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CALIFORNIA

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October 25, 2006

Royal Street Communications (A)
2913 El Camino Real, #561
Tustin, CA 92782

Pradip and Nayanaben Patel (O)
17100 Pioneer Boulevard, #400
Artesia, CA 90701

Matthew C. Yoon (R)
Cortel
1225 West 190th Street, #310
Gardena, CA 90248

CASE NO. ZA 2001-2765(CU)(PA1)
APPROVAL OF PLANS
14955 West Roxford Avenue
Sylmar Planning Area
Zone : ((Q)C1-1
D. M. : 228B145
C. D. : 7
CEQA : ENV 2006-7616-CE
Fish and Game: Exempt
Legal Description: Portion of Lot 5,
Block 118, Los Angeles Olive
Growers Association Lands

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby APPROVE:

plans for the construction, use and maintenance of a wireless telecommunications facility mounted on the roof of an existing motel building,

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 to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The new installation shall consist of six panel antennae, one microwave antenna and one GPS antenna. Four panel antennae and the microwave antenna shall be mounted on top of the penthouse, behind RF transparent screen painted and textured to match the building. The GPS antenna shall be mounted to the RF transparent screen. The two remaining panel antennae shall be flush mounted on two of the facades of the building, not exceeding the height of the top of the parapet, and shall be painted to match the building. The height of the panel antennae and screens shall not exceed 49 feet 3 inches above ground level (AGL).
7. The associated equipment shall be placed in a 12-foot by 18-foot lease area on the ground, in the northwesterly portion of the property, behind a 6-foot high chain link fence fitted with decorative brown slats.
8. The site shall be kept free and clear of trash and debris at all times.
9. The antennae and other electronic equipment shall be installed and constructed pursuant to a valid City of Los Angeles permit.
10. Should the installation remain unused for more than ninety days, the installation shall be removed to the satisfaction of the Department of Building and Safety.
11. All of the applicable regulations of the Federal Communications Commission pertaining to the installation and operation of wireless telecommunication facilities shall be complied with.
12. Prior to the issuance of any permits, the applicant shall submit a plot plan to the Fire Department for review and approval.
13. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after NOVEMBER 13, 2006, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by

the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

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

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

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 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, and the plans submitted therewith, 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 plan approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped, corner, parcel of land, consisting of approximately 1.18 acres, having a frontage of 490 feet on the north side of Foothill Boulevard and a frontage of 230 feet on the west side of Roxford Street. The subject site is developed with a Super 8 Hotel.

Surrounding properties are within the [Q]C1-1, RE11-1, RA-1, (T)(Q)RD2-1, A2-1, R3-1, C2-1, and R1-1 Zones and are characterized by a level and sloping topography and improved streets, curbs, gutters, and sidewalks. They are primarily developed with newer one- and two-story single-family dwellings, vacant parcels, and the Foothill Freeway (210).

Adjoining properties to the north of the subject site are zoned RA-1 and A2-1 and are vacant or developed as the Foothill Freeway and the Roxford Avenue off-ramp.

Adjoining properties to the south are zoned [Q]C1-1 and RE11-1 and are developed with one- and two-story single-family dwellings or vacant parcels.

Adjoining properties to the east are zoned RA-1, R3-1, and R1-1 and are vacant or developed with one- and two-story single-family dwellings.

Adjoining properties to the west are zoned RA-1 and (T)(Q)RD2-1 and are vacant or developed with one- and two-story single-family dwellings.

Foothill Boulevard, adjoining the property is a designated Major Highway with a dedicated width of 100 feet and improved with curb, gutter and sidewalk.

Roxford Avenue, adjoining the subject property is a designated Major Highway with a dedicated width of 100 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site include:

Subject Property:

Case No. ZA 2001-2765(CU)(ZV) - On November 19, 2001, the Zoning Administrator approved a Conditional Use to permit the construction, use and maintenance of a wireless telecommunications facility mounted on the roof of an existing motel building, and a variance from "Q" Qualified Condition No. 5 of Ordinance No. 161,161 to permit the installation of the above described project on the subject property.

Case No. CPC 1985-705 ZC - On April 11, 1986, the City Council adopted a zone change from RA-1 and (T)RE11-1 to (T)(Q)C2-1 . Ordinance No. 161,161, imposes "Q" Qualified classifications. "Q" Qualified Condition No. 5 prohibits commercial uses on the property, other than the existing hotel and restaurant.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in part:

"M. Development, Change or Discontinuance of Uses:

1. Development of Site. On any lot or portion thereof on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, and existing institutions or school developments may be expanded as permitted in Subsection L of this Section, provided plans therefore are submitted to and approved by the Commission or by a Zoning Administrator, whichever has jurisdiction at that time ...".

MANDATED FINDINGS

In order for a conditional use plan approval to be approved, the mandated findings delineated in Municipal Code Section 12.24 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same.

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

The property consists of a 1.18 acres, level, irregular-shaped, parcel of land with a frontage of 490 feet on the north side of Foothill Boulevard and 230 feet on the west side of Roxford Street. It is zoned [Q] C1-1, and developed with a multi-level Motel, and associated surface parking. The relevant 'Q' Condition prohibits commercial uses on the property, other than the existing hotel and restaurant. A wireless telecommunications facility (WTF) was allowed on the property in 2001, pursuant to a Conditional Use and Variance, under Case No. ZA 2001-2765(CU)(ZV).

The applicant is proposing the addition of a new WTF at this location, consisting of the installation of six panel antennae, one microwave antenna and one GPS antenna, as well as associated equipment. All antennae except two will be mounted on the roof of the existing penthouse, behind RF transparent screens painted and textured to match the building. The other two panel antennae will be flush mounted on two of the building's facades. Associated equipment will be located on the ground, in the northwesterly portion of the property, behind a 6-foot chain link fence fitted with decorative brown slats.

The applicant is seeking to improve service to its subscribers by filling in coverage in an area of poor transmission/reception and by providing expanded capacity coverage to existing and future customers. This area of Los Angeles has been identified as currently suffering from a high rate of lost calls and blocked calls, and the submitted propagation study demonstrates the gap in service in this area.

Over the recent years wireless telecommunication has proven to be an invaluable tool of communication not only in times of emergency, when land lines are saturated or not available, but also in the efficient conduct of daily business and personal activities. This installation will allow the applicant to improve coverage of service and provide communication access to both residents and businesses not only in times of emergencies but as a convenient means of communication in the course of everyday personal and business use.

In light of the above, insofar as the placement of the proposed facility will contribute to the maintenance of an efficient communication system available to the public, the location of the project can be found to be desirable to the public convenience and welfare.

2. The location is proper in relation to adjacent uses or the development of the community and the use will not be materially detrimental to the character of the development in the immediate neighborhood.

The subject building is located at the northwest corner of Roxford Street and Foothill Boulevard. Immediately adjacent to the north is the Foothill Freeway, immediately adjacent to the west is a vacant parcel of land. Across Roxford Street to the east is vacant land zoned for residential uses. Across Foothill Boulevard, at the southwest corner of the intersection is another vacant parcel of land zoned for commercial uses. All other along 100-foot wide Foothill Boulevard and Roxford Street are single-family homes.

The applicant is proposing the addition of a new WTF at this location, consisting of the installation of six panel antennae, one microwave antenna and one GPS antenna, as well as associated equipment. All antenna except two will be mounted on the roof of the existing penthouse, behind RF transparent screens painted and textured to match the building. The other two panel antennae will be flush mounted on two of the building's facades. Associated equipment will be located on the ground, in the northwesterly portion of the property, behind a 6-foot chain link fence fitted with decorative brown slats.

A roof mounted WTF installation was approved on the roof of this building in 2001, by this Zoning Administrator.

At the public hearing held on September 14, 2001 for the first installation, only the applicant's representative and a representative of the Council District office spoke, both in support of the installation and its design. No opposition of any kind was received.

This WTF installation at this location, will result in the antennae being entirely concealed from view, causing no visual impact on adjacent properties. Equipment cabinets are located where they will not be visible from any of the adjacent commercial or residential properties. Operation of the facility can be accomplished without disrupting or changing the operation and character of the principal permitted use of the property. The proposed facility will be unstaffed, have no impact on circulation systems, and generate no noise, no odor, smoke or any adverse impacts to adjacent land uses. The proposed installation is a logical and appropriate supplemental use of the property.

In light of the above, it can be found that the project at this location is proper in relation to adjacent uses and will not be detrimental to improvements adjacent to or in the vicinity of the property it is located upon.

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

The property is located within the Sylmar Community Plan area and designated for Highway Oriented Commercial uses with corresponding zones of C1, C2, CR, and P. Footnote No. 3, pertaining to Floor Area Ratio limits for commercial uses and residential density in certain areas of the plan, would not apply to the project as no increase in floor area is proposed. The site is not located within any specific plan or

interim control ordinance area. Unlike other land uses, which can be spatially determined through the General Plan, or other land use plans, the location of wireless telecommunication facilities is based on technical requirements which include service area, geographical elevations, alignment with neighboring sites and customer demand components. Placement within the urban geography is dependent on these requirements. The proposed installation on top of this existing building will not change the underlying hotel use of the building thus maintaining its consistency with the principles, intent and goals of the specific plan and the district plan.

The proposed facility advances a policy of the City's Safety Plan, which states that *"...an Emergency Notification System providing quick, no-cost, readily accessible service for reporting of fires and other general emergencies by the general public be established."* The proposed facility also advances the City's Seismic Safety Plan, which states that it is the City's policy *"that the emergency communications network, emergency control center, and reconnaissance systems are properly maintained."*

4. **The site is of a size and shape sufficient enough to provide required setbacks, the required setbacks are improved to meet applicable screening and landscaping standards, and the installation will have the least possible visual impact on the environment.**

The intent of the setback, screening and landscaping requirements is to minimize the visual impact of the installation from public areas and provide enough safety buffer in case of structure failure.

As proposed, located on the roof of an existing building and concealed behind screens designed to look like integral architectural elements of the structure, completely hidden from view from any of the surrounding properties, setbacks and landscaping do not constitute a relevant issue in this instance.

The equipment cabinets will be located on the ground behind a 6-foot high chain link fence fitted with decorative brown slats, thereby rendering the installation not readily visible from a public view.

In light of the above, it can be established that screened and located as proposed, the installation will have the least possible impact on the visual environment.

5. **An effort in good faith was made by the applicant to locate on existing sites or facilities.**

The City's Wireless Telecommunication Facility (WTF) ordinance strongly encourages the location of new WTF facilities on existing approved structures or sites, when feasible.

As noted above, the new installation is in addition to an existing installation approved in 2001, also mounted on the roof of the building.

As such, the proposed installation consists of a co-location on a site already hosting a WTF, and thereby is in full conformance with the intent of the co-location guidelines established by the City.

6. **The project is consistent with the general requirements of the WTF standards and the use will have no substantial adverse impact on properties or improvements in the surrounding neighborhood.**

Considering the characteristics of the installation, as detailed above, it can be deemed that, subject to the attached conditions, the installation, as approved, at this location, is consistent with the general requirements of the Wireless Telecommunications Facility standards established by the City under Section 12.21-A,20 of the Municipal Code and that the use will have no substantial adverse impact on properties or improvements in the surrounding neighborhood.

ADDITIONAL MANDATORY FINDINGS

7. 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.
8. On August 31, 2006, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2006-7616-CE, for a Categorical Exemption, Class 3, Category 4. City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
9. 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.



ANIK CHARRON
Associate Zoning Administrator
Direct Telephone No. (213) 978-1307

AC:lmc

cc: Councilmember Alex Padilla
Seventh District
Adjoining Property Owners
County Assessor