

Notice of Public Hearing

Aviso de Audiencia Pública • 공청회통지
Abiso ng Pagdinig sa Publiko • 公開聽證會通知
Հանրային լսումների մասին ծանուցագիր



Traducción
번역 • 翻译
Pagsasalin
Թարգմանություն



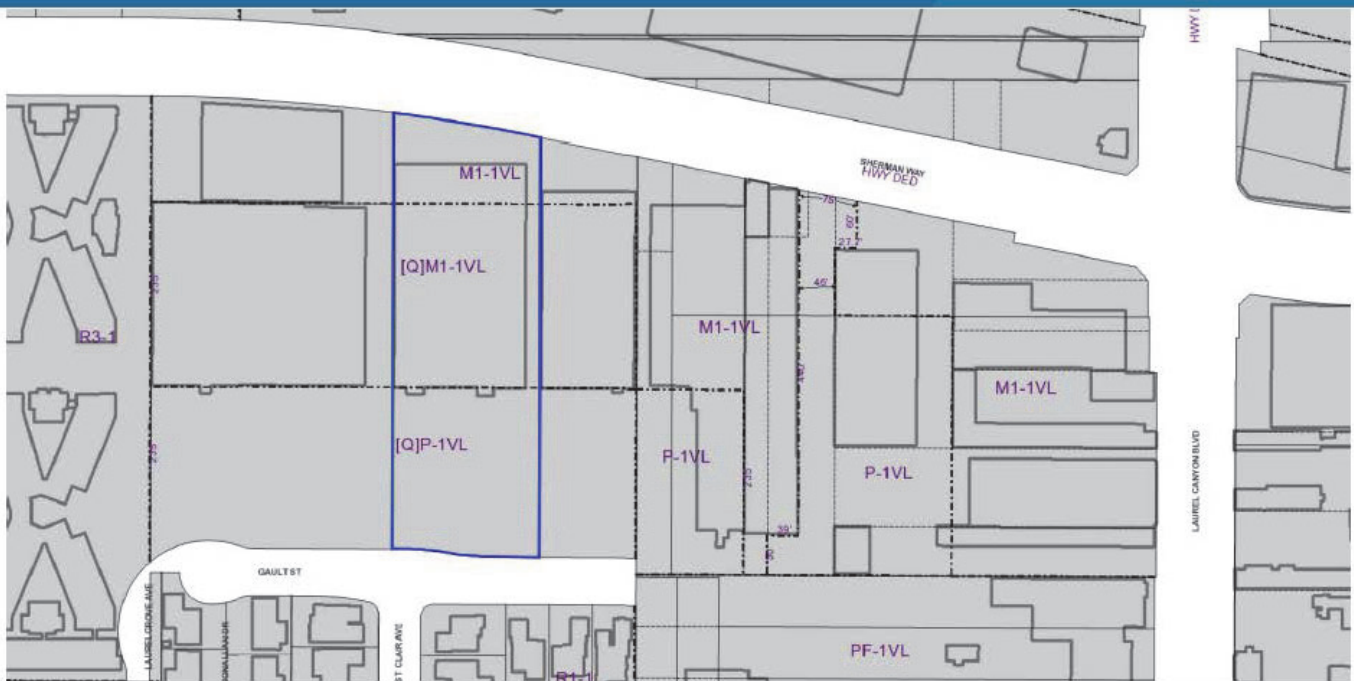
January 23, 2025, after 4:30 p.m.

South Valley Area Planning Commission

Marvin Braude San Fernando Valley
6262 Van Nuys Boulevard, Room 1B
Van Nuys, CA 91401

This meeting may be available virtually, in a hybrid format. Please check the meeting agenda approximately 72 hours before the meeting for additional information.

Please see planning4la.org/hearings for the meeting agenda.



Project Address

Sitio de Proyecto
프로젝트 주소 • 項目地址
Address ng Proyekto
ծրագրի Հասցե

12226 Sherman Way, 91605
12229 Gault Street, 91605

Proposed Project

Proyecto Propuesto
프로젝트 제안 • 擬議項目
Iminungkahing Proyekto
Առաջարկվող ծրագիր

The installation, use and maintenance of a new, unmanned 50-foot wireless telecommunications facility monopole (disguised as eucalyptus tree).

Actions Requested

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

An appeal of the Associate Zoning Administrator's determination, dated October 28, 2024, which:

DETERMINED, based on the whole of the administration record, the Project is exempt from CEQA pursuant to the CEQA Guidelines, Article 19, Section 15303, Class 3, there is no substantial evidence demonstrating that an exemption to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and

APPROVED, a Conditional Use to permit the installation, use and maintenance of a new unmanned wireless telecommunication facility with a maximum height of 50 feet, in the M1-1VL Zone with additional terms and conditions.

(Refer to the Letter of Determination dated October 28, 2024)



Case Information

Información del caso • 케이스 정보 • 案例資訊 • Impormasyon sa Kaso • Տեղեկություններ գործի վերաբերյալ

Case Number(s):

ZA-2022-7780-CUW-1A

Environmental Case Number(s):

ENV-2022-7781-CE

Related Case Number(s):

N/A

Overlay(s):

N/A

Zone:

M1-1VL, [Q]M1-1VL, [Q]P-1VL

Community Plan Area:

North Hollywood - Valley Village

Land Use Designation:

Limited Manufacturing

Assigned Staff Contact Information:

Sasha Kassab, Planning Assistant
sasha.kassab@lacity.org
(213) 756-1724
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401

Council District:

2

Applicant:

AT&T Wireless

Appellant:

Debora B.Gelberg

Applicant Representative:

Sonal Thakur

Appellant Representative:

N/A

Who's Receiving This Notice

Quién recibe este aviso • 본통지를 받은 사람들 • 誰會收到此通知

Sino ang Tumatanggap ng Paunawang Ito • Սույն ծանուցագիրը ստացող կողմը

You are receiving this notice either because you live on or own property that is on a site within 500 feet of where a project application has been filed with the Department of City Planning, are the Certified Neighborhood Council for the subject property, or because you requested to be added to the interested parties list, or you are otherwise legally required to receive this notice. You are invited to attend this hearing to learn more about the proposed project and offer feedback. If unable to attend, you may contact the planner to provide written comment, obtain additional information, and/or review the project file.

General Information - Visit our website at planning4la.org/hearings for general information about public hearings and the exhaustion of administrative remedies.

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 planning4la.org/hearings. 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.

- **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 planning4la.org/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. To request a reasonable accommodation, such as translation or interpretation, please contact the Commission Executive Assistant at (213)756-1741, the Commission Office Main Line at (213) 978-1300 or by email at apcsouthvalley@lacity.org a minimum of 3 days (72 hours) prior to the public hearing. Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation 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

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form CP13-7840. For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☒ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA)

CASE INFORMATION

ZA-2022-7780-CUW

Case Number:

APN:

2321-001-015

12220-12230 Sherman Way; 12229 Gault Street, North Hollywood

Project Address:

November 12, 2024

Final Date to Appeal:

APPELLANT

Check all that apply.

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

ZA-2022-7780-CUW-1A

APPELLANT INFORMATION

Appellant Name: Debora B. Gelberg

Company/Organization: _____

Mailing Address: 12212 Gault Street

City: North Hollywood **State:** CA **Zip Code:** 91605

Telephone: 323-371-1039 **E-mail:** deboragelberg@gmail.com

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

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☐ YES ☐ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: Debra B. Duboy Date: 11/12/2024

GENERAL 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.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles 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:

\$172 —

Reviewed & Accepted by (DSC Planner):

NELSON RDM SUE

Receipt No.:

99343

Date:

11/12/24

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

☒ Appeal Application

☒ Justification/Reason for Appeal

- ☒ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☒ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☒ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP13-2074) for applicable requirements.

SPECIFIC CASE TYPES ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

Appeal Justification - Reason for Appeal Statement

Case No. ZA-2022-7780-CUW

Reason(s) for Appeal

The Associate Zoning Administrator erred in his finding that “The project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.”

Specific Points at Issue

Condition number 7 is very problematic. It creates safety and visual problems. Below are the specific points at issue.

- (1) A 50-foot minimum set back (100% of the size of the pole) of the monopole from the parkway green strip, Gault Street and residential uses bordering the south side of the project property owner’s property line is needed to properly ensure the safety of the surrounding neighborhood. If the monopole was to collapse due to an earthquake or strong wind it could kill a person who is walking on the parkway green strip that is adjacent to the project, or it could kill people in a car travelling on Gault Street. Neighbors frequently take walks, including walking their dogs, on that parkway strip. There are news reports of monopole cell towers collapsing due to natural causes. Condition 7 only requires a 20% setback from abutting streets.
- (2) Condition 7 fails to require a Building and Safety permit for the monopole. A Building and Safety permit should be required for the monopole, not just for antennas and other equipment.
- (3) Condition 7 fails to provide for annual testing for Radio Frequency. Annual testing for Radio Frequency should be required to protect the health and safety of the people in the single-family residential homes on Gault Street and the people walking on the parkway strip.
- (4) Condition 7 fails to provide that the testing for Radio Frequency should be done by a professional certified to test for Radio Frequency who is a third party, not connected to the project applicant developer. Radio Frequency testing by a professional certified to test for Radio Frequency who is a third-party not connected to the project applicant developer should be required to protect the health and safety of the people in the single-family residential homes on Gault Street and the people walking on the parkway strip.
- (5) Condition 7 fails to state that if the Radio Frequency testing report shows that cell tower’s emissions exceed Radio Frequency limits established by the Federal Communications Commission that the cell tower will be taken out of operation until the

testing reports show compliance with Federal Communications Commission's established limits.

- (6) Condition 7 fails to say that the monopole and associated equipment shall be fully enclosed in an 8-foot chain link fence. It is stated elsewhere in the decision but needs to be stated in the condition itself since this is an important safety requirement.
- (7) Due to the 50-foot height of the Monopole, it will be a visual blight for the surrounding residential uses on Gault Street and should be set back from the adjacent Gault street parkway by at least 100 feet.

How I am aggrieved

I co-own the property at 12212 Gault Street, which is near the project site.

- 1. I am concerned about my health and safety since I must travel down Gault Street in order to go shopping, for my work and to see family and friends. I am also concerned about walking in the parkway strip.
- 2. I am concerned about the visual blight.
- 3. I am concerned that my house's property value will go down with having a cell tower so close to my home. Reports are that property values go down for homes near a Cell Tower.

DETERMINATION LETTER

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING
ADMINISTRATORS**

JACK CHIANG
HENRY CHU
TIM FARGO
JONATHAN A. HERSHEY, AICP
PHYLLIS NATHANSON
CHARLES J. RAUSCH JR.
CHRISTINE M. SAPONARA
COURTNEY SHUM
CHRISTINA TOY LEE
JORDANN TURNER

**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

**LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES**

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

planning.lacity.org

Decision Date: October 28, 2024

Last Day to File an Appeal: November 12, 2024

AT&T Wireless (A)
New Cingular Wireless, PCS LLC (AT&T
Mobility)
1452 Edinger Avenue, 3rd Floor.
Tustin, CA 92780

ESH Properties, LLC, a California Limited
Liability Company (O)
5651 Sepulveda Boulevard #201
Sherman Oaks, CA 91411

Sonal Thakur (R)
Eukon Group
65 Post, Suite 1000
Irvine, CA 92618

CASE NO. ZA-2022-7780-CUW
CONDITIONAL USE-WIRELESS
12226 Sherman Way
(12220-12230 Sherman Way; 12229
Gault Street)
North Hollywood – Valley Village
Community Plan
Zone : M1-1VL, [Q] M1-1VL, [Q]P-1VL
D. M. : 183B165
C. D. : 2 - Krekorian
CEQA : ENV-2023-5781-CE
Legal Description: Lot A, Tract P M 2986

Pursuant to State CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administration record, the Project is exempt from CEQA pursuant to the CEQA Guidelines, Article 19, Section 15303, Class 3, there is no substantial evidence demonstrating that an exemption to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24-W,49, I hereby APPROVE:

a Conditional Use to permit the installation, use and maintenance of a new unmanned wireless telecommunication facility with a maximum height of 50 feet, in the M1-1VL 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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
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 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 Development Services Center 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.
7. Approved herein is the installation and use of a wireless telecommunications facility (WTF) constructed within a new monopole tower, designed with faux eucalyptus foliage consisting of the following as illustrated in Exhibit "A":
 - a. 15 panel antennas, two (2) microwave antennas, 36 remote radio units (RRUs), one (1) submeter associated with existing breaker, seven (7) surge suppression devices, one (1) step-down transformer, one (1) back-up power generator with a 103-gallon fuel tank on a concrete pad.
 - b. Antennas and associated screening shall not exceed 50 feet as measured from ground level. The antennas shall be screened with faux eucalyptus foliage material, finish and textured.
 - c. The wireless telecommunications facility shall be set back at least a distance equal to 20 percent of the height of the monopole, from all abutting streets and residential uses.

- d. The monopole and associated equipment shall be fully enclosed, as shown in Exhibit "A". Ground equipment shall be screened by a chain-linked fence.
8. Prior to the Development Services Center's sign-off of plans, the applicant shall submit the plot plan for review and approval to the Fire Department. Said approval shall be shown via a stamp on the plans submitted to the Development Services Center.
9. Should use of the approved antennas and equipment cease, they shall be removed to the satisfaction of the Department of Building and Safety within 90 days of the discontinuance of the use.
10. The subject grant shall not be exercised in a manner to conflict with the potential co-location of other carriers on the subject site.
11. The antennas and other electronic equipment shall be installed and constructed with a valid City of Los Angeles building permit.
12. All applicable laws, regulations, and standards of all local, state and federal government agencies shall be observed.
13. The facility shall not interfere with TV, radio, or cordless phone reception or exceed Radio Frequency (RF) limits established by the Federal Communications Commission (FCC). Claims of interference with the operations of any business or residential use due to the operations of the facility shall be subject to correction by the permittee. Any claim shall be reviewed by a qualified, mutually agreeable third party who will test actual sit conditions and propose mitigation of any interference determined to be due to the operation of the facility. Within 60 days after installation, a copy of the RF emissions, shall be transmitted to the Development Services Center for placement in the case file.
14. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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, and the statements made at the public hearing on October 8, 2024 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W.49, have been established by the following facts:

BACKGROUND

The project site is located at 12226 Sherman Way in the North Hollywood – Valley Village Community Plan area in the M1-1VL Zone. The project site has a frontage of approximately 190 feet on Sherman Way. The rear of the site, which has a frontage of approximately 196 feet on the north side of Gault Street, is lined with trees and a concrete wall. The site is developed with an approximately 55,000 square-foot building with Limited Manufacturing uses on a 102,344.4 square-foot lot.

The project site is zoned M1-1VL and is located within the North Hollywood – Valley Village Community Plan with a land use designation of Limited Manufacturing. The project site is located within a Tier 1 TOC, 500 feet of Valley Plaza Recreation Center, Urban Agriculture Incentive zone, Methane Buffer zone, and is located within 3.86 kilometers of the nearest known fault (Verdugo Fault).

The applicant is requesting a conditional use to permit the installation of a new Wireless Telecommunications Facility monopole in parking area of the existing industrial building. The scope of work includes installation of 15 panel antennas and two (2) microwave antennas on a 50-foot-tall faux eucalyptus monopole. There will be 36 Remote Radio Units, seven (7) surge suppression devices, one (1) disconnect, one (1) Telco box, one (1) Ciena, one (1) submeter associated with existing breaker, two (2) GPS Antennas, one (1) utility H-Frame, one (1) steel walk-in cabinet, one (1) step-down transformer, one (1) back-up power generator with a 103 gallon fuel tank on a concrete pad, and one (1) chain link enclosure that is eight (8) feet in height. The monopole and walk-in cabinet shall be within the chain link enclosure.

Surrounding

The properties to the north, across Sherman Way, are zoned PF-1VL, developed with a City of Los Angeles Fleet Services Repair facility.

The abutting property to the east is zoned [Q]M1-1VL, developed with a one-story lighting and furniture showroom.

The properties to the south, across Gault Street, are zoned R1-1, developed with one-story single-family dwellings.

The abutting property to the west is zoned M1-1VL, developed with a one-story furniture showroom.

Streets

Sherman Way, adjoining the subject property to the north, is a Boulevard II, dedicated to a right-of-way width of 100 feet and a roadway width of 88 feet, improved with asphalt roadway, concrete median, concrete curb, gutter, sidewalk, and streetlights.

Gault Street, adjoining the subject property to the south, is a Local Street, dedicated to a right-of-way width of 60 feet and a roadway width of 36 feet, improved with asphalt

roadway, concrete curb, gutter, sidewalk, and street trees.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Permit No. 17016-20000-02476– On February 3, 2017, the Department of Building and Safety issued a permit for installation of a non-load bearing wall.

Permit No. 16016-20000-15301 – On July 1, 2016, the Department of Building and Safety issued a permit for re-roofing with Class A or B material weighing less than 6 pounds per sq. ft. over existing solid sheathing.

Ordinance No. 165108 – On September 24, 1989, the City Planning Commission approved an ordinance which made Qualified [Q] Conditions in CPC 83-549 permanent:

1. That the property shall be enclosed with a decorative block wall five feet nine inches in height along its westerly and southerly sides, with the southerly wall to set back 15 feet from Gault Street after street dedication.
2. The aforementioned 15-foot setback between the wall and the property line shall be attractively landscaped with trees, shrubs, and ground cover in accordance with the landscape plan prepared by a landscape architect and shall be equipped with an automatic sprinkler system. The trees required within the landscaped setback area shall be so spaced as to form an effective visual barrier and shall be not less than 10 feet in height at planting. Such trees shall also be planted along its westerly side.
3. The southerly wall shall contain no openings except for a pedestrian gate. This gate shall not be used for public thoroughfare and shall be locked at all times except as to provide access to maintain the said landscaped area.
4. Except for a warehouse use on the property, any other industrial use shall provide one parking space for each 350 square feet of gross floor area but not less than three stalls for each four employees on the main shift.
5. That in no event shall there be any signs or advertising that may be visible from south of the property from either St. Clair Avenue or Gault Street.
6. That all mechanical equipment and roof ventilating apparatus be so arranged as not to be vented toward Sherman Way and appropriately screened from view.
7. No structure on the site shall exceed one story.
8. That all vehicular access shall be from Sherman Way.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

There are no relevant previous cases on surrounding properties.

PUBLIC CORRESPONDENCE

No public correspondences were received.

PUBLIC HEARING

The public hearing was held virtually over Zoom Webinar on October 8, 2024, at 9:30 a.m. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was attended by the applicant's representative (Sonal Thakur) and one member of the public.

Sonal Thakur presented the project and stated the following:

- Project consists of a 50-foot monopole disguised as an eucalyptus tree.
- Five-feet taller than what is permitted.
- Project will provide stronger coverage and eliminate gap.
- Additional height is needed to better sight lines for antennas.
- Project is located to the rear of property.
- There are existing trees along Gault Street that help mask/screen proposal.

Pat, a member of the public made the following question:

- Is the placement of the facility within the industrial area or on the street closes to th residential properties?

In response to the issues raised during the hearing and questions raised by the Zoning Administrator, the applicant team made the following comments:

- Co-locations attempts were made.
- The proposed location provides the bare minimum height to provide adequate coverage.
- The project will be located approximately 10-feet from the rear property line.

Conclusion of hearing

At the end of the public hearing, the Zoning Administrator stated that he would approve the requested entitlement.

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,49 of the Los Angeles Municipal Code. In order for the conditional use permit to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use

categories.

FINDINGS

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

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

The applicant proposes the installation, use and maintenance of a wireless telecommunication facility monopole in the parking area of an existing industrial building. The proposed wireless telecommunications facility is comprised of 15 panel antennas and two (2) microwave antennas on a faux eucalyptus monopole. There will be 36 Remote Radio Units, seven (7) surge suppression devices, one (1) disconnect, one (1) Telco box, one (1) Ciena, one (1) submeter associated with existing breaker, two (2) GPS Antennas, one (1) utility H-Frame, one (1) steel walk-in cabinet, one (1) step-down transformer, one (1) back-up power generator with a 103 gallon fuel tank on a concrete pad, and one (1) chain link enclosure that is eight (8) feet in height. The monopole and walk-in cabinet shall be within the chain link enclosure. The applicant is requesting to permit the proposed monopole height of 50 feet. The proposed monopole will be designed to resemble a eucalyptus tree with faux foliage to hide the antennas, Remote Radio Units, and surge suppression devices from public view.

The intent of the proposed facility is to enhance wireless telecommunication services in and around the immediate vicinity in order to address the significant gap in service coverage and capacity as further shown on the propagation map. The facility will provide capacity relief to current sites that are currently overloaded within the North Hollywood area. It will also provide coverage to residences, business, patrons, and emergency services around the project site. The project is designed to cover the maximum coverage area which reduces the need for any additional wireless telecommunications facility, which would further impact the area. The projects also incorporate the necessary monitoring measures to ensure the health and safety of the area. The applicant is reducing its future need for more cell sites to cover this same area and mitigating any environmental impact of the project. The existing building is a six-story multi-family dwelling, so the roof placement is beneficial to providing adequate coverage.

Wireless telecommunication systems have shown to be invaluable tools in business communications and daily personal use, as well as in the event of emergencies and natural disasters where normal land line communications may be disrupted, overlooked, or inaccessible. In case of an emergency, the proposed facility will be a valuable asset to the surrounding community. The proposed project will expand these functions and services to the immediate neighborhood and thereby perform a function that is essential and beneficial to the community, city and region.

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

The subject site is located in the M1-1VL, [Q] M1-1VL, and [Q]P-1VL Zones in the parking area of an existing industrial building on a 102,344.4 square-foot lot. The subject site has street frontage along Sherman Way and the rear is along Gault Street. The new wireless facility will be a monopole located in the parking area measuring 50 feet maximum in height. The proposed 17 antennas and 36 RRUs on the monopole will be located within faux tree foliage that will screen the equipment from public view. The monopole, walk-in cabinet, and back-up power generator and fuel tank, will be within an eight (8) foot tall chain link enclosure to prevent public access. Project location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties.

The facility will operate within all guidelines set by the Federal Communications Commission (FCC) for safe operation. The applicant submitted a Radio Frequency - Electromagnetic Energy (RF-EME) Report, prepared by EBI Consulting, dated August 15, 2022, which concluded that based upon the FCC criteria, there are no modeled area on any accessible rooftop or ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site.

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

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

The proposed project's operations will not adversely affect adjacent properties as the proposed wireless telecommunications facility will be unmanned, will not have an impact on circulation systems, and will not generate noise, odor, smoke, or any other adverse impacts. Conditions of approval herein require the subject facility to be constructed and operated in full compliance with all applicable laws, regulations, and standards of all local, state, and federal government agencies. Therefore, the wireless telecommunications facility, as conditioned herein, will be compatible with the surrounding neighborhood.

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

The Project substantially conforms to the purpose, intent and provision of the General Plan and North Hollywood – Valley Village Community Plan. The Land Use

Element of the City's General Plan divides the city into 35 Community Plan areas. The North Hollywood – Valley Village Community Plan designates the property for Limited Manufacturing with corresponding zones of M1, MR1, and P. The proposed site is zoned M1-1VL and is therefore consistent with the Community Plan.

The General Plan does not specifically designate uses permitted by conditional use. Los Angeles Municipal Code Section 12.24 W permits the requested use within the zones corresponding to this land use designation. The community plan encourages the inclusion of environmentally sensitive industrial uses within the industrial areas. The proposed project will not create any noise, smoke, or adverse impacts that disturb the surrounding environment. The overall goal of the General Plan is to promote an arrangement of land uses, circulation and services which will encourage and contribute to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the area. The proposed project, by improving cellular phone service in the area, will contribute both to the economic vitality of the area, as well as the general convenience and welfare of those who live, congregate, patron and work in the area. As an additional alternative communication system, the wireless telecommunications facility will be more useful in emergency situations where traditional telephone systems are often operable.

The proposed facility is also consistent with the General Plan Framework element goals, objectives and policies:

Chapter 9- Infrastructure and Public Services

#11 Telecommunications – Telecommunications is an emerging field with the potential to significantly alter the way Southern Californians communicate, work and commute. The concentration of business and population in the City of Los Angeles and rapid technological advances offer the opportunity to provide an integrated network serving as the regional hub for public and private users. Following the 1994 Northridge earthquake, the use of telecommunications expanded significantly as traditional travel corridors were closed, demonstrating the potential for such use.

Goal 9: A networked, integrated telecommunications system that capitalizes on the region's potential as an information- telecommunications hub and is capable of providing advanced information services, which are produced by public and private providers located within the City, to all members of the public.

Objective 9.35: Create an integrated information telecommunications infrastructure system, using existing and privately and publicly owned networks and systems as a base for growth.

Policy 9.35.1: Support the special needs of urban emergency and public safety services and benefit the largest number of people.

Policy 9.35:5: Ensure that the City implements state-of-the-art telecommunications technology, consistent with current and future requirements and economic conditions.

Policy 9.35.6: Incorporate appropriate telecommunications requirements into all relevant local policies, plans, and ordinances.

Objective 9.36: Stimulate economic growth and development through the expanded and improved delivery of advanced telecommunications services.

Objective 9.37: Encourage the development of a wide variety of public and private telecommunications services available to all City Residents and businesses.

As mobile and internet technology has improved, mobile access and cellular services have become indispensable in daily living. Construction of the new wireless facility appears likely to improve the region's telecommunications service without creating significant adverse impacts to any surrounding properties, and as such, is consistent with the purpose, intent and provisions of the Community Plan and the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The property is located in North Hollywood – Valley Village Community Plan in an urban setting, the location is ideal in the which it is within close proximity to multiple industrial buildings, many single-family dwellings and multi-family dwellings. Installing the proposed new unmanned wireless telecommunications facility at this location would cover the maximum coverage area and it would reduce the need to install additional wireless telecommunications facility, which would further impact the area. In light of the above, the installation will substantially conform with the purpose, intent, and provisions of the General Plan, the applicable community plan.

4. **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 code.**

According to the LAMC Section 12.21 A.20, the following Wireless Telecommunication Facilities standards shall apply to the placement of all wireless telecommunication facilities:

- **Antenna Requirements:** *"The antenna on any monopole or support structure must meet the minimum siting distances to habitable structures..."*

The proposed project consists of a monopole that is 50 feet in height with

faux eucalyptus foliage to hide the equipment from public view. The maximum height limitation for structures in the M1-1VL zone is 45 feet. However, pursuant to Section 12.24 W.49 a 15 feet height extension may be granted to support co-location of a future monopole. The proposed height of 50 feet is well within the height extension limitation to support co-location of a future monopole. As conditioned, the proposed monopole will meet the minimum siting distance to habitable structures required for compliance with Federal Communications Commission (FCC) regulations and standards.

- **Antenna Setback:** *“Roof mounted antennas shall be located at the greatest feasible distance from the edge of the building. Equipment facilities and antennas shall not extend more than ten feet above the highest point of the roof top, unless mounted on the wall of a penthouse.”*

The proposed monopole shall be set back from all abutting streets, residential uses, and in all zones, or areas with access to the public a minimum of 20% of the height. The monopole is proposed to be 50 feet tall; therefore, a minimum setback of 10 feet is required, and will be enforced through Condition of Approval Numbered 7. The setback will be sufficient to provide for the proposed faux eucalyptus foliage, preserve the privacy of adjoining residential property, and protect adjoining property from the potential impact of pole failure.

Where feasible, the Wireless Telecommunication Facilities Standard set forth in LAMC Section 12.21-A,20(a)(3), the Code strongly encourages the location of new wireless facilities on existing approved structures or sites. The applicant has attempted to locate existing approved sites for the proposed wireless telecommunication facility and found them to be insufficient to fit equipment and meet coverage goals. The applicant has indicated that this design is meant to cover the maximum coverage area which reduces the need for an additional wireless telecommunications facility, which would further impact the area. This area is dense with residential and industrial use.

- **Locating Antennas at Existing Sites:** *“An effort shall be made to locate new WTF on existing approved structures or sites, when feasible.”*

The applicant, AT&T Wireless, has provided evidence of co-location efforts that states there were no suitable collectable towers or structures in the desired vicinity. The applicant has provided propagation maps which show the lack of coverages in the area for AT&T Wireless.

- **Visual Impact:** *“The WTF shall be designed to have the least possible visual impact on the environment...”*

The proposed wireless telecommunications facility will be screened with an eight (8) foot tall chain link enclosure and faux eucalyptus foliage. The proposed design of screening enclosures creates minimal visual impacts as

the facility, and trees along Gault Street will create a buffer between the facility and residential uses. There is also a wall along the property line adjoining Gault Street. No more than 25 percent of the combined tower structure and antenna height shall be visible from grade level of adjoining property and public rights-of-way.

- **Screening:** *“Ground, roof and pole mounted antennas shall be screened... so that not more than 25 percent of the combined tower structure and antenna height is visible from grade level of adjoining public rights-of-way.”*

The proposed design of screening enclosures creates minimal visual impacts as the facility, and trees along Gault Street will create a buffer between the facility and residential uses. There is also a wall along the property line adjoining Gault Street. No more than 25 percent of the combined tower structure and antenna height shall be visible from grade level of adjoining property and public rights-of-way.

- **Landscaping and Maintenance:** *“Landscaping shall be required at the perimeter of the property which abuts streets, residential uses, and in all zones, or areas with access to the public...”*

A landscaped buffer area with one (1) row of trees is existing along the property line adjacent to Gault Street. Shrubs shall be not less than four (4) feet and spaced not more than 15 feet apart. Appropriate irrigation and maintenance to sustain any required landscape shall be required.

- **Signal Interference:** *“Claims of interference with the operations of any business or residential use due to the operations of the facility shall be subject to correction by the permittee.”*

The project has been conditioned to require claims of interference with the operations of any business or residential use due to the operations of the facility to be subject to correction by the permittee. Any signal interference claim shall be reviewed by a qualified, mutually agreeable third party who will test the actual site conditions and propose mitigation of any interference determined to be due to the operation of the facility.

- **Time Limits:** *“All wireless telecommunication facilities shall be removed within 90 days of discontinuance of use.”*

The project has been conditioned to remove all equipment to the satisfaction of the Department of Building and Safety within 90 days of discontinuance of use.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood

Hazard Management Ordinance adopted by the City Council by Ordinance No. 186,952, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>. Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050

South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.la.gov) portal (appointments.lacity.gov). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment Portal
for Condition Clearance

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, and the possibility of a CEQA appeal, being extended to 180 days.

Inquiries regarding this matter should be directed to Sasha Kassab, Planning Staff for the

Department of City Planning at (213) 756-1724 or sasha.kassab@lacity.org.

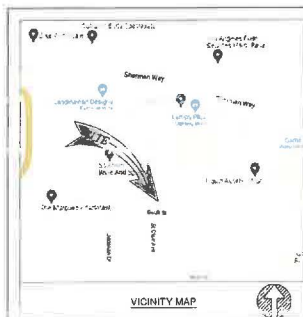


JORDANN TURNER
Associate Zoning Administrator

JT:JP:MG:SK:mc

cc: Councilmember Paul Krekorian
Second District
Adjoining Property Owners
Interested Parties

T-1



APN
2321-001-015
SITE ADDRESS

TITLE REPORT

TITLE REPORT WAS PREPARED BY COSMOWEALTH LAND TITLE INSURANCE COMPANY WITH ORDER NUMBER 2021-001-001-015 AND CLIMATE NUMBER CA-5470-WP-81028-1-22-001-001-015 DATED FEBRUARY 23, 2022

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE MAGN3 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE 14C, RETRIEVED BY GPS OBSERVATIONS.

BENCHMARK

ELEVATIONS ARE BASED ON CHEN (CIRC) NETWORK BROADCAST COORDINATES.

FLOODZONE

SITE IS LOCATED IN FLOOD ZONE "X" AS PER FIRM MAP NO. 16002-1-001-015 DATED 05/24/2008.

LEGAL DESCRIPTION

ALL THIS CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL "A", AS SHOWN ON PARCEL MAP NO. LA 160 2586, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 83, PAGES 38 AND 39 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 2321-001-015

SCHEDULE B (EXCEPTIONS)

- ITEM 1: ARE ANY TAX RELATED
- ITEM 2: ARE ANY RIGHTS RELATED
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LEGEND

- CENTER LINE
- PROPERTY LINE
- EASEMENT LINE
- TS FRESH SURFACE
- TL FLOW LINE
- LP UP OF DUTTER
- TC TOP OF CURB
- TS TOP OF BUILDING
- UTILITY POLE
- PINE TREE

PROPERTY LINES DERIVED FROM

- PARCEL MAP NO. 2511, BK. 83, PG. 38
- PARCEL MAP NO. 1983, BK. 31, PG. 83
- PARCEL MAP NO. 2871, BK. 88, PG. 12
- PARCEL MAP NO. 2878, BK. 330, PG. 84
- TRACT MAP NO. 20564, BK. 1038, PG. 21
- TRACT MAP NO. 20563, BK. 549, PG. 47
- CONTROL LINE 1157.8, 1157.8, 1157.8

DATED OCTOBER 27, 1975

DATED OCTOBER 22, 1987

DATED DECEMBER 26, 1987

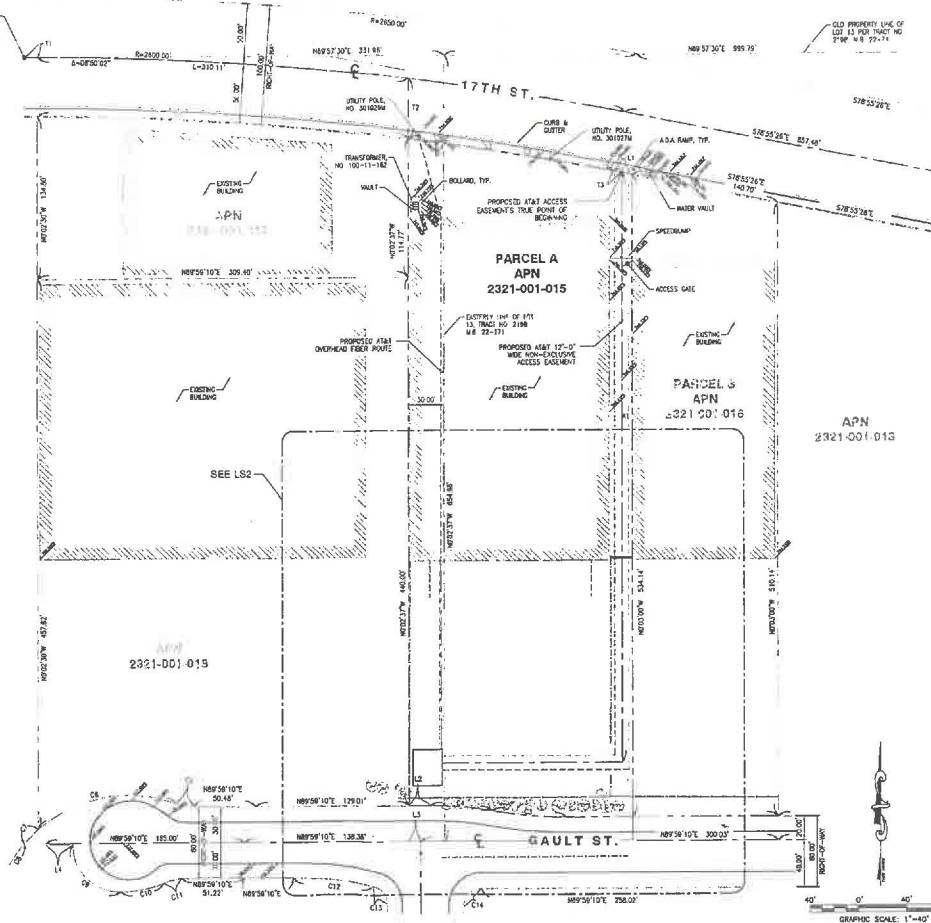
DATED OCTOBER 23, 1984

DATED JUNE 25, 1984

DATED AUGUST 2, 1958

DATED FEBRUARY 5, 1984

ACCESS ROUTE LINE TABLE				
NO.	LENGTH	BEARING		
A1	11.84'	N79°58'10"E		
TIE LINE TABLE				
NO.	LENGTH	BEARING		
T1	10.94'	N89°57'26"E		
T2	30.00'	S89°57'26"E		
T3	7.13'	N79°57'28"E		
CURVE TABLE				
NO.	PC	PT	LC	BEARING
C1	4780.11'	2590.00'	310.20'	
C2	77.10'	2590.00'	113.60'	
C3	8796.17'	386.00'	43.73'	
C4	9298.13'	300.00'	13.23'	
C5	66.90'	48.00'	15.59'	
C6	8758.00'	113.00'	123.37'	
C7	133.24'	113.00'	17.24'	
C8	8153.65'	113.00'	133.84'	
C9	8000.00'	48.00'	84.17'	
C10	1207.11'	87.00'	25.20'	
C11	1207.11'	48.00'	15.20'	
C12	156.23'	300.00'	87.78'	
C13	7706.13'	15.00'	20.10'	
C14	8002.10'	15.00'	13.30'	
LINE TABLE				
NO.	LENGTH	BEARING		
L1	11.84'	N79°58'10"E		
L2	17.81'	N89°58'10"E		
L3	15.81'	N89°58'10"E		
L4	25.90'	N89°58'10"E		



REV	DATE	DESCRIPTION
2	04/05/2022	FINAL SURVEY
1	02/02/2022	PRELIMINARY SURVEY

ISSUED DATE: APRIL 05, 2022

ISSUED FOR: FINAL SURVEY

LOCUSURE



PROJECT INFORMATION:

CLL05420
12228 SHERMAN WAY
NORTH HOLLYWOOD, CA 91605

DRAWN BY: ARN

CHECKED BY: RM

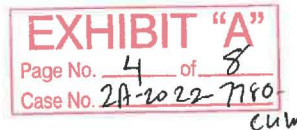
SHEET TITLE: TOPOGRAPHIC SURVEY

SHEET NUMBER: LS-1

EXHIBIT "A"
Page No. 2 of 8
Case No. 2A-2022-7780 cwn

EXHIBIT "A"
Page No. 3 of 8
Case No. 2A-2022-7780-CUW

1. THIS SITE PLAN IS NOT INTENDED TO BE A LAND SURVEY.



UNCOM AT&T TEMP V2.0

SCALE	40	0	20	40	60	100
1"=40'-0"						

The new  **at&t**
1452 EDINGER AVENUE,
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TUSTIN, CA 92780

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65 POST, SUITE 1000
IRVINE, CA 92618
TEL: (949) 553-8566
www.eukongroup.com

DRAWN BY:	NT/BW
CHECKED BY:	MR

LICENCE

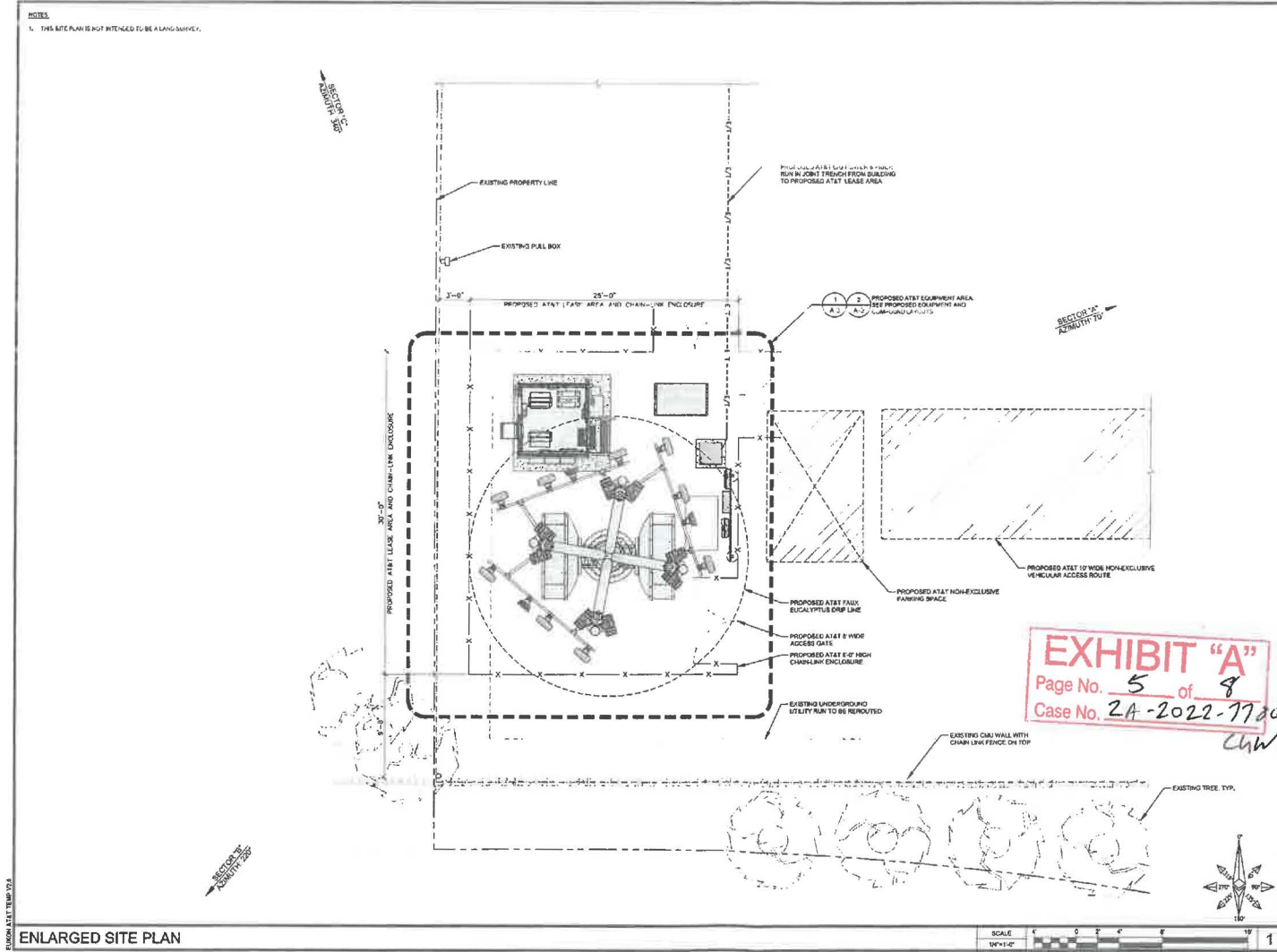
NOT TO BE USED
FOR CONSTRUCTION

CLL05420

12228 SHERMAN WAY
NORTH HOLLYWOOD, CA 91605

SITE PLAN

A-1



ENLARGED SITE PLAN

APPLICANT

The new **at&t**

1452 EDINGER AVENUE,
3RD FLOOR
TUSTIN, CA 92780

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DRAWN BY: NTG/W
CHECKED BY: JMR

REVISIONS

REV	DATE	DESCRIPTION
B	04/14/22	100% ZONING DRAWING
A	02/24/22	90% ZONING DRAWING

LICENSEE

NOT TO BE USED FOR CONSTRUCTION

PROJECT INFORMATION:

CLL05420
12228 SHERMAN WAY
NORTH HOLLYWOOD, CA 91605

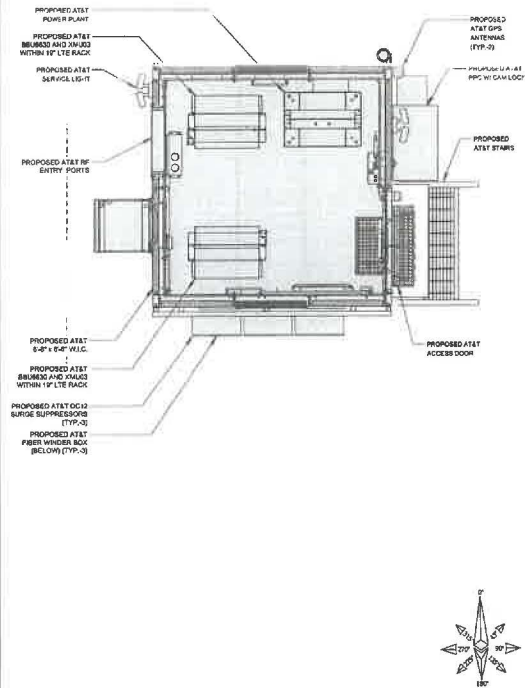
SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

A-2

SCALE NOTE:
CORRECTLY CHECK FOR REDUCTION OR
ENLARGEMENT FROM ORIGINAL PLANS.



UNKNOWN TEMP 7/23

(P) EQUIPMENT LAYOUT-STEEL W.C.

SCALE
3/8"=1'-0"

2

PROPOSED COMPOUND LAYOUT

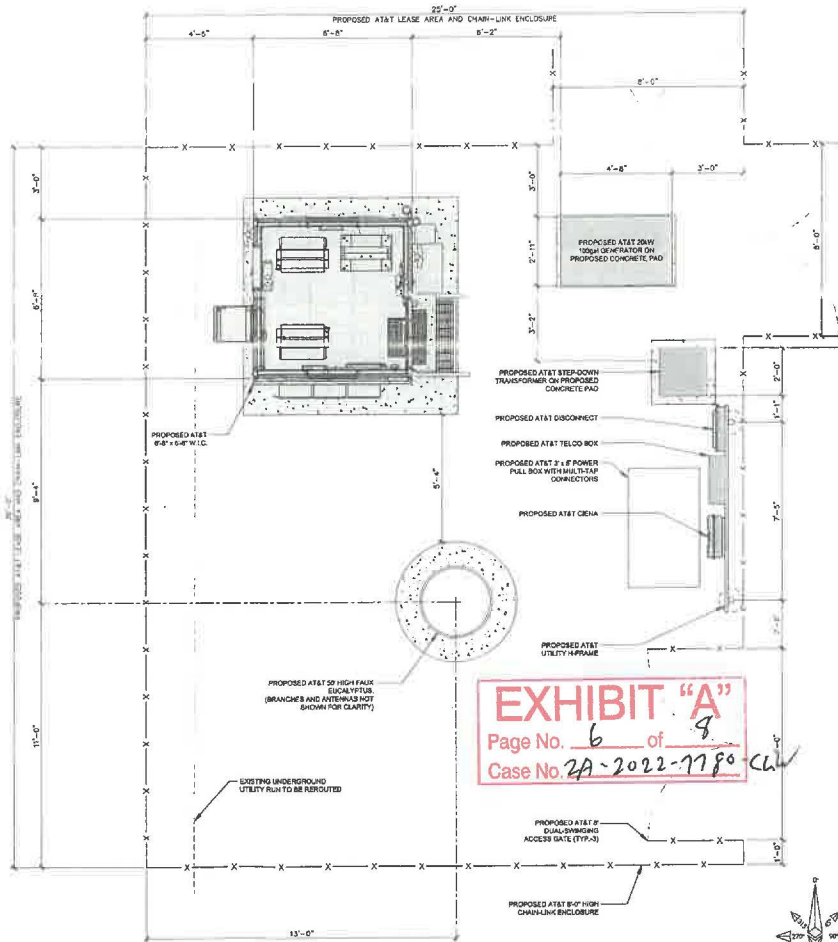


EXHIBIT "A"
Page No. 6 of 8
Case No. 2A-2022-1180

SCALE
1/2"=1'-0"

1

APPLICANT
The new **at&t**
1452 EDINGER AVENUE,
3RD FLOOR
TUSTIN, CA 92780

ENGINEER
Eukon
an RFG Communications, Inc. Company
65 POST, SUITE 1000
IRVINE, CA 92616
TEL: (949) 553-4598
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CHECKED BY: JWR

REVISIONS:

REV	DATE	DESCRIPTION
0	04/14/22	100% ZONING DRAWING
A	03/24/23	80% ZONING DRAWING

LICENSEE:

**NOT TO BE USED
FOR CONSTRUCTION**

PROJECT INFORMATION:

CLL05420
12228 SHERMAN WAY
NORTH HOLLYWOOD, CA 91605

SHEET TITLE:

PROPOSED COMPOUND
AND EQUIPMENT LAYOUTS

SHEET NUMBER:

A-3

SECTOR	TECHNOLOGY	ANTENNA MODEL	ANTENNA SIZE	ANTENNA AZIMUTH	RAD CENTER	TRANSMISSION LENGTH (FEET)	TRANSMISSION HANGERS
ALPHA SECTOR	A1	LTE	PANEL ANTENNA	8'	70°	45'-0"	1100' 2 FIBER
	A2	CBAND	PANEL ANTENNA	2'-7"	70°	45'-0"	1100' 2 FIBER
	A3	CBAND	PANEL ANTENNA	2'-7"	70°	43'-4"	1100' 2 FIBER
	A4	LTE	PANEL ANTENNA	8'	70°	45'-0"	1100' 2 FIBER
BETA SECTOR	B1	LTE	PANEL ANTENNA	8'	220°	45'-0"	1100' 2 FIBER
	B2	CBAND	PANEL ANTENNA	2'-7"	220°	45'-0"	1100' 2 FIBER
	B3	CBAND	PANEL ANTENNA	2'-7"	220°	43'-4"	1100' 2 FIBER
	B4	LTE	PANEL ANTENNA	8'	220°	45'-0"	1100' 2 FIBER
GAMMA SECTOR	B5	LTE	PANEL ANTENNA	8'	220°	45'-0"	1100' 2 FIBER
	C1	LTE	PANEL ANTENNA	8'	340°	45'-0"	1100' 2 FIBER
	C2	CBAND	PANEL ANTENNA	2'-7"	340°	45'-0"	1100' 2 FIBER
	C3	CBAND	PANEL ANTENNA	2'-7"	340°	43'-4"	1100' 2 FIBER
	C4	LTE	PANEL ANTENNA	8'	340°	45'-0"	1100' 2 FIBER
	C5	LTE	PANEL ANTENNA	8'	340°	45'-0"	1100' 2 FIBER

NOTES TO CONTRACTOR

- VERIFY ALL ANTENNA LOCATIONS TO AT&T'S MOST CURRENT RADIO FREQUENCY DATA SHEET (RFDS) PRIOR TO CONSTRUCTION.
- CABLE LENGTHS WERE DETERMINED BASED ON A VISUAL INSPECTION DURING SITE WALK. CONTRACTOR TO VERIFY ACTUAL LENGTH DURING PRE-CONSTRUCTION WALK.
- CONTRACTOR TO USE HOSE-BEAMER FIBER LITE HANGER COMPONENTS (OR ENGINEER APPROVED EQUAL).
- CONTRACTOR TO USE CABLES SPECIFIED (OR ENGINEER APPROVED EQUAL).

SCALE NOTE:
 3" = 100' (FOR PLAN AND UNIT SCALE)
 COMPLETELY HELD FOR HORIZONTAL ENLARGEMENT FROM ORIGINAL PLANS.

NOTE:
 FAUX EUCALYPTUS FOLIAGE NOT SHOWN FOR CLARITY.

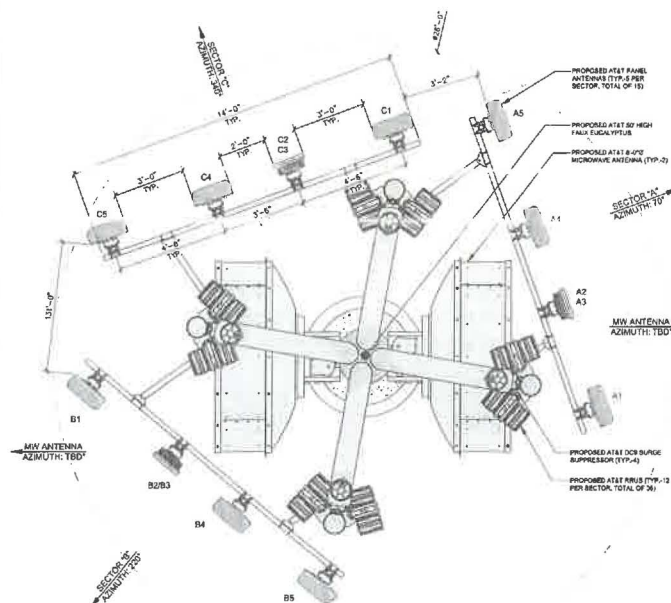


EXHIBIT "A"
 Page No. 7 of 8
 Case No. 2A-2022-1180-LW

REMOTE RADIO UNITS			
SECTOR	RRU TYPE	RRU LOCATION (DISTANCE FROM ANTENNA)	MINIMUM CLEARANCE (ABOVE / BELOW / SIDES)
ALPHA SECTOR	A1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A2/A3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A2/A3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	A5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
BETA SECTOR	B2/B3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B2/B3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	B5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C1	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C2/C3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C2/C3	ERICSSON RRU (LTE)	±15' 18" 8" 0"
GAMMA SECTOR	C4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C4	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C5	ERICSSON RRU (LTE)	±15' 18" 8" 0"
	C5	ERICSSON RRU (LTE)	±15' 18" 8" 0"

SURGE SUPPRESSION SYSTEM			
MFR.	PART NUMBER	QTY	LOCATION
RAYCAP	DC12-48-80-0-2SE	3	MOUNTED ON PROPOSED W.L.C.
RAYCAP	DC3-48-24-80-0-0V	4	MOUNTED ON PROPOSED FAUX EUCALYPTUS

ANTENNA AND RRU SCHEDULE

2 PROPOSED ANTENNA PLAN

SCALE: 3" = 100'

APPLICANT:
 The new **at&t**
 1452 EDINGER AVENUE,
 3RD FLOOR
 FUSTIN, CA 92780

ENGINEER
Eukon
 an SFC Communications, Inc. Company
 65 POST, SUITE 1000
 IRVINE, CA 92618
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 CHECKED BY: MS

REVISIONS		
NO.	DATE	DESCRIPTION
0	04/14/22	100% ZONING DRAWING
1	03/24/22	90% ZONING DRAWING
REV	DATE	DESCRIPTION

LICENCEE:
NOT TO BE USED FOR CONSTRUCTION

PROJECT INFORMATION:
 CLL05420
 12228 SHERMAN WAY
 NORTH HOLLYWOOD, CA 91605

SHEET TITLE:
 PROPOSED ANTENNA PLAN /
 ANTENNA AND RRU
 SCHEDULE

SHEET NUMBER:
A-4

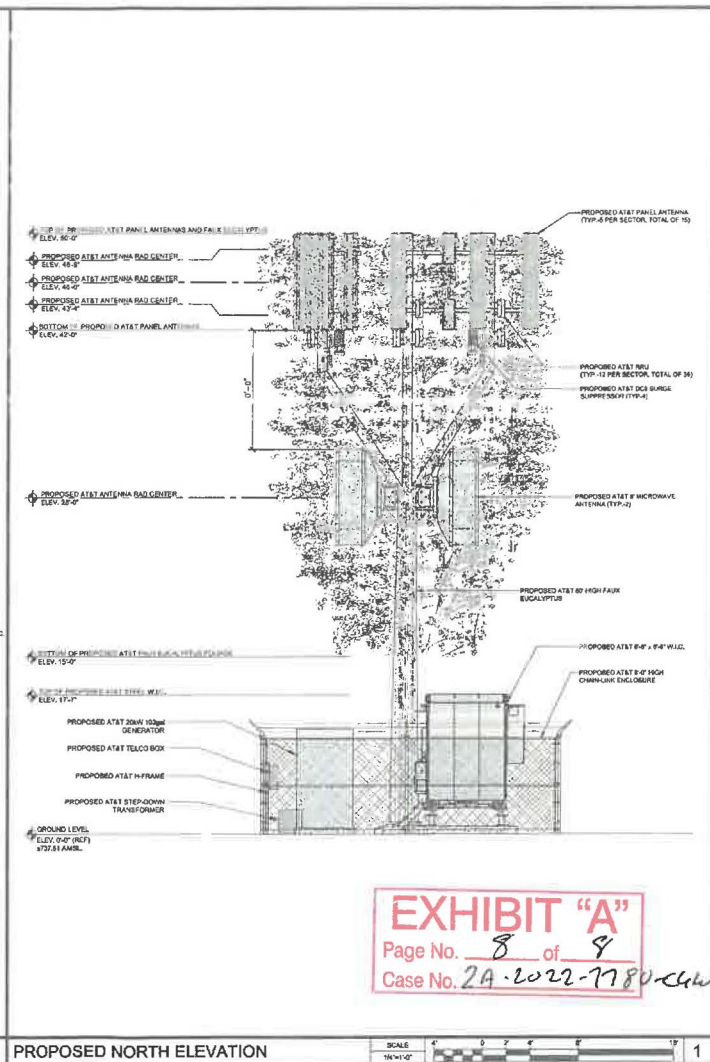
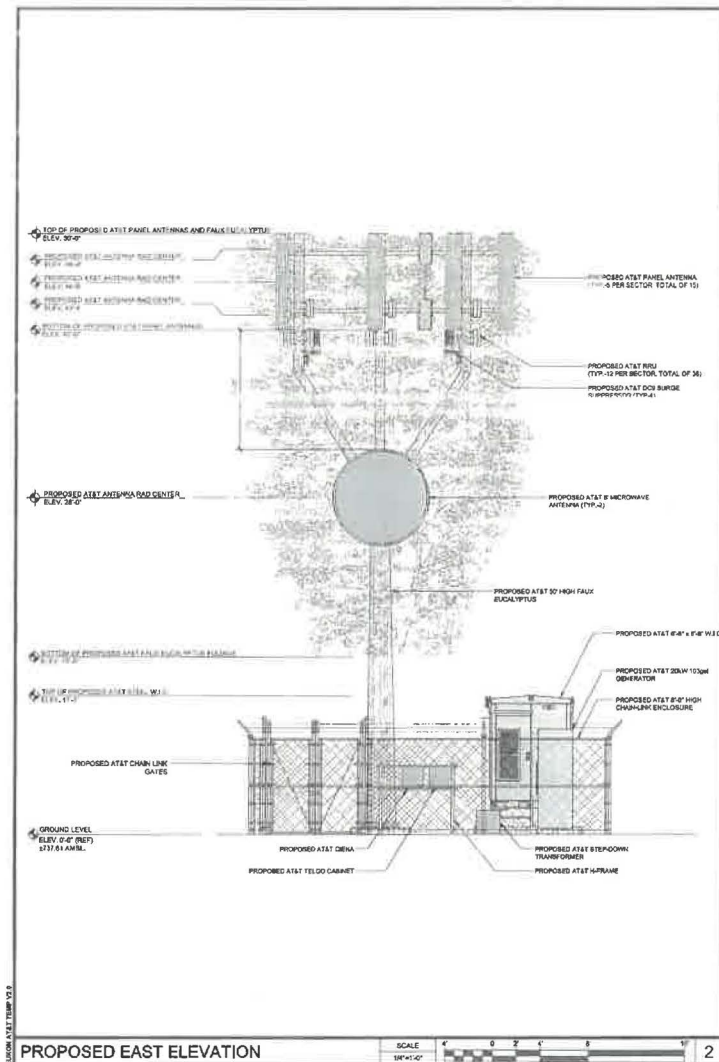


EXHIBIT "A"
 Page No. 8 of 8
 Case No. 2A-2022-7780-C4W

APPLICANT

The new **at&t**

1452 EDINGER AVENUE,
3RD FLOOR
TUSTIN, CA 92780

ENGINEER

Eukon
an STC Communications, Inc. Company

65 POST, SUITE 1000
IRVINE, CA 92618
TEL: (949) 553-8500
www.eukonengr.com

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DRAWN BY: NLSW
CHECKED BY: MS

REVISIONS:

REV	DATE	DESCRIPTION
8	04/14/22	100% ZONING DRAWING
A	03/24/22	90% ZONING DRAWING

LICENSEE:

NOT TO BE USED FOR CONSTRUCTION

PROJECT INFORMATION:

CLL05420

12228 SHERMAN WAY
NORTH HOLLYWOOD, CA 91605

SHEET TITLE:

PROPOSED NORTH AND EAST ELEVATIONS

SHEET NUMBER:

A-5

ZA-2022-7780-CUW-1A
COMPLIANT SUBMISSION
RECEIVED AND DISRIBUTED
PREVIOUS MEETING OF
January 23,2025

INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & 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:

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

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

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

January 14, 2024

**To the South Valley Area Planning Commission and Los Angeles Planning Department
Staff, Sasha Kassab and April M. Hood:**

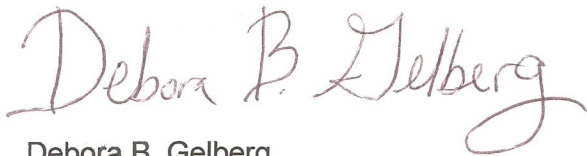
Attached are the following documents which I am submitting to you to support my appeal of the Zoning Administrator Determination in Case No: ZA-2022-7780-CUW-1A:

1. Transmittal Page for Revised Justification for Appeal Statement (signed).
2. Revised Justification for Appeal Statement by Debora B. Gelberg.
3. Aerial View Map of Neighborhood Adjacent to 12229 Gault St.
4. Aerial View Map of Neighborhood South of 12229 Gault St (and Industrial uses to the North).
5. Picture of Portion of 90-Tree Grove Adjacent to the Proposed Project.

I certify to the best of my knowledge that the statements contained in my Revised Justification for Appeal Statement are complete and true.

I would appreciate it if Ms. Kassab or Ms. Hood would send me an email confirming that you received the timely submission of my Revised Justification for Appeal Statement and 3 photos.

Sincerely,



Debora B. Gelberg
Appellant

Email: deboragelberg@gmail.com

To the South Valley Area Planning Commission and Los Angeles Planning Department Staff:

This is Appellant Debora B. Gelberg's Revised Justification for Appeal Statement.

After witnessing the current massive destruction caused by fires in Los Angeles, doing further research, and consulting with my family and neighbors, I have revised my Justification for Appeal Statement as follows:

I am opposed to the installation of a new, unmanned 50-Foot monopole wireless telecommunications cell tower with 17 Antennas and 36 RRUs (Remote Radio Units) on 12229 Gault Street, North Hollywood, CA 91605. (the "proposed project.")

I believe that the Associate Zoning Administrator erred in his finding on October 28, 2024, in case no. ZA-2022-7780-CUW that "The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety."

Below are my reasons / points at issue:

1. **Fire Hazard:** The proposed cell tower project is a fire hazard. There are numerous reports of cell towers having fires due to electrical malfunctions in California and other parts of the U.S., including some operated by AT&T Wireless, the project applicant. See this online article dated July 15, 2022, on Cell Tower fires by Environmental HealthTrust, a non-profit scientific think tank that publishes research and educates policymakers and the public on environmental health hazards: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

For example, please see this video of an AT&T cell tower referenced in this July 15, 2022 EH Trust article, which caught on fire in downtown Los Angeles on August 9, 2019.

<https://www.youtube.com/watch?v=CnAVyYBWAaw&t=0s>. Also, please view this KCRA3 news video of a cell tower which caught on fire in Sacramento on September 28, 2023:

<https://www.kcra.com/article/sacramento-cellphone-tower-catches-fire/45367827>.

Because the proposed cell tower location is approximately 10 feet from a grove of trees on the public parkway on Gault Street, if the cell tower had an electrical fire, it could quickly spread to the trees and create a major fire that could potentially destroy all of our surrounding homes on Gault Street, Jonallan Drive, Vose Street and St. Clair Avenue. This would be especially true, if there are high winds blowing, such as the 30 mph winds that we saw in our neighborhood on January 7 and January 8, 2025.

See the attached photos that show the proximity of the proposed project to the adjacent grove of 90 trees and the residential area. Note that Gault Street is a single lane street, with houses across the street from the proposed project, to the south.

The proposed project should have been required to be situated at least 1,000 feet away from our residential neighborhood, and it was an error to allow the proposed project to be constructed so close to our neighborhood.

2. **Safety Risk:** The location of the proposed cell tower creates a safety risk for our neighborhood in the event of a cell tower collapse. There are a number of reports of cell towers collapsing in the United States. See this article by Environmental HealthTrust dated July 15, 2022: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

Appellant Debora B. Gelberg's Revised Justification for Appeal Statement

An underlying reason why a cell phone tower accident involving a collapse is more common than people might first imagine is due to the manner in which these structures are constructed. Unlike a telephone pole, which usually consists of one large piece of wood, a cell phone tower is a highly complicated structure consisting of many individual parts. A failure of any one of the many components of a cell phone tower can result in a catastrophic collapse. Failed component parts that most frequently are the underlying cause of a tower collapse include baseplates, bolts, joints, flanges and guy wires. See this blog by the Doan Law Firm, website dated 2025:

<https://www.thedoanlawfirm.com/cell-phone-tower-accidents/cell-phone-tower-collapses-and-severe-injuries/#:~:text=Risk%20of%20Cell%20Phone%20Tower,Guy%20wires>

The proposed cell tower monopole is located within 10 feet of the parkway green strip on Gault Street. If the cell tower monopole was allowed to be constructed on Gault Street and it collapsed due to an earthquake or strong wind, it could kill people and animals who are frequently seen walking on the parkway green strip that is adjacent to the proposed project, or it could kill people in a car travelling on Gault Street. The proposed project should have been required to be situated far away from the residential area, and it was an error to allow the project to be constructed so close to the residential area in our neighborhood.

A City of Los Angeles building permit for this project was apparently not required for the whole monopole cell tower, which also creates a safety risk for our neighborhood. A City of Los Angeles building permit should have been required for the whole monopole cell tower, not just for antennas and other electronic equipment.

3. **Health Concerns:**

Annual testing for radio frequency is not required for this proposed project, which creates a health/safety risk for our neighborhood. Annual testing for radio frequency should have been required to protect the health and safety of the people in the single-family residential homes on Gault Street, Jonallan Drive, St. Clair Ave and Vose Street and the people walking on the parkway strip.

Testing for radio frequency within 60 days after installation of the proposed cell tower is required; however, it is not required to be conducted by a professional certified to test for radio frequency who is a third party not connected to the project applicant developer. It was an error to not require that the testing be done by a professional certified to test for radio frequency who is a third party not connected to the project applicant developer

Also, no review of the RF emissions is required by the L.A. Department of Building & Safety or City of Los Angeles Planning Department to ensure that the RF emissions are within federal guidelines. This creates a health/safety risk for our neighborhood.

4. **Noise Impact:**

There are reports of cell towers making disturbing noises. Here is a link to a Crescenta Valley Weekly news article dated February 20, 2014, which includes a report about disturbing noise coming from a cell tower in La Crescenta, CA:

<https://www.crescentavalleynweekly.com/news/02/20/2014/att-withdraws-cell-tower-application/> . I

am concerned about the potential disturbing noise impact on me and on my neighbors.

5. **Decreased Property Value:** Our neighborhood property values could drop by up to 20%, if the proposed cell tower project was allowed to be constructed. Reports show that property values can go down for homes near a cell tower. "In some areas with new towers, property values have decreased by up to 20%." National Business Post, March 29, 2022. Here is the link to this article: <https://www.nationalbusinesspost.com/cell-towers-impact-home->

Appellant Debora B. Gelberg's Revised Justification for Appeal Statement

[values/#:~:text=%E2%80%9CNinety%2Dfour%20percent%20of%20homebuyers,multiple%20surveys%20and%20published%20articles.%E2%80%9D](#)

6. **Visual Impact:** The purpose of the trees on Gault St was to provide a visual buffer of the residential area from the commercial industrial property. See Ordinance No. 165108, approved by the Los Angeles City Planning Commission on September 24, 1989. "The trees required within the landscaped set back area shall be so spaced as to form an effective visual barrier." The proposed cell tower will still be a visual blight on our residential neighborhood even with the attempted proposed camouflage.

A neighborhood in La Crescenta, California, had a similar situation to our neighborhood. They were concerned about the potential fire hazard, visual blight and potential noise of a proposed AT&T 70-foot cell tower, disguised as a eucalyptus tree at 5041 Cloud Ave. As a result of their opposition to the proposed cell tower at a La Crescenta Valley Town Council's Land Use Committee meeting, AT&T withdrew its application. See this link to a Crescenta Valley Weekly news article dated February 20, 2014: <https://www.crescentavalleyweekly.com/news/02/20/2014/att-withdraws-cell-tower-application>. I and my neighbors hope that AT&T Wireless will similarly withdraw its application for its cell tower project at 12229 Gault Street.

For the above reasons, I respectfully request that the South Valley Area Planning Commission reverses the Associate Zoning Administrator's determination for Case No. ZA-2022-7780-CUW, dated October 28, 2024, which approved the Cell Tower Project on 12229 Gault Street, North Hollywood, CA 91605. In addition, I respectfully request that any proposed cell tower project be constructed at least 1,000 feet north of 12229 Gault Street, which is a safe distance from my house and my residential neighborhood.

Thank you for your consideration,

Debora B. Gelberg
Appellant
12212 Gault Street
North Hollywood, CA 91605

Dated: January 14, 2025





Sherman Way

Sherman Way

Sherman Way

Sherman Way

Scandinavian
Designs Furniture
Furniture store

SUNPOWER

Utility Refrigerator
Refrigerator store

Lamps Plus
Lighting store

Logistics Prep Center

Southern Glazer's
Wine And Spirits

SEP
North H

Epicurus

cosmetics

Holly

Gault St

Jonallan Dr

St Clair Ave

Vose St

Google

Imagery ©2025 Airbus, Maxar Technolog

Josie Maran Cosmetics

Southern Glazer's
Wine And Spirits

24 Google

JRD Enterprises, Inc

Liquid Assets Cellars

Joanna Degeneres
Photography

12123

12229

12215

Gault St

Gault St

Gault St

Jonallan Dr

Jonallan Dr

St Clair Ave

Ave

Google

7059

7056

7059

7056

12218

12212

12200

7053

7050

7053

7050

12206

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12201

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

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

All compliant submissions may be accessed as follows:

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

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

ENABLE BOOKMARS ONLINE:

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

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

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

SECONDARY SUBMISSIONS

PETITION

Stop the Installation of a New, Unmanned 50-Foot Cell Tower Monopole on 12229 Gault Street, North Hollywood

To the South Valley Area Planning Commission and AT&T Wireless:

We, the undersigned neighbors surrounding the proposed project, oppose the approval of the installation of a new, unmanned 50-Foot monopole cell tower with 17 Antennas and 36 RRUs (Remote Radio Units) on 12229 Gault Street, North Hollywood, CA 91605. The proposed location is located just east of St. Clair Avenue. This petition will be submitted to the South Valley Area Planning Commission prior to the hybrid public hearing on January 23, 2025, 4:30 pm, at the Marvin Braude Constituent Service Center, 6262 Van Nuys Blvd, Room 1B, Van Nuys. <https://planning.lacity.gov/dcpapi2/meetings/document/78112>

We believe that the Associate Zoning Administrator's approval of a Conditional Use to permit the installation of this cell tower should be reversed and that his determination that the Project is exempt from CEQA should also be reversed in case no. ZA-2022-7780-CUW. Further, this finding in the Associate Zoning Administrator determination was clearly in error: "The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety."

Our reasons / points at issue are as follows:

1. **Fire Hazard:** The proposed cell tower project is a fire hazard. There are numerous reports of cell towers having fires because of electrical malfunctions due to various causes (for example, welding worker error) and vandalism in California and other parts of the U.S., including some operated by AT&T Wireless, the project applicant. See this online article dated July 15, 2022, on cell tower fires by Environmental HealthTrust, a non-profit scientific think tank that publishes research and educates policymakers and the public on environmental health hazards: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

Because the proposed cell tower location is approximately 10 feet from a row of 90 trees on the public parkway on Gault Street, if the cell tower had an electrical fire, it could quickly spread to the trees and create a major fire that could potentially destroy all of our surrounding homes on Gault Street, Jonallan Drive, Vose Street and St. Clair Avenue. This would be especially true, if there are high winds blowing, such as the 50 to 70 mph winds that we saw in our neighborhood on January 7 and January 8, 2025. The trees are required by City Ordinance in order to provide a visual barrier.

It was an error to allow the proposed project to be constructed so close to our residential neighborhood. If a fire should come up to St. Clair Avenue, the fire could block the ability of the neighbors on Gault Street, Jonallan Drive, Vose Street and St. Clair Avenue to evacuate. The only exit out of our neighborhood is south through St. Clair Avenue.

2. **Safety Risk:** The location of the proposed cell tower creates a safety risk for our neighborhood in the event of a cell tower collapse. There are a number of reports of cell towers collapsing in the United States. See this article by Environmental HealthTrust dated July 15, 2022: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

Collapses can be caused by high winds and earthquakes. Also cell tower collapses can be caused due to the manner in which these structures are constructed. Unlike a telephone pole, which usually consists of one large piece of wood, a cell phone tower is a highly complicated structure consisting of many individual parts. A failure of any one of the many components of a cell phone tower, including baseplates, bolts, joints, flanges and guy wires, can result in a catastrophic collapse. See the Doan

**Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605**

Law Firm website dated 2025:

<https://www.thedoanlawfirm.com/cell-phone-tower-accidents/cell-phone-tower-collapses-and-severe-injuries/#:~:text=Risk%20of%20Cell%20Phone%20Tower,Guy%20wires>

The proposed cell tower monopole is located within 10 feet of the parkway green strip on Gault Street. The project site is within 2.4 miles of the Verdugo earthquake fault. If the cell tower was allowed to be installed and it collapsed, it could kill people and animals who are frequently seen walking on the parkway green strip (17.8 foot width) that is adjacent to the proposed project, or it could kill people in a car parked or travelling on Gault Street. It was an error to allow the project to be constructed so close to the residential area in our neighborhood.

A City of Los Angeles building permit for this project was not required for the whole monopole cell tower - it was only required for the antennas and other electronic equipment. Also, the proposed eight-foot fence surrounding the tower is insufficient to prevent vandalism in our neighborhood.

3. **Health Concerns:** Testing for radio frequency (RF) emissions within 60 days after installation of the proposed cell tower is required; however, it is not required to be conducted by a professional certified to test for radio frequency who is a third party not connected to the project applicant developer. Also, no review of the test results of the RF emissions is required by the L.A. Department of Building & Safety or City of Los Angeles Planning Department to ensure that the RF emissions are within federal guidelines. Annual testing for radio frequency is not required for this proposed project.
4. **Noise Impact:** There are reports of cell towers making disturbing noises. Here is a link to a Crescenta Valley Weekly news article dated February 20, 2014, which includes a report about disturbing noise coming from a cell tower in La Crescenta, CA:
<https://www.crescentavalleweekly.com/news/02/20/2014/att-withdraws-cell-tower-application/>
5. **Decreased Property Value:** Reports show that property values can go down for homes near a cell tower. "In some areas with new towers, property values have decreased by up to 20%." National Business Post, March 29, 2022.
6. **Visual Impact:** The proposed cell tower will still be a visual blight on our residential neighborhood even with the proposed eucalyptus tree camouflage.

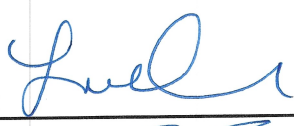
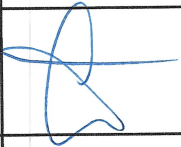
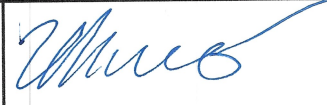
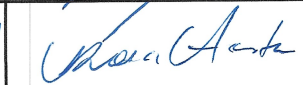
A neighborhood in La Crescenta, California, had a similar situation to our neighborhood. They were concerned about the potential fire hazard, visual blight and potential noise of a proposed AT&T 70-foot cell tower, disguised as a eucalyptus tree. As a result of their opposition to the proposed cell tower at a La Crescenta Valley Town Council's Land Use Committee meeting, AT&T withdrew its application. See the above-referenced link in section 4 of this petition to the Crescenta Valley Weekly news article dated February 20, 2014. Due to all the issues identified in this Petition, we hope that AT&T Wireless will similarly withdraw its application for its cell tower project at 12229 Gault Street.

For the above reasons, we, the undersigned neighbors who are homeowners near the proposed project and/or people residing in homes near the proposed project, who are aged 18 or over, respectfully request that the South Valley Area Planning Commission reverses the Associate Zoning Administrator's Conditional Use to permit the installation of the cell tower in this case and reverses the Associate Zoning Administrator's determination that the proposed project is exempt from CEQA in this case. In addition, we respectfully request that any proposed cell tower project be installed at least 1,000 feet away from our neighborhood in a commercial or industrial zone. Thank you for your consideration.

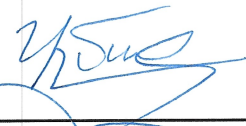
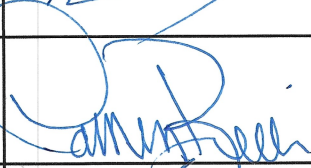
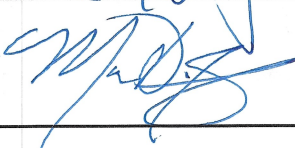
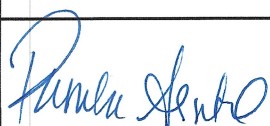
Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605

#	Print Name (First and Last)	Print Property Address	Signature	Date of Signature
1	PATRICIA AMBROSE	12221 VOSE ST. N. HOLLYWOOD, CA 91605	Patricia Ambrose	1/18/25
2	HAROLD RISHE	12227 VOSE ST. N. HOLLY. 91605 91605	Harold Rische	1/18/25
3	Fred Rische	12227 Vose St 91605 No. Hollywood	Rische	1/18/25
4	KIEGAN DOWNS	12233 Vose St. N. HOLLYWOOD CA 91605	WD	1.18.25
5	Brendan Murphy	12233 Vose St. N. Hollywood CA 91605	B Murphy	1.18.25
6	MANUEL NÚÑEZ	12209 VOSE ST. N. HOLLYWOOD, CA 91605	Manuel	1/18/25
7	ERIC OCTOBER	12209 VOSE ST. N. HOLLYWOOD, CA 91605	E October	1/18/25
8	RON NITCHECK	12209 VOSE ST. N. HOLLYWOOD, CA 91605	R G Nitchcock	1/18/25
9	Teresa Mayer	12200 Vose St. N. Hollywood, CA 91605	Teresa Mayer	1/18/25
10	David Msrian	12253 Hart St N. Hollywood CA 91605	David	1/18/25
11	Lianna Mandiragze	7011 Saint Clair Ave N Hollywood 91605	Lianna	1/18/25

Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605

#	Print Name (First and Last)	Print Property Address	Signature	Date of Signature
12	Lorena Calderson	7050 Jonathan Dr.		1/18/25
13	EARL VANDERPOORT	7034 Jonathan Dr N. HOLLYWOOD CA 91605		1/18/25
14	JEFFREY PAM	7042 ST CLAIR AVE 91605		1/18/25
15	Adrian Kelly	7023 St. Clair		1-18-25
16	Dillon Ford	7035 Saint. Claire Ave N. Hollywood, CA		1/18/25
17	Christine Barragan	12220 VOSE ST N. HOLLYWOOD 91605		1/18/25
18	ARMEN GASPARYAN	12201 VOSE ST. N. HOLLYWOOD, 91605		1/19/25
19	ANUSH MELKONYAN	12201 VOSE ST. N. HOLLYWOOD 91605		1/19/25
20	ANNA C. GASPARYAN	12201 VOSE ST. N. HOLLYWOOD 91605		1/19/25
21	GREGORY COHEN	12214 VOSE ST. N. HOLLYWOOD, CA 91605		1-19-25
22	ROSA A COSTA	7036 Saint Claire Ave North Hollywood CA 91605		1-19-25

Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605

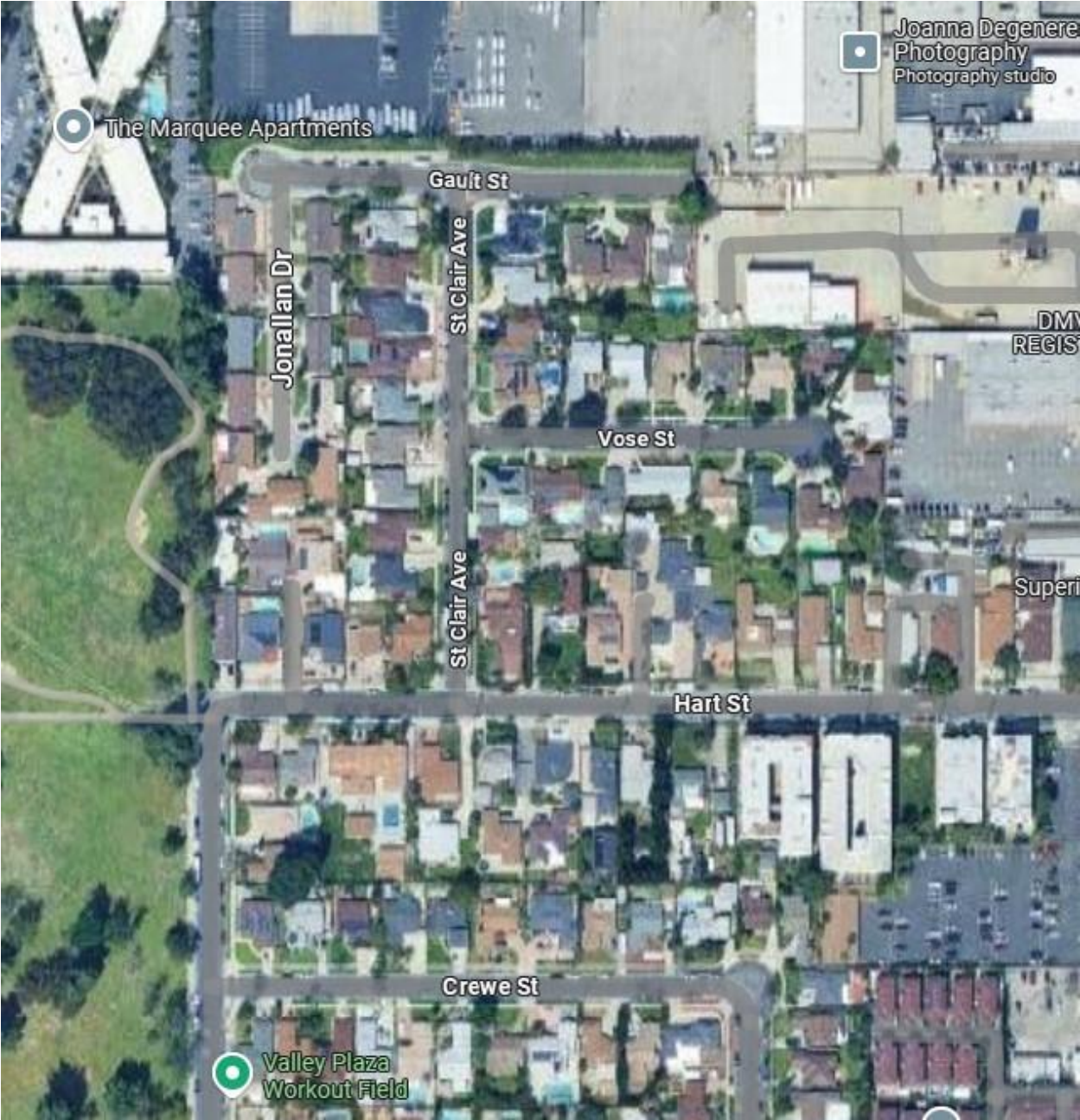
#	Print Name (First and Last)	Print Property Address	Signature	Date of Signature
23	Antun Merian 7045 St	7045 St Clair ave North Hollywood		1/18/25
24	CARMEN Belli	7050 ST CLAIR AVE NN 91605		1-18-2025
25	SEAN PACETE	7056 JONATHAN DR. N. HOLLYWOOD, CA. 91605		1/18/25
26	ANTONIO PACETE	7056 JONATHAN DR. N. HOLLYWOOD 91605		1/18/25
27	Imelda Pacete	7056 JONATHAN DR N. Hollywood CA 91605		1/18/25
28	Lawrence Ivey	12244 Vose st W. Hollywood CA 91605		1/18/25
29	MARIA IVEY	12244 Vose st W. H, CA 91605		1/18/25
30	Elizabeth Laird	7021 Jonathan N.H CA 91605		1/18/25
31	RUSSET McGLASHAN	7021 JONATHAN DR N. HOLLYWOOD 91605		1/18/25
32	Pam Armsteat	7043 Jonathan Dr. N. Hollywood 91605		1/18/25

Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605

#	Print Name (First and Last)	Print Property Address	Signature	Date of Signature
33	Debra B. Gelberg	12212 Gault St. North Hollywood, CA 91605	Debra B. Gelberg	1/18/25
34	Lillian Selberg Co-owner	12212 Gault St North Hollywood, CA 91605	L. Selberg	1/18/25
35	Aleen Harolian	12218 Gault St North Hollywood, CA 91605		1/19/25
36	Albert Harolian	12218 Gault St. North Hollywood, CA 91605	Harolian	1.19.25
37	Mary Harolian	12218 Gault St. North Hollywood, CA 91605		1/19/25
38	Ohannes Manadian	7056 Saint Clair Ave North Hollywood, CA 91605		1/19/25
39	Gayane Manadian	7056 Saint Clair Ave, North Hollywood, CA 91605	Gay.	1/19/25
40	Narek Manadian	7056 Saint Clair Ave, North Hollywood, CA 91605		1/19/25
41	Christine Manadian	7056 Saint Clair Ave, North Hollywood, CA 91605		1/19/25
42	Masis Harolian	12218 Gault St N. Hollywood, CA 91605		1/19/25
43	Edardo Mora	12206 Gault St N. Hollywood, CA 91605		1/19/25
44	Bessy Escobar	12206 Gault St N. Hollywood, CA 91605		1/19/25

**Petition to the South Valley Area Planning Commission
to Stop the Installation of the Cell Tower on 12229 Gault St, North Hollywood, CA 91605**

[illegible]



Re: Case No. ZA-2022-7780-CUW-1A

Dear President Vanessa Barraza, South Valley Area Planning Commission (SVAPC) President and Commission members,

This is appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement in support of appeal, which includes (1) the justification for my appeal of the Zoning Administrator's determination that the proposed project is exempt from CEQA in the above-referenced case, along with (2) additional information to support my appeal of the Zoning Administrator's approval of a Conditional Use to permit the installation of the 50-Foot monopole wireless telecommunications cell tower with 17 Antennas and 36 RRUs (Remote Radio Units) on 12229 Gault Street, North Hollywood, CA 91605 (the "proposed project.")

A. Justification for Appeal of the Zoning Administrator's Determination that the Proposed project is exempt from CEQA

The Associate Zoning Administrator determined that: "based on the whole of the administration record, the Project is exempt from CEQA pursuant to the CEQA Guidelines, Article 19, Section 15303, Class 3, there is no substantial evidence demonstrating that an exemption (sic) to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies."

I and my neighbors believe that, in fact, there is substantial evidence to demonstrate that the exception set forth in Cal. Code Regs. Tit. 14, § 15300.2 (c) applies.

"(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."

There is substantial evidence demonstrating that the exception in CEQA Guidelines § 15300.2 (c) applies in this case as follows:

1. The photo that was sent to me and other neighbors with the notice of SVAPC hearing had a large row of trees displayed next to the proposed project.
2. On page 6 of the Associate Zoning Administrator Determination dated October 28, 2024, it stated that the proposed project site is within 3.86 kilometers of the Verdugo earthquake fault. (This converts to 2.4 miles.) It also stated on page 6 that "the properties to the south, across Gault Street, are zoned R1-1, developed with one-story single-family dwellings." In addition, it stated that "Gault Street, adjoining the subject property to the south, is a Local Street, dedicated to a right-of-way width of 60 feet and a roadway width of 36 feet, improved with asphalt roadway, concrete curb, gutter, sidewalk and street trees."
3. The Associate Zoning Administrator Determination on page 2 states that: "the wireless telecommunications facility shall be set back at least a distance equal to 20 percent of the height of the monopole, from all abutting streets and residential uses." The 20 percent amounts to a mere 10-foot mandatory distance from the trees lining Gault Street.
4. One of the unusual circumstances that creates a reasonable possibility that the installation of a cell tower will have a significant adverse effect is that there is a row of 90 trees that line Gault Street, and the proposed project is 10 feet from the proposed site as stated above. There are numerous reports of cell towers catching on fire (see this online article dated July

Appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement

15, 2022, on cell tower fires by Environmental HealthTrust, a non-profit scientific think tank on environmental health hazards: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

The proximity of the proposed project to the trees creates a fire hazard. If all or many of the trees caught on fire due to a high wind event or even a moderate wind event of 15 - 20 miles per hour, the fire could get out of control with embers quickly jumping to the single-family homes bordering on Gault Street and the neighboring homes on Jonallen Drive, St. Clair Avenue and Vose Street. This would be especially true if the cell tower caught on fire late at night. The fire could get out of control before anyone was aware of it. There are 43 homes on Gault St., Jonallen Drive, St. Clair Ave. and Vose St., which could burn down.

5. Another unusual aspect of this activity (the installation of the cell tower) that creates a reasonable possibility that the installation of a cell tower will have a significant adverse effect is that if there was a fire that came across Gault Street, there would be no way for people in the three houses on Gault St. and the two St. Clair Ave. houses which border Gault St. to evacuate because Gault St. is a dead end street. In addition, the people who live in the 11 homes on Jonallen Drive would also not be able to evacuate because their only exit is through Gault St., since Jonallen Drive is a cul-de-sac. Furthermore, if a fire came up on St. Clair to Vose Street, it would block the ability of residents in 14 homes on St. Clair Avenue as well as 15 homes on Vose Street to evacuate, since Vose Street is a cul-de-sac. This could create injuries and casualties. See the attached wide-view aerial map of the neighborhood near Gault Street, as well as the closer view photos which I submitted to the SVAPC on January 14, 2025.

6. As was discussed in the Revised Justification for Appeal Statement, the location of the proposed cell tower creates a safety risk for our neighborhood in the event of a cell tower collapse. There are a number of reports of cell towers collapsing in the United States. See this article by Environmental HealthTrust dated July 15, 2022:

<https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

An unusual aspect of the proposed project that creates a reasonable possibility that the activity will have a significant adverse effect on the environment in this case is the close proximity of the proposed tower to the parkway strip and street that is noted above. The proposed tower is located within 10 feet of the parkway strip on Gault St. which I measured to be 17.8 feet and within 27.8 feet of the roadway. If the cell tower were to collapse, it could kill people who walk their dogs on the parkway strip, and people in cars or bicycles parked or travelling on Gault Street.

7. An unusual aspect of the proposed project is the close proximity of the cell tower to the Verdugo earthquake fault and to a residential street, which creates a reasonable possibility that the activity will have a significant effect on the environment. If the proposed cell tower was to collapse due to a major earthquake, as was stated above, it could collapse on and kill people who walk their dogs on the parkway strip, and people in cars or bicycles parked or travelling on Gault Street. It could also possibly create a fire due to the impact of the falling of the tower and the exposed electrical wires. Furthermore, there is no specific condition in the determination that requires the proposed cell tower to conform to any seismic safety requirements.

Appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement**B. Submission of the Petition to Stop the Installation of a New, Unmanned 50-Foot Cell Tower Monopole on 12229 Gault Street, North Hollywood**

Accompanying this Supplement is the Petition to Stop the Installation of a New, Unmanned 50-Foot Cell Tower Monopole on 12229 Gault Street, North Hollywood (the "Petition.")

51 people signed the Petition. All the people who signed the petition are homeowners near the proposed project and/or people residing in homes near the proposed project on Gault St, Jonallan Drive, St. Clair Ave. and Vose St, who are aged 18 or over. In addition, one person aged 18 or over signed the Petition who resides on Hart Street, which is adjacent to our neighborhood. These neighbors are very concerned that the proposed cell tower could have a significant adverse impact on our neighborhood environment.

I, Debora Gelberg, Pat Ambrose, and Aleen Haroian circulated the petition to our neighbors. Pat Ambrose wrote in the numbers next to each person's name.

C. Changes to the Revised Justification for Appeal Statement.

1. This statement on page 1 of the Revised Justification for Appeal Statement needs to be deleted: "This would be especially true, if there are high winds blowing, such as the 30 mph winds that we saw in our neighborhood on January 7 and January 8, 2025." and replaced with:

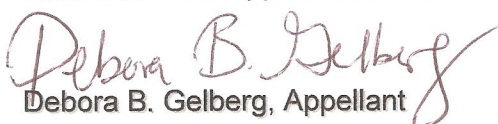
"This would be especially true, if there are high winds blowing, such as the 50 to 70 mph winds that we saw in our neighborhood on January 7 and January 8, 2025. See Weather Underground, which provides daily weather history:

<https://www.wunderground.com/history/daily/us/ca/north-hollywood/date/2025-1-7>
<https://www.wunderground.com/history/daily/us/ca/north-hollywood/date/2025-1-8>"

2. The second to the last paragraph on page 3 of the Revised Justification for Appeal Statement should be deleted and replaced with:

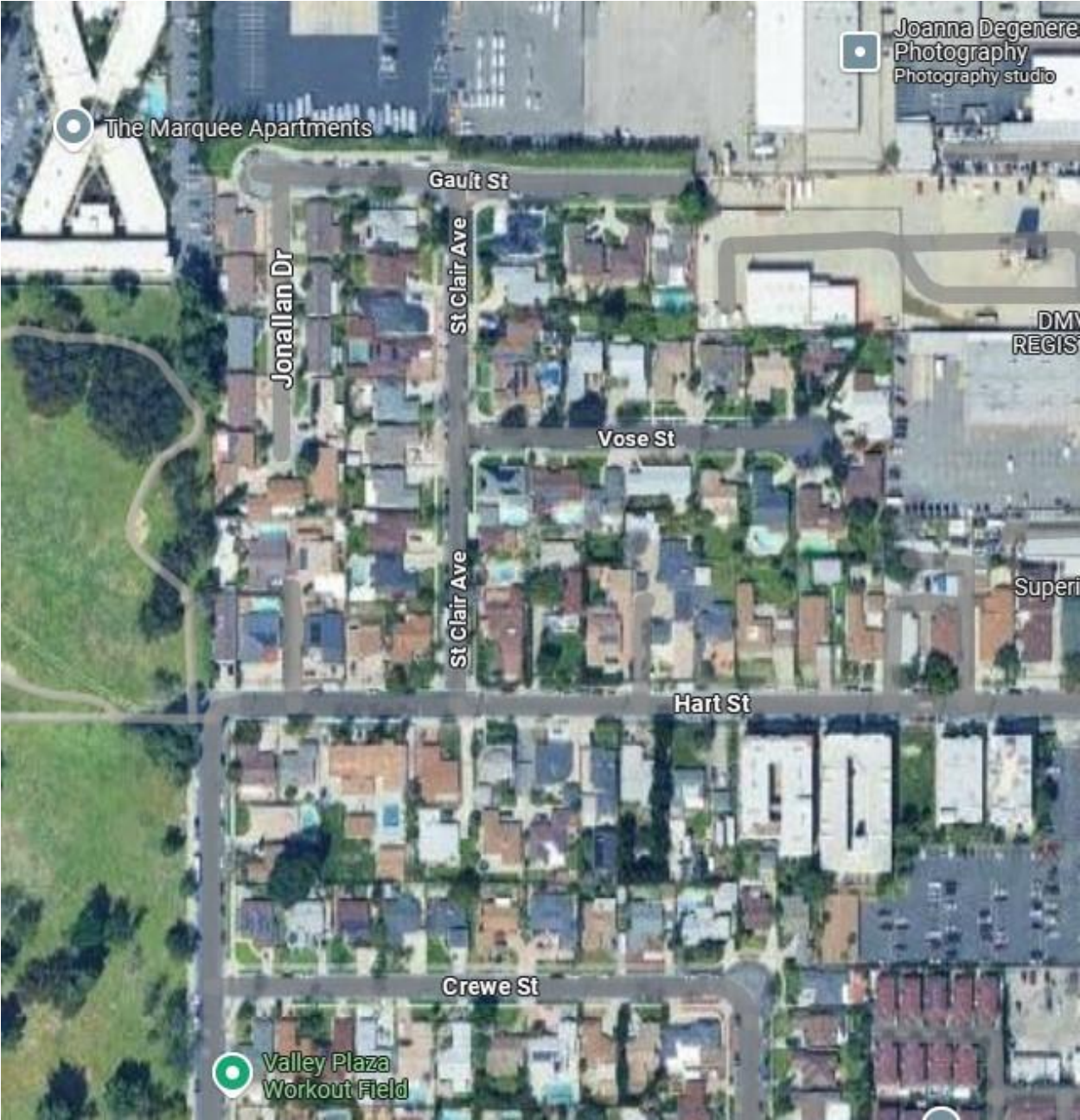
"For the above reasons, I respectfully request that the SVAPC reverses the Associate Zoning Administrator's Conditional Use to permit the installation of the cell tower in this case and reverses the Associate Zoning Administrator's determination that the proposed project is exempt from CEQA in this case. In addition, we respectfully request that any proposed cell tower project be installed at least 1,000 feet away from our neighborhood in a commercial or industrial zone. I am aware of commercial buildings with large parking lots located on the west side of Laurel Canyon near Sylvan Street that have been boarded up for at least one year, and perhaps the proposed AT&T cell tower could be relocated to that area or other nearby available areas."

I certify to the best of my knowledge that the statements contained in this Supplement to Revised Justification for Appeal Statement are complete and true.



Debora B. Gelberg, Appellant
12212 Gault Street
North Hollywood, CA 91605

Dated: January 20, 2025



Re: Case No. ZA-2022-7780-CUW-1A

Dear President Vanessa Barraza, South Valley Area Planning Commission (SVAPC) President and Commission members,

This is appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement in support of appeal, which includes (1) the justification for my appeal of the Zoning Administrator's determination that the proposed project is exempt from CEQA in the above-referenced case, along with (2) additional information to support my appeal of the Zoning Administrator's approval of a Conditional Use to permit the installation of the 50-Foot monopole wireless telecommunications cell tower with 17 Antennas and 36 RRUs (Remote Radio Units) on 12229 Gault Street, North Hollywood, CA 91605 (the "proposed project.")

A. Justification for Appeal of the Zoning Administrator's Determination that the Proposed project is exempt from CEQA

The Associate Zoning Administrator determined that: "based on the whole of the administration record, the Project is exempt from CEQA pursuant to the CEQA Guidelines, Article 19, Section 15303, Class 3, there is no substantial evidence demonstrating that an exemption (sic) to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies."

I and my neighbors believe that, in fact, there is substantial evidence to demonstrate that the exception set forth in Cal. Code Regs. Tit. 14, § 15300.2 (c) applies.

"(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."

There is substantial evidence demonstrating that the exception in CEQA Guidelines § 15300.2 (c) applies in this case as follows:

1. The photo that was sent to me and other neighbors with the notice of SVAPC hearing had a large row of trees displayed next to the proposed project.
2. On page 6 of the Associate Zoning Administrator Determination dated October 28, 2024, it stated that the proposed project site is within 3.86 kilometers of the Verdugo earthquake fault. (This converts to 2.4 miles.) It also stated on page 6 that "the properties to the south, across Gault Street, are zoned R1-1, developed with one-story single-family dwellings." In addition, it stated that "Gault Street, adjoining the subject property to the south, is a Local Street, dedicated to a right-of-way width of 60 feet and a roadway width of 36 feet, improved with asphalt roadway, concrete curb, gutter, sidewalk and street trees."
3. The Associate Zoning Administrator Determination on page 2 states that: "the wireless telecommunications facility shall be set back at least a distance equal to 20 percent of the height of the monopole, from all abutting streets and residential uses." The 20 percent amounts to a mere 10-foot mandatory distance from the trees lining Gault Street.
4. One of the unusual circumstances that creates a reasonable possibility that the installation of a cell tower will have a significant adverse effect is that there is a row of 90 trees that line Gault Street, and the proposed project is 10 feet from the proposed site as stated above. There are numerous reports of cell towers catching on fire (see this online article dated July

Appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement

15, 2022, on cell tower fires by Environmental HealthTrust, a non-profit scientific think tank on environmental health hazards: <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

The proximity of the proposed project to the trees creates a fire hazard. If all or many of the trees caught on fire due to a high wind event or even a moderate wind event of 15 - 20 miles per hour, the fire could get out of control with embers quickly jumping to the single-family homes bordering on Gault Street and the neighboring homes on Jonallen Drive, St. Clair Avenue and Vose Street. This would be especially true if the cell tower caught on fire late at night. The fire could get out of control before anyone was aware of it. There are 43 homes on Gault St., Jonallen Drive, St. Clair Ave. and Vose St., which could burn down.

5. Another unusual aspect of this activity (the installation of the cell tower) that creates a reasonable possibility that the installation of a cell tower will have a significant adverse effect is that if there was a fire that came across Gault Street, there would be no way for people in the three houses on Gault St. and the two St. Clair Ave. houses which border Gault St. to evacuate because Gault St. is a dead end street. In addition, the people who live in the 11 homes on Jonallen Drive would also not be able to evacuate because their only exit is through Gault St., since Jonallen Drive is a cul-de-sac. Furthermore, if a fire came up on St. Clair to Vose Street, it would block the ability of residents in 14 homes on St. Clair Avenue as well as 15 homes on Vose Street to evacuate, since Vose Street is a cul-de-sac. This could create injuries and casualties. See the attached wide-view aerial map of the neighborhood near Gault Street, as well as the closer view photos which I submitted to the SVAPC on January 14, 2025.

6. As was discussed in the Revised Justification for Appeal Statement, the location of the proposed cell tower creates a safety risk for our neighborhood in the event of a cell tower collapse. There are a number of reports of cell towers collapsing in the United States. See this article by Environmental HealthTrust dated July 15, 2022:

<https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

An unusual aspect of the proposed project that creates a reasonable possibility that the activity will have a significant adverse effect on the environment in this case is the close proximity of the proposed tower to the parkway strip and street that is noted above. The proposed tower is located within 10 feet of the parkway strip on Gault St. which I measured to be 17.8 feet and within 27.8 feet of the roadway. If the cell tower were to collapse, it could kill people who walk their dogs on the parkway strip, and people in cars or bicycles parked or travelling on Gault Street.

7. An unusual aspect of the proposed project is the close proximity of the cell tower to the Verdugo earthquake fault and to a residential street, which creates a reasonable possibility that the activity will have a significant effect on the environment. If the proposed cell tower was to collapse due to a major earthquake, as was stated above, it could collapse on and kill people who walk their dogs on the parkway strip, and people in cars or bicycles parked or travelling on Gault Street. It could also possibly create a fire due to the impact of the falling of the tower and the exposed electrical wires. Furthermore, there is no specific condition in the determination that requires the proposed cell tower to conform to any seismic safety requirements.

Appellant Debora B. Gelberg's Supplement to Revised Justification for Appeal Statement**B. Submission of the Petition to Stop the Installation of a New, Unmanned 50-Foot Cell Tower Monopole on 12229 Gault Street, North Hollywood**

Accompanying this Supplement is the Petition to Stop the Installation of a New, Unmanned 50-Foot Cell Tower Monopole on 12229 Gault Street, North Hollywood (the "Petition.")

51 people signed the Petition. All the people who signed the petition are homeowners near the proposed project and/or people residing in homes near the proposed project on Gault St, Jonallan Drive, St. Clair Ave. and Vose St, who are aged 18 or over. In addition, one person aged 18 or over signed the Petition who resides on Hart Street, which is adjacent to our neighborhood. These neighbors are very concerned that the proposed cell tower could have a significant adverse impact on our neighborhood environment.

I, Debora Gelberg, Pat Ambrose, and Aleen Haroian circulated the petition to our neighbors. Pat Ambrose wrote in the numbers next to each person's name.

C. Changes to the Revised Justification for Appeal Statement.

1. This statement on page 1 of the Revised Justification for Appeal Statement needs to be deleted: "This would be especially true, if there are high winds blowing, such as the 30 mph winds that we saw in our neighborhood on January 7 and January 8, 2025." and replaced with:

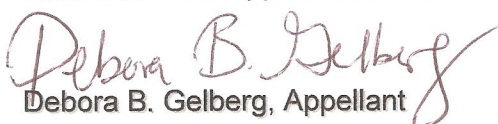
"This would be especially true, if there are high winds blowing, such as the 50 to 70 mph winds that we saw in our neighborhood on January 7 and January 8, 2025. See Weather Underground, which provides daily weather history:

<https://www.wunderground.com/history/daily/us/ca/north-hollywood/date/2025-1-7>
<https://www.wunderground.com/history/daily/us/ca/north-hollywood/date/2025-1-8>"

2. The second to the last paragraph on page 3 of the Revised Justification for Appeal Statement should be deleted and replaced with:

"For the above reasons, I respectfully request that the SVAPC reverses the Associate Zoning Administrator's Conditional Use to permit the installation of the cell tower in this case and reverses the Associate Zoning Administrator's determination that the proposed project is exempt from CEQA in this case. In addition, we respectfully request that any proposed cell tower project be installed at least 1,000 feet away from our neighborhood in a commercial or industrial zone. I am aware of commercial buildings with large parking lots located on the west side of Laurel Canyon near Sylvan Street that have been boarded up for at least one year, and perhaps the proposed AT&T cell tower could be relocated to that area or other nearby available areas."

I certify to the best of my knowledge that the statements contained in this Supplement to Revised Justification for Appeal Statement are complete and true.



Debora B. Gelberg, Appellant
12212 Gault Street
North Hollywood, CA 91605

Dated: January 20, 2025

Dear Ms. Marroquin

Pursuant to Zoning Administration Determination dated October 25, 2024 this is to request your assistance regarding

inconsistencies that we found on the maps attached to the Determination. Unfortunately I have a conflict of interest

but I am hoping to be there even if it is a little passed 4:30 PM. It all depends on traffic.

On page 9 of the LOD, the Zoning Administrator acknowledges that the roadway within the existing Right-of-way is about 8-12 ft,

then the applicant has a 4 ft dedication. Exhibit A is referenced showing that only a section of the existing roadway that is not within

the area being dedicated to the City would be removed. That would only be true if the applicant's 5' set back is also permitted to remain

part of the roadway (except for that referenced section at the curb).

We are requesting that Planning please confirm that the applicant will not have any structures or landscaping in the 5' setback so that we

can continue to use the area for a roadway. I can not stress enough that Blair Crescent is already a narrow road not only for our automobiles

but for emergency vehicles. I want to remind Planning that we are in a high fire area and that last week after one of the deadliest fires in

California we were under evacuation warning.

Please make sure that the existing Blair Crescent does not become any narrower than it currently is to allow for evacuation, as we are surrounded

by two impossible to climb Universal Studios 4 ft fencer plus an 11 ft fence, in case of an emergency Blair Crescent is our only way out.

Condition # 9 requires the applicant to obtain permits from BOE to complete the street improvements of 14' of roadway, as identified in Condition #7.

However, in order to comply with the statements in findings 1, 3, 4, 5, and 6, as well as the references to Exhibit A, the roadway would really extend an additional 5',

the applicant's required setback to the retaining wall. Nothing at the 14' plus 5" from centerline should impede a vehicle going beyond....like a curb.

We are also requesting clarification as to what is the centerline for Blair Crescent, we were told by the applicant that this measure is from the two pins marked by their

surveyor on Blair Crescent towards the applicant's development.

If BOE requires a curb at 14' from centerline or if there are any impediments within the applicant's 5' setback, then the project would not comply with Exhibit A and therefore

those findings could not be made. The project would adversely impact the residents of Blair Crescent (Finding 1), it would not meet Goal 2 Policy 2.1.6 of the Safety Element (Finding 3),

it would not allow for maximum speed and efficiency in dealing with fire events (Finding 4), it would have an adverse impact on street access and circulation (Find 5), and it would

detrimentally impact the access for existing homes on Blair Crescent (Finding 6).

We believe it was the intent of the zoning administrator to have the roadway extend all the way to the retaining wall as identified in Exhibit A, but the conditions don't make that clear.

plus the plans within Exhibit A are NOT consistent, so clarification is necessary so that the intent of the conditional approvals is what is permitted and constructed.

Thank you for your thoughtful consideration of our request, we appreciate the commission reviewing our requests and considering the neighbors when adding conditions to the approval.

Miriam Palacio

3375 Blair Crescent

Los Angeles, CA 90068

DAY OF HEARING SUBMISSIONS

Re: Case No. ZA-2022-7780-CUW-1A

Dear President Vanessa Barraza, South Valley Area Planning Commission President and Commission members,

This is a Second Supplement to Appellant's Revised Justification for Appeal Statement.

I. Link to a News Report Video on April 25, 2022, of an AT&T Cell Tower that Collapsed in Las Vegas

Below is a link to a news report video on April 25, 2022, of an AT&T Cell Tower that collapsed at an auto parts store backyard in Las Vegas at Tropicana and Nellis, just across the street from residential properties.

<https://www.fox5vegas.com/video/2022/04/26/cellphone-tower-collapses-near-tropicana-nellis/>

This video serves as evidence and to underscore that the proposed AT&T cell tower on 12229 Gault Street could collapse in high winds and injure or kill pedestrians, bicyclists or drivers parked or travelling on Gault Street.

I, and my neighbors on Gault Street and Jonallan Drive only have one way to exit out of our neighborhood and that is through Gault Street. We would need to pass the cell tower at 12229 Gault Street in order to go to work, medical appointments and shopping. We are very concerned that we could be severely injured or killed if the cell tower collapsed on us while we were driving, due to high winds or a high magnitude earthquake since our neighborhood is 2.4 miles from the Verdugo fault.

II. 9th Circuit Court of Appeal Test Articulated in *MetroPCS v. City and County of San Francisco*

I did some research and found out that per the federal Telecommunications Act of 1996 local governments are entitled to regulate the location and construction of cell towers under local codes and, therefore, the South Valley Area Planning Commission may deny the applicant's proposed project.

However, a local government may not prohibit the provision of personal wireless services per section 332 of the Telecommunications Act of 1996 (TCA), which provides that "[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or any instrumentality thereof ... shall not prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II).

I have reviewed a seminal 9th Circuit Court of Appeals case which applies to local government regulation of towers in California. It is called *MetroPCS v. City and County of San Francisco*, 400 F.3d 715 (9th Cir. 2005). In that case the 9th Circuit Court of Appeals interpreted Section 332 of the TCA on what is "prohibition of personal wireless services" and adopted a two-prong test. In order for the project applicant to prove that a local government has prohibited wireless services, the applicant provider must provide substantial evidence that:

- (1) There is a significant gap in their coverage of services; and
- (2) It has selected the "least intrusive" means for closing the coverage gap in a particular community to provide the best solution for the community.

Below are key selections from *MetroPCS v. City and County of San Francisco*, 400 F.3d 715 (9th Cir. 2005):

"Several circuits have held that, even in the absence of a "general ban" on wireless services, a locality can run afoul of the TCA's "effective prohibition" clause if it prevents a wireless provider from closing a "significant gap" in service coverage. This inquiry generally involves a two-pronged analysis requiring (1) the showing of a "significant gap" in service coverage and (2) some inquiry into the feasibility of alternative facilities or site locations." 400 F.3d 715, 731 (9th Cir. 2005)

"Under all existing versions of the 'significant gap' test, once a wireless service provider has demonstrated that the requisite significant gap in coverage exists, it must then make some showing as to the intrusiveness or necessity of its proposed means of closing that gap. *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005)

"The Second and Third Circuit 'least intrusive' standard ... allows for a meaningful comparison of alternative sites before the siting application process is needlessly repeated. It also gives providers an incentive to choose the least intrusive site in their first siting applications, and it promises to ultimately identify the best solution for the community" *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 734 -735 (9th Cir. 2005)

"For these reasons, we now adopt the 'least intrusive means' standard and instruct the district court to apply this rule as necessary in its consideration of the prohibition issue on remand. " *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 734 -735 (9th Cir. 2005)

Applying these holdings in *MetroPCS v County of San Francisco*, to the instant case (Case No. ZA-2022-7780-CUW-1A) it is clear there will not be a "prohibition of the provision of personal wireless services" if the South Valley Area Planning Commission reverses the approval of the Conditional Use to permit the installation of the cell tower on 12229 Gault Street, because there is no substantial evidence that "the least intrusive means" prong of the *MetroPCS v City and County of San Francisco* test was met. In the Associate Zoning Administrator's Determination there was no meaningful comparison of alternative sites and no specific alternate sites were identified by the project applicant.

Furthermore, there is insufficient evidence of AT&T's "significant gap" in service coverage in our community. There is no evidence of a drive test indicating signal strength in the Associate Zoning Administrator's Determination.

In closing, there is substantial evidence to show that the Associate Zoning Administrator erred in granting the Conditional Use to permit the installation of the cell tower at 12229 Gault Street, and there is substantial evidence to demonstrate that the exception in Cal. Code Regs. Tit. 14, § 15300.2 (c) applies and there is no CEQA exemption in this case, as was set forth in the Revised Justification for Appeal Statement and in the Supplement to the Revised Justification for Appeal Statement. I therefore request that the Zoning Administrator's approval of the Conditional use to permit the installation of the cell tower be reversed and his determination that the proposed project is exempt from CEQA also be reversed.

Thank you for your consideration.

I certify to the best of my knowledge that the statements contained in this Second Supplement to Revised Justification for Appeal Statement are complete and true.


Debora B. Gelberg, Appellant

Dated: January 22, 2025

Re: Case No. ZA-2022-7780-CUW-1A

Dear President Vanessa Barraza, South Valley Area Planning Commission President and Commission members,

I hereby request a postponement of the hearing on Case No. ZA-2022-7780-CUW-1A for the following reasons:

I declare that I and Pat Ambrose, a resident and property owner in the neighborhood, reviewed all of the online files available to the public in the link provided on the January 23, 2025, South Valley Area Planning Commission Hearing Agenda (<https://tinyurl.com/SVAPC1-23-25>), and we did not see as of 12:10 pm on January 23, 2025, two key documents along with accompanying photos that I submitted timely to the South Valley Area Planning Commission at apcsouthvalley@lacity.org, april.hood@lacity.org and sasha.kassab@lacity.org. I received two email confirmations from the Commission Executive Assistant, April Hood, that she received these submissions. These documents are:

- (1) Debora Gelberg's Revised Justification for Appeal Statement, emailed to the South Valley Area Planning Commission on January 14, 2025, at 6:42 am.
- (2) Debora Gelberg's Supplement to Revised Justification of Appeal Statement, emailed to the South Valley Area Planning Commission on January 20, 2025, at 3:57 pm.

Because these important documents are not yet available online, and the South Valley Area Planning Commission and L.A. Planning Staff may not have had an opportunity to read these documents, I am requesting a postponement of the hearing for 30 days on Case No. ZA-2022-7780-CUW-1A, in order for the South Valley Area Planning Commission to have a more informed case, so the commissioners can make a more informed decision.

I further request a 30-day postponement of the hearing in this case so we can seek to retain legal counsel in order to have a more informed case, so the commissioners can make a more informed decision.

Thank you for your consideration.

I certify to the best of my knowledge that the statements contained in this request for postponement are complete and true.


Debora B. Gelberg, Appellant

Dated: January 23, 2025