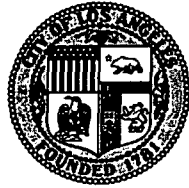


CITY OF LOS ANGELES
CALIFORNIA



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April 12, 1995

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Alice T. Donovan and
William A. Conroy (O)
3640 La Entrada
Santa Barbara, CA 93105

CASE NO. ZA 95-0050(ZV)
ZONE VARIANCE
2315 Ripple Street
Silver Lake-Echo Park Planning Area
Zone : M2-1VL
D. M. : 150A211
C. D. : 13
CEQA : CE 95-0054-ZV
Fish & Game: Exempt
Legal Description: Lots 129
through 135 of Tract 5892

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.27-B,1 and Charter Section 98, I hereby APPROVE:

the establishment, use and maintenance of a cellular telecommunications transeiving facility consisting of a 360 square-foot portable equipment building and a 90-foot high steel monopole supporting an antenna system of:

- o triangular platform (three arrays) with 21 antel antennas (1 by 4 feet) affixed to the top or with one sector lower on the pole;
- o three microwave dishes (two 2-foot diameter and one 4-foot diameter) below the antel antennas;
- o three omni whip antennas mounted on the top that raises the pole height to 108 feet;

located in a leased area of a truck and industrial company permitted by right in the M2-1VL (industrial) Zone, with the antenna height of 108 feet exceeding the 45-foot Very Low height district pursuant to Section 12.21.1-A,1 of the LAMC,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.



2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such 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 within 24 hours of its occurrence.
5. The 21 directional cellular antennas, microwave antennas and omni antennas shall be painted a uniform color to match the immediate area, as sky blue or light gray to blend into the surrounding colors and minimize visual impact.
6. The 90-foot in height monopole shall be a tapered slim steel pole with antennas as shown on Exhibit A to not exceed 108 feet in height.

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

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.27-K,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. THE ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER APRIL 27, 1995, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Los Angeles City Hall
200 North Spring Street
Room 460, Counter S
Los Angeles, CA 90012
(213) 485-7826

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

NOTICE

THE APPLICANT IS FURTHER ADVISED THAT ALL SUBSEQUENT CONTACT WITH THIS OFFICE REGARDING THIS DETERMINATION MUST BE WITH THE ZONING ADMINISTRATOR WHO ACTED ON THE CASE. THIS WOULD INCLUDE CLARIFICATION, VERIFICATION OF CONDITION COMPLIANCE AND PLANS OR BUILDING PERMIT APPLICATIONS, ETC., AND SHALL BE ACCOMPLISHED BY APPOINTMENT ONLY, IN ORDER TO ASSURE THAT YOU RECEIVE SERVICE WITH A MINIMUM AMOUNT OF WAITING. YOU SHOULD ADVISE ANY CONSULTANT REPRESENTING YOU OF THIS REQUIREMENT AS WELL.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on March 9, 1995, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the zoning regulations would result from a strict enforcement thereof, and that the five requirements and prerequisites for granting a variance as enumerated in Section 98 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject ownership is a level, L-shaped, through, corner, parcel of land (Lots 129 through 135, Tract 5892), consisting of approximately 0.60 acres, having a frontage of approximately 172.47 feet on the north side of Ripple Street, sides for a distance of 200 feet along Gilroy Street and has a depth varying from 104.74 to 172.47 feet.

The subject M2-1VL ownership is developed with a one-story office/storage building with frontage on Worthen Avenue and extends along the major portion of Ripple Street. A 15 space striped surface parking area adjoins Gilroy Street as well as parking spaces for 13 bob tail commercial trucks used for the delivery of cleaning apparatus and the disposal of cleaning products. A one-story storage/building with frontage on Worthen Avenue (depicted as Ownership No. 16) is also utilized by Safety Kleen Corporation. An approximately 125-foot high monopole with antenna array and what appears to be a small microwave dish is located approximately 30 to 40 feet northerly of the one-story office/storage building. The telecommunication tower and one-story metal equipment building is perimeter fenced with an approximate 6-foot high chain link fence with barb wire atop on the north, south, east perimeter legs of the existing cellular installation. The westerly leg is improved with an approximate 8-foot high chain link fence with approximately 2 feet of razor wire atop for a total height of approximately 10 feet.

Vehicular ingress/egress is via two driveways along Gilroy Street, one of which is primarily utilized by truck traffic (most northerly), a central driveway along Worthen Avenue located on Ownership No. 16 (depicted on the Radius Map as not being part of the ownership) and a driveway along Ripple Street located in the general vicinity of the ownership's southeast corner.

Surrounding properties are within the M2-1VL, MR1-1VL, R3-1VL, and R2-1VL Zones and are characterized by level topography, and fully improved streets. The surrounding properties are developed with a mixture of one-story single-family dwellings, duplexes, and a very small percentage of two-story apartments. It should be noted that many of the north/south streets in the area northerly of Riverside Drive are noncontinuous.

Adjoining property to the north of the subject ownership with frontage on Gilroy Street is zoned M2-1VL and is vacant. Staff noted three inoperable automobiles on the property. The property is also overgrown with weeds. Beyond that is developed with a one-story light manufacturing building.

Adjoining property to the north of the subject ownership (Ownership No. 16) fronting on Worthen Avenue is zoned M2-1VL and is developed with a one-story light manufacturing building occupied by Artistic Printers. Beyond that is developed with one-story light manufacturing buildings.

Property to the south of the subject ownership across Ripple Street is zoned M2-1VL and is developed with a one-story bakery complex (Dolly Madison) and a mid-size associated surface parking area. Property located on the southeast corner of Ripple Street and Gilroy Street is zoned MR1-1VL and is developed with a two-story apartment.

Adjoining properties to the east of the subject ownership across Gilroy Street are zoned MR1-1VL and are developed with a mixture of one-story light manufacturing uses and one-story single-family dwellings.

Property to the west of the subject ownership across Worthen Avenue is zoned M2-1VL and is developed with approximate 3.89 acre site occupied by a Department of Water and Power maintenance yard with vehicular ingress/egress via a central driveway located along Worthen Avenue.

Ripple Street, adjoining the subject ownership to the south, is a local street dedicated a width of 50 to 57 feet and improved with curb, gutter, and sidewalk.

Gilroy Street, adjoining the subject ownership to the east, is a noncontinuous designated Collector Street dedicated a variable width of 50 to 57 feet and improved with curb, gutter, and sidewalk.

Worthen Avenue, adjoining the subject ownership to the west, is a noncontinuous local street dedicated a width of 40 feet and improved with curb, gutter, and sidewalk on the east side of the street. The west side of the street is improved with curb and gutter only.

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

Subject Ownership:

The Data Automated File System (DAFS) indicates that an Administrative Approval, Building Permits, Electrical Permits, and Plan Maintenance Files, however, Building and Safety discretionary approvals and DAFS computer data entries only appear for the following address.

Building Permit No. 93LA13298, issued December 16, 1993 for a 870 square-foot mezzanine addition, interior remodeling, and a change of use from manufacturing to warehouse. The legal description for the subject renovation was Lots 130 through 135, Tract No. 5892. The mentioned building permit attached to the file indicates that Lots 129 through 135, Tract No. 5892 are leased by Safety Kleen Corporation. Lots 136 through 138, Tract 5892 are owned by the Safety Kleen Corporation. The building permit was issued for 2315 Ripple Street.

Case No. ZA 87-0567(CUZ), on July 29, 1987 the Zoning Administrator approved a request to permit the construction, use and maintenance of a joint living and working quarter unit for a single artist in a 4,250 square-foot, one- and two-story building (2935 Gilroy Street).

The applicant wishes to relocate an existing telecommunication transceiving facility and replace the 100-foot high wood pole with a more permanent steel monopole. The cell site is permitted by right in the M2 (industrial) Zone, however, since the time when the existing facility was installed, the height district has been changed to 1VL which limits the height to 45 feet.

FINDINGS

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 98 must be made in the affirmative.

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

1. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is seeking a variance from Section 12.21.1-A of the Municipal Code, to permit in an M2-1VL Zone the construction, use and maintenance of a steel monopole that will be 90 feet in height with the maximum height of the tallest mounted whip antenna of 108 feet above grade in lieu of the maximum allowed height of 45 feet.

The application states in part:

"The applicant, AirTouch Cellular, is proposing the relocation of an existing cellular communications facility and the construction of a new 90-foot steel monopole to support a maximum of (21) directional panel antennas, (3) microwave dishes, and (3) omni-directional whip antennas. The height of the tallest whip antenna shall not exceed 108 feet above grade..."

"The Los Angeles Planning and Zoning Code permits the installation and operation of wireless communications facilities in the M zones by right. The subject property, located at 2315 Ripple Street, is zoned M2-1VL. Due to the height of nearby electrical transmission lines and the elevated freeway, the strict application of the 1VL height limitation would not allow the proposed facility to operate efficiently. A monopole of only 45 feet would not be of sufficient height to allow the attached antennas to send and receive clear cellular signals from mobile customers in the surrounding area. Additionally, the proposed microwave dishes operate on line-of-sight, meaning they need an unobstructed path from one dish to another. At this location, the microwave dishes need to be mounted above 60 feet in order to clear surrounding obstructions. In order for the proposed cellular communications facility to operate efficiently and provide service to the surrounding community, a height variance allowing a new monopole to exceed the 45-foot height limit is being requested..."

would result in practical difficulties or unnecessary hardships to limit the pole height to 45 feet.

2. **There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

"The subject property is located in a heavily industrialized area adjacent to the Los Angeles River to the north, the Golden State Freeway (5) to the west, the Glendale Freeway (2) to the east and the interchange of these two freeways to the south. As mentioned above, the property is zoned M2-1VL which would prohibit the installation of

the 90-foot monopole. However, due to the unique surroundings of the immediate area, being heavily industrialized and surrounded by freeways on three sides and the Los Angeles River on the other, the additional height being requested by the applicant would have no significant negative impact on the other property owners or uses in the area..."

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The zoning regulations permit cellular communications facilities by right in the M Zone and numerous cellular sites are located throughout the City in this zone. The granting of this variance is necessary for the applicant to enjoy the same privileges as owners of other properties in the same zoning classification. The applicant would be allowed by right to operate a cellular telephone facility in the M2 Zone were it not for the 1VL height classification restricting the overall height of the monopole to 45 feet above grade. This height is insufficient for the facility to operate efficiently due to the height of the freeway overpass and various power distribution lines in the vicinity.

4. **The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Field investigation revealed that an existing one-story metal equipment shelter and an approximate 100- to 125-foot high wooden monopole with antenna array and what appears to be a microwave dish (located at a lower height than the antenna array) is located behind the one-story with a mezzanine warehouse/office building. The applicant plans to move the antenna system and equipment shelter building northerly of its present location, to an area presently occupied by a portion of the Safety Kleen Corporations delivery/recovery trucking fleet. Staff counted 13 trucks on-site.

The subject ownership is located just northwesterly of the Route 2 Freeway (Glendale Freeway) and the Route 5 Freeway and is strategically located to offer cellular service to the applicants patrons/customers travelling along the mentioned freeways and in the part of the City.

The site is within an area that has historically been developed with light industrial uses and a mixture of single-family dwellings. These conditions shared by light industrial uses and a residential neighborhood have existed prior to the development of the Golden State Freeway. Many of the uses in the area date back to the 1920's and 1930's.

The applicant states:

"The existing facility has been in operation for approximately 6 years and there have been no complaints

from owners in the immediate vicinity. The surrounding area is improved with industrial uses and the installation of a cellular communications facility and a 90-foot steel monopole will have no detrimental impacts on those uses or property values..."

"The location of this cellular facility is crucial to providing service to mobile customers traveling both the Golden State and Glendale Freeways. It also provides service for customers in the Silver Lake, Glassel Park and Atwater Village neighborhoods. Contrary to being detrimental, this facility will provide uninterrupted telephone service to this area of Los Angeles in the case of natural disasters or civic unrest..."

The proposal is to relocate an existing cellular telecommunications *transceiving site approximately 100 feet and use a steel monopole rather than the current wood pole.* The issue for the variance is height above the 45-foot limit that was placed on the general area in 1988. The telecommunication requirements are unique and the height is for the antenna not an industrial/commercial building.

It is therefore determined that as described above, the conditions imposed that the height of the monopole and relocation of the existing telecommunications facility at the stated location will not be materially detrimental to the character of development in the immediate area.

5. **The granting of the variance will not adversely affect any element of the General Plan.**

The Silver Lake-Echo Park Plan designates the subject property for Light Manufacturing with corresponding zones of M2, MR2, and P and Height District No. 1VL.

The telecommunication transceiving facility (Atwater Cellular Site) is permitted in the M2 Zone and consistent with the plan. The property is in the midst of the industrial area, however, there are some residential buildings among the manufacturing uses. The monopole will not be near any single-family dwellings and not a new use for the property but a relocation and said grant will not adversely affect the goals and objectives of the General Plan.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program flood insurance rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
7. On January 13, 1995, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 95-0054-ZV, for a Categorical Exemption, Class 1, Category 22,

City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.

8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

William E. Lilienberg

WILLIAM E. LILLENBERG
Associate Zoning Administrator

WEL:lmc

cc: Councilmember Jackie Goldberg
Thirteenth District
Adjoining Property Owners
County Assessor

