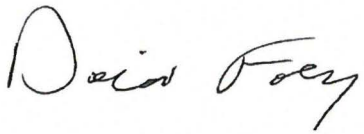
Similarly, the proposed density is way out of character for the existing neighborhood where most of the homes are single family or duplexes. Building the equivalent of 6 units per lot is a huge and dramatic change in the character of this area.

The density of this project will also create problems with street parking. While I am aware that each proposed unit includes a two car garage, I think we all know that most Californians store their personal belongings in their garages and park elsewhere if given the option. For this exact reason, street parking is already very challenging in this area. Adding the equivalent of up to 40 additional cars competing for this same limited resource will be an enormous detriment to the quality of life of existing and future residents.

I plead the Agency's understanding and authority in this area and request mitigation of both the height and density of this proposed project.

Thank you for your consideration.

Sincerely,



David Foley

12-09559-770
SA-5018-210-8100-CNM

Annex A – Existing Church is large white structure

View from the West



View from the South



View from the East



View from the North



Appendix B – Street Views

Single Story Duplex property immediately adjacent to proposed project to the West



**Single Story SFU property immediately adjacent to the proposed project to the East
(Elderly woman live here)**



Single Story SFU homes directly across the street from the proposed project



Single Story SFU homes across the street to the East from the proposed project



Properties on same side of street further East (mine on the right)





Renata Ooms <renata.ooms@lacity.org>

Fwd: 847 W 10th Street

Jojo Pewsawang <jojo.pewsawang@lacity.org>
To: Renata Ooms <renata.ooms@lacity.org>

Mon, Jun 17, 2019 at 10:01 AM

----- Forwarded message -----

From: **Andreas Tillmann** <andreas90731@gmail.com>
Date: Fri, Mar 22, 2019 at 1:12 PM
Subject: Re: 847 W 10th Street
To: Jojo Pewsawang <jojo.pewsawang@lacity.org>

Hi JoJo,
Thanks for passing on the information about the proposed development.

I started meeting with neighbors this week to discuss this and will be meeting with more over the weekend and coming weeks. I passed the SLS submit package as well as your email address on during those meetings, so folks can contact you directly as well. Below are my concerns, which without exception, all neighbors I have spoke to so far to shared. Please add these to the public record for this and let me know for when a public hearing / meeting is scheduled. Thanks!

Concerns with proposed development at 847 W. 10th St. San Pedro and Zoning Variance. Case Number ZA-2018-6316-DB-CUW

While I generally believe development is a good thing and the current old church building is not prettiest building in the neighborhood (so being replaced with something suitable would help the neighborhood), **I vehemently oppose the proposed development in it's current form. My concerns fall into two broad categories.**

1. Increase in neighborhood density in an immediate area that is already tightly packed with existing apartments, condos and multi-family units. I created a density map of the street block and the areas right next to it, please find it attached as a jpg (I can also send as pdf if needed). For many of the larger apartment buildings I was able to determine the amount of units they contain so I noted those. For the other ones, I used a color coding system, see legend of map. As the map will show you, the immediate vicinity of the proposed development (radius of 250 feet – and especially the intersection of 10th and Meyler St.) is already almost all then apartment / condo buildings. Adding any more dense developments will change the character of the neighborhood beyond recognition to a place where one feels it's exclusively a apartment area. Especially something like the proposed that is in essence 3 stories high counting the garage / bottom level (this is due to the 11 feet in additional height). Also, while I understand that new developments need to provide parking, the reality is that many families these days have more then 2 cars and parking in this neighborhood is already at a premium / hard to find after 5pm.

2. Inappropriate industrial / commercial equipment in a residential neighborhood. The proposed plan includes a 50 foot cell tower (referred to as "on site wireless facility") in a residential neighborhood. This hulking tower will destroy the residential feel of the neighborhood. It is even taller then the already high-rise like proposed buildings. I'm aware that there currently is a wireless facility on site, but the fact is that this is located on the roof of the current building and is low slung (it is not a tall tower). It is not visible from most spots in the neighborhood, so has virtually no impact.

My neighbors and I are asking the office of the city planner and any other government / public agency involved to NOT allow as part of a zoning variance or through any other application processes the following:

- A wireless facility in the middle of a residential neighborhood (if site is developed, site owner and wireless company need to come to an agreement to terminate existing lease agreement an relocate the wireless facility).
- A small lot sub division (site should be sub divided into regular size single family lots).
- An additional 11 feet in building height. Using a trick of making one unit very low income to achieve this is contrary to what the city is trying to archive with this rule.

We further ask the city to work with the developer to change the plans of the development to something that is more appropriate for the neighborhood. For example:

- Sub divide into regular single family lots.
- Built residences no more then 2 stories tall (including garage level).
- Moving wireless facility to a location to the fringes of a residential neighborhood, not right in the middle

Thanks and please confirm that this has been received and add to this file.

Andreas Tillmann
Neighbor to proposed building site

On Thu, Mar 7, 2019 at 11:43 AM Jojo Pewsawang <jojo.pewsawang@lacity.org> wrote:

 [10TH ST SLS_SUBMIT PACKAGE.pdf](#)

[Quoted text hidden]
[Quoted text hidden]



847W10thSt-Density-Map-v01.jpg
368K



Legend

- Larger Apartment / Condo Buildings with exact Unit Number count in Red Text
- Larger Apartment / Condo Buildings with 6 or more units and no exact Unit count
- Smaller Multi-Family Units, 2 to 4 Units
- Single Family Residences



Renata Ooms <renata.ooms@lacity.org>

Fwd: 847 W 10th Street

Jojo Pewsawang <jojo.pewsawang@lacity.org>
To: Renata Ooms <renata.ooms@lacity.org>

Mon, Jun 17, 2019 at 10:01 AM

----- Forwarded message -----

From: Jojo Pewsawang <jojo.pewsawang@lacity.org>
Date: Thu, Mar 28, 2019 at 3:01 PM
Subject: Re: 847 W 10th Street
To: Andreas Tillmann <andreas90731@gmail.com>

Hi Andreas,

Yes. The small lot subdivision is a housing typology that is permitted in our zoning code. They are using Density Bonus incentives to get additional density and height in exchange for providing affordable housing. The cell tower is considered as a Conditional Use, which gives the decision maker the authority to allow for additional height as warranted. Hope that helps.

JoJo

On Thu, Mar 28, 2019 at 11:26 AM Andreas Tillmann <andreas90731@gmail.com> wrote:

Thanks Jojo.

Maybe I'm miss-understanding something, but I was under the impression that the developer did file a zoning variance to be allowed to sub divide into 19 small lots and also to built a 50 foot tall telecommunications facility (cell tower)? Would these aspects of the proposed project be within our local zoning law?

Thanks!

a

On Wed, Mar 27, 2019 at 3:06 PM Jojo Pewsawang <jojo.pewsawang@lacity.org> wrote:

Hi Andreas,

Yes, there will eventually be a public hearing for this case. It has not been scheduled yet at this time. The decision maker will be a Zoning Administrator/Deputy Advisory Agency. The project is not requesting any variances at this time.

Best,

JoJo

On Wed, Mar 27, 2019 at 3:01 PM Andreas Tillmann <andreas90731@gmail.com> wrote:

Hi Jojo,

Can you tell me if / when there is going to be a public hearing for this?

An elderly neighbor I spoke to yesterday said there was already a public meeting about this at the local library, but it's quite possible that she confused something, like I said she is quite elderly.

Could you also please tell me who the decision makers are (person's name) to give out permits for this project / allow zoning variance?

Thanks!

Andreas Tillmann

On Fri, Mar 22, 2019 at 1:14 PM Jojo Pewsawang <jojo.pewsawang@lacity.org> wrote:

Received. Thank you.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Renata Ooms <renata.ooms@lacity.org>

Re: ZA-2018-6316-DB-CUW

1 message

JoJo Pewsawang <jojo.pewsawang@lacity.org>

Mon, Jun 17, 2019 at 9:59 AM

To: Natalie Kester <nataliekkester@gmail.com>

Cc: Renata Ooms <renata.ooms@lacity.org>

Hi Natalie,

Sorry for the late reply. Yes, there will be a public hearing on the matter. It is scheduled for June 26, 2019 at 10:45 a.m. at Los Angeles City Hall. Please see the attached hearing notice. The project will be providing 38 parking spaces (2 per dwelling unit) and 5 guest parking spaces in conformance with the small lot map standards. If you have any additional questions, please feel free to reach out to Renata Ooms - the staff planner assigned on the case. I've cc-ed her here.

Best,

JoJo

On Wed, Mar 27, 2019 at 9:35 AM Natalie Kester <nataliekkester@gmail.com> wrote:

To Whom it May Concern,

I am a local architectural designer and happen to be a resident directly in front of the proposed project. I'm inquiring as to whether there is a hearing for this project or if the city/developer is attempting to bypass the entire community as a whole.

There are massive parking concerns as the neighborhood already does not have enough parking spaces, there is no space. How many parking units is this project providing, because the community already is forced to park blocks away from home for parking or in alleys. We cannot support even an additional 2 cars. Only one property on that block has a driveway and only some properties have garages for their vehicles.

Furthermore, the telecommunications tower is not going stand within the community. When the current building proposed the cell tower, the entire community argued against it. While we were unable to prevent it's installation, we were able to secure that it would not be seen from any properties. This 50' tower absolutely goes against all of that.

While the project itself sounds like a nice idea, and we would like an end to the population of homeless people who are inhibiting the abandoned space, leaving trash all over our properties and making it unsafe, this is not a solution we can all agree upon.

Please feel free to contact me via email or cell, but it has come to our attention thankfully due to one neighbor and our community has questions and are not happy at all at the proposed project.

Thank-you,

Natalie K. Kester, Associate AIA

+1 310 940 0335

nataliekkester@gmail.com**JoJo Pewsawang, City Planner**
Department of City Planning

T: (213) 978-1214


200 N. Spring St., Room 763

Los Angeles, CA 90012



Did you know.... ZIMAS provides you with property information for any parcel within the City of Los Angeles? Look up planning & zoning information, overlay districts, associated cases, and much more!

Appointments for Case Filing or Case Condition Clearing, please use the online appointment system: <http://cityplanning.lacity.org/> click on DSC and Make an Appointment.

 **HEARING NOTICE - VTT-82296-SL ZA-2018-6316-DB-CW - revised.pdf**
696K

Ray Regalado, President
Laurie Jacobs, Vice President
Melanie Labrecque, Treasurer
Cynthia Gonyea, Secretary



Certified Neighborhood Council
Certification Date 02-12-02
NW San Pedro Neighborhood Council
638 S. Beacon Street, Box 688
San Pedro, CA 90731

TELEPHONE: (310) 918-8650 • WEBSITE: NWSanPedro.org • E-MAIL: BOARD@NWSanPedro.org

April 15, 2019

City Planning Department

Attn: Jojo Pewsawang – jojo.pewsawang@lacity.org

Renata Ooms – renata.ooms@lacity.org

RE: ENV-2018-6317-EAF; ENV-2018-6318-CE; VTT-82296-SL; ZA-2018-6316-DB-CUW

Dear Planners:

The Northwest San Pedro Neighborhood Council supports the 19-unit small lot development proposed for 847 W. 10th Street in San Pedro. The project would add 18-market rate, and one very low-income, 3-bedroom homes each with a rooftop patio and a 2-car garage. We encourage the developer to maintain the coastal fishing village clapboard fit and finishes as presented to the San Pedro Neighborhood Council's Planning and Land Use Committee. The developers have agreed to keep in contact with the Neighborhood Councils as they move forward in the process.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "R. Regalado".

Ray Regalado, President

On behalf of the Northwest San Pedro Neighborhood Council Board

Cc: Kristen Lonner (klonner@burnsbouchard.com)
Councilmember Joe Buscaino



ZA-2018-6316

October 24, 2018

To Whom It May Concern:

This letter shall serve to notify and verify that the proposed site at 867 W. 10th Street, San Pedro, CA 90731 qualifies for an Exemption in FAA filing:

FCC does not have jurisdiction over non-antenna structures and after discussing the non-antenna structure situations with the legal department, a business decision was made to not obtain an ASAC for any non-antenna structure that we did not increase the height by more than 20 feet or is not on airport property.

This structure will not increase the height by more than 20 feet and is also not on airport property.

Thank you.

Ashley Weber
Site Acquisition

EukonGroup

a SFC Communications, Inc. company

☎ 1-949-577-3838 **Mobile**

630 South Grand Ave, Suite 101
Santa Ana, CA 92705

ashley.weber@eukongroup.com

EukonGroup

an SFC Communications, Inc. company

EukonGroup

65 Post, Suite 1000
Irvine, CA 92618
949-55-EUKON Office

Friday, April 02, 2004

SITE NUMBER: LA34XC733

Below statement also applies for site number LA34XC733

Site number LA34XC733 antenna will be mounted on the rooftop of an existing building. The existing height of the structure did not surpass more than 20'.

From: Tann, Carolyn J [NTWK SVCS]
Sent: Tuesday, August 26, 2003 12:20 PM
To: Mital, Gloria S [NTWK SVCS]
Cc: Eaton, William R [NTWK SVCS]; Borja, Sheila [GMG]; Charles, Surya [NTWK SVCS]
Subject: RE: SD34XC840 REQUIRES FAA FILING
Gloria,

A background on Sprint's policy:

A non-antenna structure is a structure that was not made exclusively for antennas (water tower, building, transtower, light pole, etc.)

ASAC believes that all structures should be studied. Sprint does not agree - the policy was made based on the fact that the FCC does not have jurisdiction over non-antenna structures and after discussing the non-antenna structure situations with the legal department, a business decision was made to not obtain an ASAC for any non-antenna structure that we did not increase the height by more than 20 feet or is not on airport property.

Hope this helps resolve any issues you have.

Thanks,

Carolyn Tann

Regulatory Compliance Analyst III
Core RF Engineering Regulatory Compliance
Sprint PCS
15200 Santa Fe Trail, Lenexa, KS 66219
Mailstop: KSLNXF0101 - A105
Voice: 913-890-4296 Fax: 913-890-2680
email: ctann01@sprintspectrum.com

-----Original Message-----

From: Charles, Surya [NTWK SVCS]
Sent: Tuesday, August 26, 2003 1:50 PM
To: Mital, Gloria S [NTWK SVCS]
Cc: Eaton, William R [NTWK SVCS]; Borja, Sheila [GMG]
Subject: RE: SD34XC840 REQUIRES FAA FILING

This site is confirmed that it belongs to SDG& E and they are replacing the existing pole(refer to Steve Sebaugh email below).

According to SSEO 1.003.09.001 page 12:

The Twenty-Foot Rule: Existing Buildings, Other Non-Antenna Structures

When locating an antenna on an EXISTING non-antenna structure (rooftop, water tank, building, billboard, transmission tower) and the antenna (including any attachments) is twenty (20) feet or less in

height, Sprint PCS is not required to obtain an ASAC opinion letter or file Notice with the FAA. See Example Figures 15-1 and 15-2 attached. Reference FAR 77.15 and 47 CFR § 17.14(b).

Note: *The exception to the Twenty-Foot rule is if the antenna is attached to a bridge over a roadway, railway or waterways.*

Per SSEO, ASAC is not required. You can also refer to FAR 77.15 and 47 CFR 17.14 for further details.

ASAC opinion letter states that the structure height at this location exceeds FAA slopes by its entire ht. Since the Federal rules specify that such structures are exempt, filing is not required.

ASAC analysis studied the structure for FAA and FCC slopes. But FAR and CFR exempt such cases as above.

Hope this helps.

Thanks

Surya

-----Original Message-----

From: Mital, Gloria S [NTWK SVCS]
Sent: Tuesday, August 26, 2003 1:30 PM
To: Charles, Surya [NTWK SVCS]
Cc: Eaton, William R [NTWK SVCS]; Borja, Sheila [GMG]
Subject: FW: SD34XC840 REQUIRES FAA FILING
Importance: High

Hi Surya,

Per our telephone discussion, I would like to have a specific clarification of the Sprint policy on the issue of existing structure pertaining to this site SD34XC840.

"per Sprint policy any existing structure without increasing the ht by over 20', need not file for FAA". However when Bill/Sheila requested for ASAC opinion, ASAC came back and require the site needs FAA filing because it's close by the Gillespie Airport.

Please see attached copy of the ASAC report. Can you please direct us?

Thanks,
Gloria

-----Original Message-----

From: Borja, Sheila [GMG]
Sent: Tuesday, August 26, 2003 11:06 AM
To: Mital, Gloria S [NTWK SVCS]
Subject: FW: SD34XC840 REQUIRES FAA FILING

FYI

-----Original Message-----

From: Sebaugh, Steve L [NTWK SVCS]
Sent: Friday, August 15, 2003 4:09 PM
To: Borja, Sheila [GMG]
Subject: RE: SD34XC840 REQUIRES FAA FILING

Sheila,

This site is a ROW site. SDG&E owns the pole and they will be replacing the old pole with a new one. This site shouldn't require an FAA filing. If you have any question please call Denise Schwab (619) 220-7848.

Thanks,

Steve.

-----Original Message-----

From: Borja, Sheila [GMG]

Sent: Thursday, August 14, 2003 3:00 PM

To: Sebaugh, Steve L [NTWK SVCS]

Cc: Mital, Gloria S [NTWK SVCS]; Eaton, William R [NTWK SVCS]

Subject: SD34XC840 REQUIRES FAA FILING

Hello Steve,

We need your assistance, please direct me to the appropriate person who could assist me with my request. Site number SD34XC840 requires FAA filing per ASAC Opinion Letter. The drawing uploaded in Siterra shows that this is a power pole, however we are not sure if Sprint owns the pole or if we co-locate. Thank you in advance.

Best Regards,

Sheila Alvarez Borja

RF Regulatory Specialists

Phone: 925-468-7363

Email: sheila.borja@mail.sprint.com <<mailto:sheila.borja@mail.sprint.com>>

Efax# 707-924-7213




INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. The Commission's ROPs can be accessed at <http://planning.lacity.org>, by selecting "Commissions, Boards & Hearings" and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

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

ENABLE BOOKMARKS ONLINE:

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JUSTIFICATION FOR APPEAL

ZA-2018-6316-DB-CUW
847-879 W. 10TH STREET

The subject property is a 28,800 square-foot (approximately 0.661 acre) site located mid-block on the southern side of W. 10th Street between Meyler Street and Cabrillo Avenue in the Central San Pedro neighborhood. The site consists of six lots. The western four lots are developed with an existing +/- 14,640 square-foot single-use, single-tenant church building. The eastern two lots are developed with a surface parking lot which serves the church use. The lot is zoned RD2-1XL and has a General Plan land use designation of "Low Medium II Residential."

The Zoning Administrator and Advisory Agency approved the development of a new 36,550 square-foot small lot subdivision project on this site. The project will replace the existing church building and associated surface parking lot. The project includes nineteen (19) units, one (1) of which will be set aside for a Very-Low Income buyer. Two automobile parking spaces will be provided in private garages for each unit (totaling 38 spaces). Five guest parking spaces are also provided along the rear alley.

An existing Wireless Telecommunication Facility (WTF) is situated on the rooftop of the existing church building at a height of approx. 53-feet. This building must be demolished to allow for the construction of the aforementioned project. As a result of binding leases negotiated by the church under their ownership of the site, the wireless facility must be maintained on-site in the event of redevelopment.

The Applicant requested a Conditional Use per LAMC Section 12.24 W.49 to permanently relocate this WTF to a new structure within the Small Lot Subdivision. This structure will be designed in keeping with the overall aesthetic of the Small Lot Subdivision, utilizing design elements from other coastal typologies, most notably, the lighthouse. (The WTF will be temporarily relocated on-site during construction). The Zoning Administrator denied this CUW.

The Applicant appeals this determination with the following justification:

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) submitted to the Planning Case File No. ZA-2018-6316-DB-CUW, this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the

Propagation Study (Page 2) the site is located at the center of an area of “good” service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to “redundant and overlapping” service areas, and would diminish the overall network service area identified.

Additionally, relocation of the site within the San Pedro community is difficult. This area of the community is nearly 95-percent residential (as reflected in Eukon Group’s letter). In these types of locations, Eukon looks for the most beneficial site location, weighted with a sensitivity of its placement. Given the need for this site’s service coverage area, any relocating of this site would be located within a couple blocks of the subject site, and would face similar site location issues. As there is an existing wireless facility on this site, and since its approval there have been no issues related to its installation or maintenance, the continued use of this site as a WTF, along with the shielded design proposed, will perform a function or provide a service that is essential or beneficial to the community, city or region. As such, the maintenance of a WTF on this site is desirable to the public convenience and welfare.

Unlike other land uses which can be spatially determined through the General Plan or other land use plans, the location of WTF is based on technical requirements that include service areas, geographical elevations, alignment with neighboring sites, and customer demand components. Accordingly, WTF are currently located adjacent to and within all types of residential zones throughout the City of L.A., County of L.A., and state of California.

Surrounding uses are similarly zoned, and are developed with a mixture of single-family dwellings to mid-density apartment buildings. The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the portion of the tower exceeding the height limit of both the underlying zone and height of the proposed Small Lot Subdivision is only 12-feet by 12-feet.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project. This WTF will not generate noise, fumes, or traffic and the proposed project will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

The Applicant contends the WTF as proposed complies with the LAMC, as follows:

LAMC Section 12.21 A.20 was implemented primarily with the intent of preventing new monopole structures from degrading and adversely affecting adjacent and nearby properties during a time period where expansion of wireless cellular networks was occurring at a rapid pace, and installing the greatest number of wireless towers at the cheapest cost was of great

interest to wireless telecommunications companies. The applicant believes that replacing the existing rooftop-mounted wireless facility with a facility located within a fully-enclosed tower not only meets, but exceeds, the intent of LAMC Section 12.21 A.20.

However, the reconfiguration of the existing wireless telecommunications facility does not include the location of either a *monopole*. Meriam Webster defines a *monopole* as “a radio antenna consisting of a single often straight element.” The Oxford dictionary defines a *monopole* as “a radio aerial or pylon consisting or a single pole or rod.” The proposed wireless facility is neither of these. The proposed facility is a structure, designed and constructed in keeping with current Los Angeles Building Code requirements. Wireless equipment will be installed within this structure (not roof-mounted), and will be housed within a fully-enclosed tower.

Additionally, the LAMC identifies that certain spacing requirements should be adhered to (i.e. 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.) This setback provision is specifically for monopole structures given that the pole itself has the potential for “structural failure” or “collapse.” This 20-percent can be waived via the provision of a submittal from a structural engineer identifying that “any collapse will occur within a lesser distance under all foreseeable circumstances.” Given that this setback is related to “collapse” of a monopole, and not with regard to the structural stability of a building it is not applicable to this specific installation.

Although the proposed WTF is not a monopole structure, the project as designed attempts to incorporate many of the screening requirements the LAMC imposes on monopole structures. The following findings are included to corroborate the proposal’s compliance with LAMC Section 12.21 A.20:

LAMC Section 12.21 A.20 (a)(1) enumerates regulations to ensure monopole structures are structurally sound and at no risk of collapse. Housing the wireless facility within a fully-enclosed tower structure is consistent with the intent of this section, as the proposal will be subject to standard building codes and regulations ensuring integrity of the structure. The proposed wireless telecommunications facility is not under the jurisdiction of the FAA and does not incorporate a reflective finish on the structure.

LAMC Section 12.21 A.20 (a)(2)(i) specifies setback requirements for monopole structures. As discussed above, the proposed wireless telecommunications facility is not a monopole. The wireless facility is proposed to be situated within a small lot subdivision, on a rectangular lot with dimensions of 25-feet in width and 60.2-feet in depth. This subject lot is within the RD2-1XL zone, and abuts an alley to the south and other similarly-zoned lots to the north, east, and west, all to be improved with small lot dwelling units. Pursuant to LAMC Section 12.22 C.27 (a)(6), no front, side, or rear yards are required between interior lot lines created within an approved small lot subdivision. Additionally, LAMC Section 12.22 C.27 (a)(8)(ii)(b) specifies that in instances when the rear lot line of the perimeter of the subdivision abuts an alley, a 5-foot setback shall be provided from the property line (9.2-feet proposed). Therefore, the wireless tower structure complies with the setback requirements of the underlying zone.

Given that the “20-percent setback” does not apply to this installation, and the setbacks for this

lot are being complied with through the project's overarching Small Lot Subdivision, the remaining setbacks required are intended to minimize visual impact of the WTF. This installation must comply with the following code sections:

LAMC Section 12.21 A.20 (a)(2)(i) states that provided setbacks "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 this subsection, and (b) protect the privacy of adjoining residential property, and (c) protect adjoining property from the potential impact of pole failure." As identified on the applicant's landscape plan, the project will provide adequate landscape and hardscape screening and plantings. Therefore the setbacks, as provided, comply with the underlying zone, and are sufficient to meet the intent of the LAMC's reasoning for providing yard requirements for wireless telecommunications facilities.

LAMC Section 12.21 A.20 (a)(2)(ii) specifies siting requirements for rooftop wireless facilities, which are *not applicable* to the proposal.

LAMC Section 12.21 A.20 (a)(3) compels wireless telecommunications facilities to be placed at locations with existing facilities already on-site. *The subject site complies.* It already has an operating wireless telecommunications facility, and this facility is proposed to be relocated on the subject site.

LAMC Section 12.21 A.20 (a)(4) states that wireless facilities shall be designed to have the least possible visual impact. The existing rooftop facility is located on a legal nonconforming structure. The subject site is located in Height District 1XL, which imposes a height limit of 30-feet for all lots in the RD2 zone. The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the required additional height beyond the height limit is only 12-feet by 12-feet. It is only this portion that will exceed the height of the proposed Small Lot Subdivision.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

The applicant contends that the proposed tower structure, designed to emulate a lighthouse and using the same building materials as the remainder of the proposed development, is the least visually impactful way to replace this wireless facility.

LAMC Section 12.21 A.20 (a)(5)(i) specifies regulations for ground, roof, and pole mounted antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(ii) specifies regulations for dish antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(iii) specifies regulations for building-mounted antennas. As required by this section, all antenna equipment is fully-enclosed within the proposed tower structure and the equipment is not visible to adjacent properties and rights-of-way. The screening device incorporates architectural elements to integrate the wireless facility into the overall development project, including utilizing the same building materials as the other proposed small lot homes and implementing a single landscaping plan that is consistent over all 20 lots in the subdivision.

LAMC Section 12.21 A.20 (a)(5)(iv) specifies regulations for support structure antennas. The proposal includes no support structure antennas as the wireless facility shall be situated within a fully-enclosed tower. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(v) specifies regulations for accessory equipment. All accessory equipment will be located within the fully-enclosed tower structure and not visible to either adjacent properties or adjacent rights-of-way.

LAMC Section 12.21 A.20 (a)(5)(vi) specifies regulations for monopole structure tapering, which is *not applicable*.

LAMC Section 12.21 A.20 (a)(6) specifies landscaping regulations for wireless facilities. The proposal includes landscaping provided to the standards of LAMC Section 12.21 A.20 (a)(6)(i) to the east of the proposed tower. LAMC Section 12.24 W.49 authorizes the Zoning Administrator to allow the use of an alternate detailed plan and specifications for landscaping and screening. In this instance, the proposed project includes the subdivision of land for a Small Lot Subdivision and is therefore subject to the provisions of the Small Lot Design Guidelines.

Consequently, certain regulations are imposed on the proposed lots which have implications on wireless tower screening mechanisms. This includes identifying the location of all trash enclosures and public access easements. Trash enclosures are an unfortunate necessity along alleyways – in this case, they are proposed to be situated between the wireless tower and the property line. This allows the base of the tower to be obscured by enclosures that are typically expected to be located along an alley, rather than the open exposure of the base of a concealed wireless facility, which are not as commonplace. Additionally, the landscaping, required pedestrian accessways, and required guest parking spaces are situated to the west of the tower, which results in a variety of non-sensitive buffering uses to cohabitate the lot with the wireless tower.

In order to allow for the Commission to overturn the Associate Zoning Administrator's denial the applicant has provided abbreviated findings in their powerpoint presentation. Additional findings are included below for the Commission's deliberation. to The Applicant appeals this determination with the following justification:

I. Describe how 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.

An existing Wireless Telecommunication Facility (WTF) is situated on the rooftop of an existing church building at a height of approx. 53-feet. This building will be demolished to allow for the construction of a new 19-unit Small Lot Subdivision project. A component of the proposed project is to permanently relocate this WTF to a new structure. This structure will be designed in keeping with the overall aesthetic of the Small Lot Subdivision, utilizing design elements from other coastal typologies, most notably, the lighthouse. (The WTF will be temporarily relocated on-site during construction.)

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the Propagation Study (Page 2) the site is located at the center of an area of "good" service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to "redundant and overlapping" service areas, and would diminish the overall network service area identified.

Additionally, relocation of the site within the San Pedro community is difficult. This area of the community is nearly 95-percent residential (as reflected in Eukon Group's letter). In these types of locations, Eukon looks for the most beneficial site location, weighted with a sensitivity of its placement. Given the need for this site's service coverage area, any relocating of this site would be located within a couple blocks of the subject site, and would face similar site location issues. As there is an existing wireless facility on this site, and since its approval there have been no issues related to its installation or maintenance, the continued use of this site as a WTF, along with the shielded design proposed, will perform a function or provide a service that is essential or beneficial to the community, city or region. As such, the maintenance of a WTF on this site is desirable to the public convenience and welfare.

II. Explain why 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 subject site is located in the Central San Pedro neighborhood, and within the RD2-1XL zone. Unlike other land uses which can be spatially determined through the General Plan or other

land use plans, the location of WTF is based on technical requirements that include service areas, geographical elevations, alignment with neighboring sites, and customer demand components. Accordingly, WTF are currently located adjacent to and within all types of residential zones throughout the City of L.A., County of L.A., and state of California.

Wireless communication is a vital element of the communications network for both emergency services (i.e. 911 emergency coverage) and public convenience. The utilities are mandated to provide adequate coverage in each geographic area they serve. Wireless telecommunication service has shown a consistent rapid increase in demand and contributes to the economic health of the general public. Wireless technology has stringent location and elevation requirements and the proposed reconfiguration of the existing WTF site to be installed in tandem with the proposed development is needed in order to provide wireless communications services to Sprint subscribers in the area.

As noted in communication from Eukon Group (Sprint's local consultant for site acquisition) this site is "critically important" for the Sprint network. This is graphically shown on the original Propagation Study submitted with the case file, and one submitted as a supplement to these findings. This wireless site located on the 867 W. 10th Street site is identified as LA99XT733. As one can see from the Propagation Study (Page 2) the site is located at the center of an area of "good" service. Were the site to be removed (Page 3) a substantial portion of the San Pedro community would lose coverage. Any relocation of this site would lead to "redundant and overlapping" service areas, and would diminish the overall network service area identified.

In its current configuration, the subject site is currently developed with a church building and associated surface parking lot. The proposed project includes the demolition of the site, subdivision of land into 20 individual lots, and the construction of a new, 19-dwelling Small Lot Subdivision project. Surrounding uses are similarly zoned, and are developed with a mixture of single-family dwellings to mid-density apartment buildings.

The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the portion of the tower exceeding the height limit of both the underlying zone and height of the proposed Small Lot Subdivision is only 12-feet by 12-feet.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

As designed and proposed, this WTF will not generate noise, fumes, or traffic and the proposed project will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

III. Explain why project substantially conforms with the purpose, intent and provisions of the

General Plan, the applicable community plan, and any applicable specific plan.

The San Pedro Community Plan designates the property for Low-Medium II Density Residential use. The property is not located within the area of any Specific Plan or interim control ordinance. The San Pedro Community Plan does not specifically enumerate WTF installation policies, however the LAMC authorizes a Zoning Administrator to grant the requested Conditional Use on parcels such as the subject site. As described above, the resituating of the permanent WTF does not have any detrimental impact on nearby properties. The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, and therefore the Applicant's request is consistent with the various elements and objectives of the General Plan.

IV. Describe how the project is consistent with the general requirements of the WTF standards set forth in Section 12.21 A.20 of the LAMC in a manner that balances the benefit of the project to the public with the facility's technological constraints, design, and location, as well as any other relevant factors.

LAMC Section 12.21 A.20 was implemented primarily with the intent of preventing new monopole structures from degrading and adversely affecting adjacent and nearby properties during a time period where expansion of wireless cellular networks was occurring at a rapid pace, and installing the greatest number of wireless towers at the cheapest cost was of great interest to wireless telecommunications companies. The applicant believes that replacing the existing rooftop-mounted wireless facility with a facility located within a fully-enclosed tower not only meets, but exceeds, the intent of LAMC Section 12.21 A.20.

However, the reconfiguration of the existing wireless telecommunications facility does not include the location of either a *monopole*. Meriam Webster defines a *monopole* as "a radio antenna consisting of a single often straight element." The Oxford dictionary defines a *monopole* as "a radio aerial or pylon consisting or a single pole or rod." The proposed wireless facility is neither of these. The proposed facility is a structure, designed and constructed in keeping with current Los Angeles Building Code requirements. Wireless equipment will be installed within this structure (not roof-mounted), and will be housed within a fully-enclosed tower.

Additionally, the LAMC identifies that certain spacing requirements should be adhered to (i.e. 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.) This setback provision is specifically for monopole structures given that the pole itself has the potential for "structural failure" or "collapse." This 20-percent can be waived via the provision of a submittal from a structural engineer identifying that "any collapse will occur within a lesser distance under all foreseeable circumstances." Given that this setback is related to "collapse" of a monopole, and not with regard to the structural stability of a building it is not applicable to this specific installation. *[A statement within the approval identifying that the wireless tower requires a building permit to be issued by the Los Angeles Department of Building & Safety should provide a similar level of certainty that the structure complies with code.]*

Although the proposed WTF is not a monopole structure, the project as designed attempts to incorporate many of the screening requirements the LAMC imposes on monopole structures.

The following findings are included to corroborate the proposal's compliance with LAMC Section 12.21 A.20:

LAMC Section 12.21 A.20 (a)(1) enumerates regulations to ensure monopole structures are structurally sound and at no risk of collapse. Housing the wireless facility within a fully-enclosed tower structure is consistent with the intent of this section, as the proposal will be subject to standard building codes and regulations ensuring integrity of the structure. The proposed wireless telecommunications facility is not under the jurisdiction of the FAA and does not incorporate a reflective finish on the structure.

LAMC Section 12.21 A.20 (a)(2)(i) specifies setback requirements for monopole structures. As discussed above, the proposed wireless telecommunications facility is not a monopole. The wireless facility is proposed to be situated within a small lot subdivision, on a rectangular lot with dimensions of 25-feet in width and 60.2-feet in depth. This subject lot is within the RD2-1XL zone, and abuts an alley to the south and other similarly-zoned lots to the north, east, and west, all to be improved with small lot dwelling units. Pursuant to LAMC Section 12.22 C.27 (a)(6), no front, side, or rear yards are required between interior lot lines created within an approved small lot subdivision. Additionally, LAMC Section 12.22 C.27 (a)(8)(ii)(b) specifies that in instances when the rear lot line of the perimeter of the subdivision abuts an alley, a 5-foot setback shall be provided from the property line (9.2-feet proposed). Therefore, the wireless tower structure complies with the setback requirements of the underlying zone.

Given that the "20-percent setback" does not apply to this installation, and the setbacks for this lot are being complied with through the project's overarching Small Lot Subdivision, the remaining setbacks required are intended to minimize visual impact of the WTF. This installation must comply with the following code sections: LAMC Section 12.21 A.20 (a)(2)(i) states that provided setbacks "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 this subsection, and (b) protect the privacy of adjoining residential property, and (c) protect adjoining property from the potential impact of pole failure."

As identified on the applicant's landscape plan, the project will provide adequate landscape and hardscape screening and plantings. Therefore the setbacks, as provided, comply with the underlying zone, and are sufficient to meet the intent of the LAMC's reasoning for providing yard requirements for wireless telecommunications facilities.

LAMC Section 12.21 A.20 (a)(2)(ii) specifies siting requirements for rooftop wireless facilities, which are *not applicable* to the proposal.

LAMC Section 12.21 A.20 (a)(3) compels wireless telecommunications facilities to be placed at locations with existing facilities already on-site. *The subject site complies.* It already has an operating wireless telecommunications facility, and this facility is proposed to be relocated on the subject site.

LAMC Section 12.21 A.20 (a)(4) states that wireless facilities shall be designed to have the least possible visual impact. The existing rooftop facility is located on a legal nonconforming structure. The subject site is located in Height District 1XL, which imposes a height limit of 30-

feet for all lots in the RD2 zone.

The existing church is 38-feet in height to the building parapet, and an existing WTF is situated at the peak of a vaulted roof at 52-feet in height. The proposed WTF tower will maintain the required location and height in an attractively designed tower structure. All wireless equipment will be shielded from public view, and while the structure is 27-feet by 12-feet at its base, the structure is tapered so that the required additional height beyond the height limit is only 12-feet by 12-feet. It is only this portion that will exceed the height of the proposed Small Lot Subdivision.

Lastly, the new WTF is located at the rear of the subject property. It has continuous ingress/egress access from an existing alley. It shares parking with the guest parking for the Small Lot Subdivision in a manner consistent with good planning policies (scheduled maintenance of the WTF happens during the day when guest parking is under-utilized). And the tower is surrounded by landscape planters, hardscape, and other connection open space items that link it to the proposed design palette of the overall project.

The applicant believes that the proposed tower structure, designed to emulate a lighthouse and using the same building materials as the remainder of the proposed development, is the least visually impactful way to replace this wireless facility.

LAMC Section 12.21 A.20 (a)(5)(i) specifies regulations for ground, roof, and pole mounted antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(ii) specifies regulations for dish antennas. The proposal is for a wireless facility to be situated within a fully-enclosed tower structure. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(iii) specifies regulations for building-mounted antennas. As required by this section, all antenna equipment is fully-enclosed within the proposed tower structure and the equipment is not visible to adjacent properties and rights-of-way. The screening device incorporates architectural elements to integrate the wireless facility into the overall development project, including utilizing the same building materials as the other proposed small lot homes and implementing a single landscaping plan that is consistent over all 20 lots in the subdivision.

LAMC Section 12.21 A.20 (a)(5)(iv) specifies regulations for support structure antennas. The proposal includes no support structure antennas as the wireless facility shall be situated within a fully-enclosed tower. Therefore, this section is *not applicable*.

LAMC Section 12.21 A.20 (a)(5)(v) specifies regulations for accessory equipment. All accessory equipment will be located within the fully-enclosed tower structure and not visible to either adjacent properties or adjacent rights-of-way.

LAMC Section 12.21 A.20 (a)(5)(vi) specifies regulations for monopole structure tapering, which is *not applicable*.

LAMC Section 12.21 A.20 (a)(6) specifies landscaping regulations for wireless facilities. The proposal includes landscaping provided to the standards of LAMC Section 12.21 A.20 (a)(6)(i) to the east of the proposed tower. LAMC Section 12.24 W.49 authorizes the Zoning Administrator to allow the use of an alternate detailed plan and specifications for landscaping and screening. In this instance, the proposed project includes the subdivision of land for a Small Lot Subdivision and is therefore subject to the provisions of the Small Lot Design Guidelines. Consequently, certain regulations are imposed on the proposed lots which have implications on wireless tower screening mechanisms. This includes identifying the location of all trash enclosures and public access easements. Trash enclosures are an unfortunate necessity along alleyways – in this case, they are proposed to be situated between the wireless tower and the property line. This allows the base of the tower to be obscured by enclosures that are typically expected to be located along an alley, rather than the open exposure of the base of a concealed wireless facility, which are not as commonplace. Additionally, the landscaping, required pedestrian accessways, and required guest parking spaces are situated to the west of the tower, which results in a variety of non-sensitive buffering uses to cohabitate the lot with the wireless tower.

May 9, 2020

Mr. Adam O'Neill
Square One Residential
840 Apollo Street, Suite 100
El Segundo, CA 90245

RE: Telecommunications Analysis
Project Address: 847 W. 10th Street, Los Angeles, CA 90731
Case Number: ZA2018-6316-DB-CUW
Sprint #: LA34XC733F

Dear Mr. O'Neill:

National Engineering & Consulting, Inc. (NEC) has been hired to review and investigate the proposed telecommunications tower and determine alternate options or solutions to relocate, or redesign the project located at: 847 W. 10th Street, Los Angeles, CA 90731

TELECOMMUNICATIONS EXPERIENCE:

The team at National Engineering & Consulting, Inc. has been designing telecommunications networks since 1997, and has designed wireless networks for: Sprint, T-Mobile, Verizon, Dish Network, MetroPCS, Clearwire, Crown Castle, Mobilitie, and American Tower. NEC designs on average 1,500 – 2,000 telecommunications projects per year throughout the United States. National Engineering & Consulting, Inc. has developed a reputation of designing the highest profile projects in the telecommunications industry. Listed below is a short list of notable project experience:

ENTERTAINMENT

- Coors Field, Denver, CO
- Staples Center, Los Angeles, CA
- LA Live and Nokia Theater, Los Angeles, CA
- Los Angeles Convention Center, CA
- Disneyland, Anaheim, CA

HOSPITALITY

- Sheraton Hotel, Denver, CO
- Starwood Westin Stonebriar, Frisco, TX
- The Ritz Carlton, Lake Tahoe, CA
- The Westin Kierland, Scottsdale, AZ
- Universal Sheraton, Universal City, CA

COMMERCIAL

- West Covina Mall, West Covina, CA
- The Facebook Headquarters, Menlo Park, CA
- The Grove Los Angeles, CA
- Symphony Towers in San Diego, CA
- One American Plaza in San Diego, CA
- Direct TV Headquarters, El Segundo, CA

- Hyundai Headquarters, Fountain Valley, CA
- Long Beach Courthouse, Long Beach, CA
- Ontario Mills Mall, Ontario, CA
- Westfield Palm Desert, Palm Desert, CA
- AT&T Building, San Diego, CA
- The Koll Building, San Diego, CA
- Wells Fargo Tower, San Diego, CA
- MillerCoors Brewing Headquarters, Irwindale, CA

HEALTHCARE

- Hoag Memorial, Newport Beach, CA
- Kaiser Riverside, Riverside, CA
- St. Joseph's Hospital, Denver, CO
- Kaiser Moreno Valley, Moreno Valley, CA
- Kaiser Santa Rosa, Santa Rosa, CA

SCOPE OF WORK:

This first step of our analysis is to understand the current network coverage and determine potential relocation options. The second step of our analysis is to evaluate the current design and determine additional design options to consider.

STEP 1 – NETWORK COVERAGE REVIEW:

We have performed a review of the current network and reviewed Sprint's network propagation maps to determine coverage to the overall San Pedro area, and a more focused review of the network surrounding the subject project located at: 847 W. 10th Street, Los Angeles, CA 90731. The network appears to be underdeveloped, and removing the subject cell site would create a major deficit in the overall network. An underdeveloped network can lead to poor reception and in some cases no reception. The Federal Communications Commission (FCC) requires carriers to provide 911 and E911 capability as it is a vital part of the nation's emergency response and disaster preparedness system. Removal of this cell site without a suitable replacement will create a high probability of loss of service for the neighboring community.

REVIEW OF ALTERNATE LOCATIONS:

There are a total of five alternate project locations for consideration. Listed below is our opinion of viability for each location:

Alternative Site No. 1 – 1020 Leland Street – This location is a vacant lot on the outer edge of the coverage area. Placing a cell site in this location would increase coverage to the westerly edge of the ring; but decrease coverage east of the subject property. Future development plans for the property are unclear at this time. Placing a telecommunications site at this location would help the overall network; but it is not a recommended replacement.

Alternative Site No. 2 – 717 Cabrillo Street – This location is a church and school (Mary Star of the Sea Church and School) and may be a viable replacement if there is sufficient room within the church steeple for the proposed equipment (10' x 10' clear area on the interior of the tower, and 12' x 20' clear area within a conditioned room for the BTS equipment). It should be noted that projects located on schools are difficult; and have a long development duration. For this reason, carriers avoid schools

whenever possible. If this location is selected as a replacement, it will require a temporary cell site for an extended period of time (approximately 2-3 years).

Alternative Site No. 3 - 845 W. 12th Street – This location is a recreation center and park. This location may be a viable replacement from a development perspective, but it is not likely to get Carrier approval. Parks are considered high risk due to constant public traffic, vandalism, and copper theft.

Alternative Site No. 4 – 320 N. Pacific Avenue – This location is north of the coverage area and is placed between two existing cell sites. Placing a cell site here would add redundancy to the network; but serve no benefit as a replacement for the subject cell site.

Alternative Site No. 5 – 1331 S. Pacific Avenue – This location is planned for a future mixed-use development. A cell site in this location would help the network and provide additional redundancy, but it is outside the coverage area of the subject cell site. This property will not work as a replacement location.

STEP 2 - THE PROPOSED TOWER DESIGN:

The decision maker identifies a number of concerns in relation to the size, height, and location of the wireless tower. The applicant understands these concerns as they are not unique to the proposed wireless tower, but are applicable to all development and construction. Suggestions offered by the decision maker, such as a stealth flagpole, are feasible in some locations, and while they may lead to a technically feasible solution, they do not conform to the design intent offered by the Municipal Code.

Central courtyard with a stealth flagpole – The decision maker identified a product identified as a "stealth flagpole" for this project. The "stealth flagpole" is a product that is feasible at this location, but would require a minimum diameter of at least 30" to allow it to support the necessary telecommunications antennas and supporting equipment. At this size, the "stealth" nature of the pole is a misnomer, and the product begins to look more like the outfield lights of a baseball field. Our opinion is that the appearance of a 30" diameter flagpole will be significantly worse than the proposed tower and will degrade (not enhance) the development and the surrounding community.

Tower Location – The decision maker identified the potential of an alternate location on-site to achieve the network objective. We have reviewed the architect's plans and perspectives. The tower is placed in the rear of the property next to an Alley running parallel to West 10th Street. If left to a solely technical analysis of the location, the preferred engineering solution would be to locate the tower on the 10th Street frontage. This would provide the optimal cellular coverage; but unfortunately, it would increase visual impact on the neighborhood and provide little to no concealment along the public street. It is our opinion that the tower should be maintained in the rear of the property (as designed) to minimize the visual impact and provide better overall concealment from West 10th Street.

CONCLUSION:

The telecommunications network for the overall San Pedro area is underdeveloped. It lacks both the infrastructure and redundancy necessary to remove the existing cell site referenced in this determination. Given that the cell site cannot be removed, it will require either reconstruction (as requested in the applicant's entitlement request) or relocation to a different site. Of the five locations referenced by the decision-maker, three of the sites are technically infeasible for use as relocation sites. These sites cannot provide the same service as the current location and, while they could be

developed with wireless installations, they would serve only as infill (or support) sites. Again, these cannot provide for a suitable alternate replacement site. The two remaining sites identified by the decision-maker appear to be technically feasible. However, the 845 W. 12th Street site is located within a public park. And, the 717 S. Cabrillo Ave. site is located within a church and school. Both of these sites pose non-technical difficulties and have been deemed not feasible given concerns associated with high-risk sites and internal carrier review/approval. In our opinion, the alley location identified by the applicant, given the design and location of the proposed tower, is a superior one to those identified, has less impact than the feasible locations identified above, and minimizes any impacts to vehicle and/or foot traffic.

Please contact us anytime if you have any further questions.

Kind Regards,



Jonathan Werner
President

**EXTENSION OF TIME LIMIT FOR AREA OR CITY PLANNING COMMISSION
DECISIONS ON LAND USE APPLICATIONS AND APPEALS**

This form is to be used to request an extension of the time limit to act for Area or City Planning Commission decisions on legislative and quasi-judicial land use applications and appeals. This request must be made before the matter is agendized. If notice of the hearing has been mailed, the applicant is responsible for the cost of mailing the cancellation and new hearing notice.

To Be Completed by the Applicant or Applicant's Representative:

(Please Type or Print)

Case No. ZA 2018-6316-DB-CUW

Street Address of Property Involved: 847-879 West 10th Street


Applicant(s): 867 RR, LLC

Representative: Burns & Bouchard, Inc. c/o Jonathan Lonner

Request for Extension of Time Limit: The current time limit for the Commission to decide the subject case application / appeal will expire on: 4/13/2020. It is hereby requested to extend the time limit for the Area Planning Commission to act for a period of 6 weeks, or until 5/31/2020
(Commission)

Reason(s) for Request:

Area Planning Commission scheduling was delayed based on shelter-in-place orders from the state of California and City of L.A. associated with COVID-19

Signed:  Print Name: Jonathan Lonner Date: April 15, 2020

Mailing Address: Burns & Bouchard, Inc. 9619 National Blvd. , Los Angeles CA 90034

Telephone No. (310) 802-4261 E-Mail: jlonner@burnsbouchard.com

To Be Completed by Planning Department Staff:

Pursuant to Municipal Code Section _____ [applicable Code Section which permits extensions of time limits by mutual written consent of the applicant and decision-maker], and in accordance with the policy of the Area/City Planning Commission delegating authority to the Director of Planning to approve extensions of time limits on its behalf, the requested time extension is deemed routine in nature and will not prejudice the future decision by the Area/City Planning Commission on the merits of the subject application or appeal, and therefore the requested time extension is granted until: _____.

Applicant to pay all BTC Public Hearing Notice costs associated with a new Hearing or cancellation.

VINCENT P. BERTONI, AICP
Director of Planning

By: _____, _____, _____, _____
Signature Name Title Date

c: Commission Office
Case File