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June 29, 2018

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CASE NO. ZA 2017-3013(CUW)
CONDITIONAL USE
2712 South Robertson Boulevard
West Adams-Baldwin Hills-Leimert
Planning Area

Zone : C4-1VL-CPIO
D. M. : 126B169
C. D. : 10
CEQA : ENV 2017-3014-CE
Legal Description: Lots 112-114 and
S'y 7.5' of Lot 111, Tract 7306

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

a Conditional Use Permit authorizing an unmanned Wireless Telecommunications Facility (WTF);

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

the installation, use and maintenance of the subject WTF with a 52-foot high mono-eucalyptus, in lieu of 45-foot maximum, in the C4-1VL-CPIO Zone; and

DETERMINE, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15300 *et seq.* and City of Los Angeles CEQA guidelines Article III, Section 1, Class 3, Category 4, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies,

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", date stamped June 27, 2018, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorization.
 - a. The subject Wireless Telecommunications Facility (WTF) shall consist of the following:
 - A maximum 52-foot high mono-eucalyptus, with a minimum of 172 branches and associated foliage (as detailed in Exhibit "A", date stamped June 27, 2018).
 - A maximum of twelve (12) panel antennas, 8-foot in height.
 - Eighteen (18) new radios.
 - Three (3) new wireless raycaps.
 - Faux eucalyptus tree branches and "socks" containing antennas, radios and raycaps, with centerline at approximately 43 feet above the finished grade, shall significantly hide them from view from abutting and adjacent public rights-of way.
 - b. The proposed 8-foot high, 10'-8" x 13'-8," lease area with CMU wall enclosure at grade shall contain the following:
 - Two (2) wireless MCE equipment cabinets.
 - One (1) new 15 kw/54 gallon diesel standby generator mounted on a new concrete slab.
 - One (1) new wireless GPS antenna.
 - One (1) new wireless meter.
 - The CMU enclosure shall have stucco finish, painted and textured to match the existing commercial building on site.

- c. The project site, the base of the mono-eucalyptus structure, the enclosed lease area, shall be landscaped and maintained in accordance with a landscape and irrigation plan, prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor, to the satisfaction of the Department of City Planning, including, but not limited to, the following:
- 1) The perimeter of the proposed 8-foot high CMU wall shall be landscaped with live 20-gallon shrubs and bushes to grow and mature, and Morning Glory or Creeping Fig shall be planted along the wall so that the said wall is completely screened in a reasonable period of time (2 to 3 years), to match and/or complement the color of the mono-eucalyptus.
 - 2) The perimeter of the mono-eucalyptus base shall be landscaped with a planter area fully covered with live 20 gallon shrubs and bushes to mature to a height of 3.5 to 6 feet to provide a green space all around the base and complement the subject faux tree.
7. Prior to the issuance of a building permit, the project proponent shall submit a Structural Integrity Report from a professional engineer licensed in the State of California to the satisfaction of the Department of Building and Safety.
 8. All new utility lines that directly service the site shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.
 9. The subject grant shall not be exercised in a manner to conflict with the potential co-location of other carriers on the subject site.
 10. The electronic equipment shall be installed and constructed with valid City of Los Angeles building permit(s).
 11. All applicable laws, regulations and standards of all local, state, and federal government agencies shall be observed.
 12. Radio Frequency. The facility shall not interfere with TV, radio, or cordless phone reception or exceed RF limits established by the Federal Communications Commission.
 13. Should use of the granted right cease more than 90 days, the antennas and equipment shall be removed to the satisfaction of the Department of Building and Safety.
 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.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after July 16, 2018, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

West Los Angeles
Development Services
Center
1828 Sawtelle
Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2912

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 19, 2017, 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 have been established by the following facts:

BACKGROUND

The subject property is a rectangular-shaped, approximately 6,826 square-foot piece of land, consisting of three assessors' parcels, with a width of approximately 82.5 feet and a length of 82.75 feet, lying easterly of South Robertson Boulevard, in between 25th Street on the north and Beverlywood Street on the south. The property contains a 1,530 square-foot, vacant, one-story, commercial building, built in 1946 (ZIMAS). The site is accessed from Robertson, a major thoroughfare, as well as a 20-foot wide alley to the rear. The subject wireless telecommunications facility with a 52-foot high mono-eucalyptus tree with 12 panel antennas is to be located to the northerly portion of the property abutting the commercial building.

The property is located within the West Adams-Baldwin Hills-Leimert Community Plan Area and Community Plan Implementation Overlay (CPIO) Subarea of West Adams-Baldwin Hills-Leimert Commercial Corridor. It is also within Newport-Inglewood Fault Zone (Onshore). The property is not within the area of any specific plans or interim control ordinances. The Shenandoah Elementary School is located approximately 800 feet easterly of the project site.

The surrounding area is zoned C4-1VL-CPIO, R2-1, R2-1-O, R1-1, and R1-1-O, and developed with neighborhood oriented multi-commercial uses along Robertson Boulevard, and duplex and single-family dwellings in the interior areas of Robertson to the east and west of the project site, across Robertson.

The north adjoining property is zoned C4-1VL-CPIO and developed with Goodwill building and parking. There are neighborhood serving multi-commercial uses along Robertson further to the north.

The adjoining property, east of the alley, is zoned R2-1, developed with two duplexes. The area further to the east, between 25th and Beverlywood, is zoned R1-1 and developed with single-family dwellings.

The south adjoining property is zoned C4-1VL-CPIO and developed with a donut shop and parking. Further to the south, there are neighborhood oriented commercial uses along Robertson.

The west abutting properties, across Robertson, are zoned C4-1VL-CPIO and developed with multi-commercial uses. The area further to the west, beyond a 20-foot alley, is zoned R2-1-O and R-1-O and developed with a triplex, and a single-family dwelling and single-family-dwelling, respectively.

Robertson Boulevard, adjoining the property to the west, is a designated Avenue II Modified, with a dedicated width of 80 feet and a roadway width of approximately 53 feet and is paved with curb, gutter and has a varied sidewalk.

Alley, adjoining the property to the east, is a 20-foot wide and is paved with concrete.

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

Subject Property:

Building and Safety Permit No. 16020-10000-00031 – On February 5, 2016, the application and/or plans submitted/reviewed for a new cell site with equipment on concrete slab inside enclosure area.

Building and Safety Permit No. 16020-10000-00030 – On February 5, 2016, the application and/or plans submitted/reviewed for a new cell site with mono-eucalyptus.

ZA-2014-4204-CUW – On March 10, 2016, a Conditional Use for the installation, use and maintenance of an unmanned Wireless Telecommunications Facility (WTF) with a 54-foot high mono-eucalyptus consisting of 12 panel antennas with accessory equipment and a standby generator at grade by Verizon was denied by the Zoning Administrator at the subject site.

ZA-2014-4204-CUW-1A – At its meeting on June 7, 2016, the South Los Angeles Area Planning Commission denied an appeal by Verizon on the subject WTF (above) and sustained the Zoning Administrator's decision.

Surrounding Properties: (within a 500-foot radius)

No WTF case was found.

PUBLIC HEARING

The applicant seeks a conditional use permit for a wireless telecommunications facility disguised as a 52-foot high mono-eucalyptus tree (tower), with antennas and related equipment concealed behind the branches and socks of the subject faux tree, on the subject property zoned C4-1VL-CPIO. The tower of the subject WTF will be located northerly abutting the vacant commercial building. Related equipment such as MCE cabinets, a 15kw/54 gallon diesel standby generator on a concrete slab, GPS antenna, meter, etc., will be located within a 10'-8" x 14'-8" lease area with 8-foot high CMU enclosure at grade easterly behind the building. Landscaping of the base of the tower, as well the perimeter of the enclosure is proposed. The site has a height limit of 45 feet because of its height district, HD-1VL.

A Notice of Public Hearing was sent to nearby property owners and/or occupants about the proposed development site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was held by Associate Zoning Administrator David S. Weintraub, from the

Office of Zoning Administration who acted under Case No. ZA 2017-3013-CUW and CEQA No. ENV 2017-3014-CE on October 19, 2017, at the Second Floor Hearing Room of the West Los Angeles Municipal Building, at 1645 Corinth Avenue, Los Angeles, CA 90025. The hearing was attended by the applicant's architect and representative, and fourteen other stakeholders from the community.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The environmental document was among the matters considered at the hearing. Before opening the matter to public testimony the Zoning Administrator looked through the file and reviewed the content therein, paying particular attention to maps, plans, and photos of the subject site. The following testimony was presented:

Kevin Sullivan, Applicant's Representative

- The revised stealth Mono-eucalyptus design incorporates a higher and denser branch count
- The color, shape and texture are designed to look like a real Eucalyptus Tree
- Each antennae will be covered in a color matched "sock"
- Landscaping will be provided at the base of the Mono-Eucalyptus tree
- The equipment area will be enclosed with a CMU wall
- The height is code compliant
- The installation will have a small footprint
- This facility is proposed to fill a hole in coverage and add capacity limits
- The installation will improve data processing in the network
- The site was designed by a radio frequency engineer
- There are 48,000 average daily trips on Robertson
- Castle Heights and Oxen Corner, 2 other Verizon cell sites are out of capacity
- No added capacity is available at those sites
- There is degraded coverage
- The proposed site is necessary to fill the gap
- No industrial properties in their service area are available
- These cell sites are not usually placed on residential properties
- Five other sites were considered
- Rooftop installations were too low to cover the hole in coverage; or no landlord was interested; or the structures didn't have structural capacity to hold such an installation
- Given the range of options in the service area, this site was chosen
- There are no significant adverse impacts
- The pole will have a maximum height of 52 feet, which is lower than the 66-foot 8-inch height of the utility poles up and down Robertson
- In the alley behind the subject property, there are electrical utility poles that are at 41 feet
- We believe that the proposed facility will fit in aesthetically
- The Neighborhood Council Land Use Committee did not make a decision or recommendation on the proposal
- The Land Use Committee suggested that the entire Neighborhood Council should

vote on it

- We respectfully request an approval of the proposed project

William Desmond, Project Architect

- The existing wrought iron fence will remain
- A CMU enclosure with lid will be provided for the equipment
- Stucco texture and color to match the existing building will be applied to the enclosure
- Landscaping will be provided at the base of the mono-eucalyptus
- The materials are matched to a real eucalyptus tree
- There are approximately 30% more branches than the original design
- The RF equipment screen is limited to 8 feet in height

Jonathan Norton, Beverlywood Stakeholder

- He submitted written materials as well
- South Robertson Neighborhood Council voted to deny the proposal, and didn't move it forward
- They asked to be kept in the loop as to lawsuits
- The Neighborhood Council, the Zoning Administrator, and the APC all denied the prior case for this site
- Now it's a Federal case (lawsuit)
- This is for profit
- The Verizon 52-foot proposal is not compatible
- Their photo renderings are deceptive
- The community is angry and frustrated
- The property owner has not discussed the proposal with the community, the Neighborhood Council or homeowners and the existing on-site building is vacant and dilapidated
- Venice and Robertson is better suited for this proposal
- See materials submitted at the hearing

Doug Fitzsimons, Stakeholder

- He is the co-chair of the South Robertson Great Streets Program
- He is President of the South Robertson Neighborhood Council
- He has worked for an entire decade to improve Robertson
- This community has been neglected since the 1960's
- The South Robertson Community Foundation is a not for profit. They are trying to upgrade the community
- 1000's of hours have been invested speaking to 1000's of residents about improving the community
- The subject property has a vacant structure on it that has been vacant for over 20 years
- The surrounding properties are impacted

- They want to bring back businesses
- They want to make their community more walkable and the Expo Line will make a cohesive vision
- Aesthetics are a major issue
- Loss of parking is an impact
- The introduction of the cell tower may serve as a disincentive to ever improving the vacant street
- It is out of scale with the neighborhood
- The technology sector is changing
- SB 649 was vetoed by the Governor recently
- The technology is moving toward smaller sites and smaller antennae that are more distributed
- Nothing in the Court action directed the City to approve the proposal
- The Neighborhood Council Land Use Committee recommended denial
- The full Neighborhood Council will be considering the matter on October 26, 2017
- Please delay the decision until after the Neighborhood Council decision, probably by November 1, 2017

Lawrence Feinberg, Resident Stakeholder

- This is an affluent working class neighborhood
- The community has worked a lot to improve the neighborhood
- The lot is in a commercial strip surrounded by residential uses
- Keeping the same population and improving the community
- The renderings distort the aesthetic impact
- Industrial equipment is what it is and it's disguised as a tree
- This is a less affluent but stable community
- Racial and economic injustice
- This site is 1-1/4 blocks from a school
- Dread of parents to have their kids so close to a cell tower and will have them walk other ways to avoid the radiation that they perceive as an impact
- Congress has stopped local consideration of health impacts

Hector Garza, Neighbor, Stakeholder

- He is opposed to the proposed cell tower
- This stretch of Robertson dips topographically and it dictates the need for such a tall tower
- More appropriate in an industrial location
- The carrier has other facilities
- Other building owners opted out
- The easiest way out is to build this cell tower
- La Cienega and the I10 interchange has 280,000 trips and demand daily
- "Creep" – One tower leads to another site
- This must stop somewhere, and this is the site to stop

Aleksander Tamm-Seitz, Resident Stakeholder

- He agrees with most of the earlier testimony
- He is a practicing urban designer and architect
- Visual and aesthetic impacts have been discussed
- The C4 Zone has a 1.5:1 FAR; the cell tower should be lowered to the heights of the buildings
- It is not compatible with the land uses adjacent which are residential
- Something like this hinders the property improvements to accommodate viable commercial uses
- Great streets status will help improve the community
- What about other solutions to the coverage gap issue
- Two smaller installations could result in resolving the coverage gap

Deni Mosser, Stakeholder

- Lives 1-1/2 blocks from the proposed tower
- Has lived there for 31 years
- Been a neighborhood activist for 20 years
- The subject property has been vacant for at least 31 years
- There are single family dwellings very close to Robertson
- Her home is only 10 steps from Robertson
- During an earthquake there is a real concern for the tower collapsing
- We just had a region wide earthquake drill
- Noise – Buzzing or humming noise from equipment 24 hours a day
- The car wash on Robertson is already an industrial noise source
- There is existing blight, and we don't need any more
- 2512 Robertson has not been painted recently and it is 3 colors at present
- The vacant structure has rats, this should be looked into
- The owner is an absentee owner/landlord
- She spent the entire weekend writing 25 bullet points opposing the proposed cell tower
- Looked at Verizon's plans and they are deceptive
- Also is concerned about the value of her property

Karen Feinberg, Stakeholder

- She is opposed to the proposed cell tower
- Health effects of EMF's are not known, though Federal Laws prohibit the issue from being discussed

Jessica Barclay-Strobel, Stakeholder

- She opposes the cell tower
- She is a Verizon customer, and does not want the tower in the residential area or

near the school

- There isn't a problem with coverage
- The stakeholders don't want it, only the landlord and Verizon want this site

Andre Leavenworth, Stakeholder

- Is the co-president of the Reynier Village Neighborhood Association
- Their neighborhood association is working with South Robertson Neighborhood Council to improve the area
- They are opposed to the proposed cell tower
- The size is too large and in a major earthquake the tower could collapse
- They are concerned about safety
- The local residence will have to look at this fake tree
- There is a commercial site at 3000 South Robertson that has a 5-story building and it is adjacent to Interstate 10 Freeway; it has a very large roof area
- This site would be ideal

Linda Theung, Stakeholder

- She is a South Robertson Neighborhood Council, Land Use and Economic Development Member, but she is speaking as an individual
- Hopes that the City doesn't change its position from the prior actions
- Verizon went to court and sued the City of Los Angeles
- They sue big and small cities
- The FCC 1996 rulings are thrown around
- This will impact property values
- Her neighborhood is welcoming development, and supported small lot subdivisions, and extra density, but they cannot support this proposed cell tower
- Please don't give incentives to absentee landlords to place cell towers

Anura Lawson, Stakeholder

- Is opposed to this cell tower
- She is a teacher with the LAUSD
- She is a Union Worker
- She is a mother of 6
- Shenandoah Street Elementary School and Hamilton High School are nearby
- EHS – Electro Hypertension – The World Health Organization recognizes this disorder
- The LAUSD has 26 accommodations for EHS
- See list of the effects submitted at this hearing
- WiFi, etc. has impacts!
- SB649 – Which would have relaxed telecommunications regulation was vetoed by the Governor (Health Concerns)

Nicolus Spark, Stakeholder

- He is surprised by the lack of communication from Verizon
- This proposal keeps coming back
- No discussion or interface with the community since the last hearings
- Has lived in the neighborhood over 10 years
- The Neighborhood Council has been successful making positive changes
- Mixed use construction is occurring in the community
- The Interstate 10 ramps are being reworked and will impact the community in a positive way
- Great Streets acknowledgement was amazing, very successful
- Light rail will be coming nearby
- The subject property has been neglected for many years; has had open electrical panel, and graffiti
- The owner of the subject property only did minor improvements to get it into some semblance of maintenance
- This property will lose any desirability if the cell tower goes in, meanwhile, there is a commercial kitchen in the vacant building
- The property owner's son has failed to communicate with the community

Henry Rosenfeld, Stakeholder

- He has lived in the area for over 50 years
- He remembers playing in the community as a kid
- The new great streets status is exciting
- He is opposed to the proposed cell tower

Liz Carlin, Council Deputy, CD 10

- The stakeholders are organized
- Verizon has been to the Neighborhood Council
- Please keep the record open so the Neighborhood Council's input can be in the record
- Great streets Initiative gave a \$500,000 grant for improvements and bump-outs and improving walkability
- There are also other Great Streets resources from LADOT and Street Services
- We appreciate that so many members of the community oppose this proposed cell tower
- For the record, the Councilman is opposed to this cell site

Kevin Sullivan, Applicant's Representative, Rebuttal

- Assertions that the General Plan doesn't allow for this use is erroneous
- California Government Code Section 65964.1(c) – The State Legislature determined that the timely deployment of wireless telecommunications facility

networks has a significant beneficial impact in California

- Types of technology – Micro/small cell facilities won't replace Macro-site facilities
- They need large cell site to cover the gap and needs
- Sites further west will leap frog the existing facilities
- Existing sites are all operating at capacity
- The FCC saw that between 2013 and 2018 there was an 800 percent increase
- There is a real need for this site, at this location
- Racial discrimination is simply not true – This site will improve services to the mid-cities area for all, including Hispanic, African Americans, etc., and low income folks. All will benefit from the site improvement
- Health issues and FCC RF limits local agencies
- FCC, EPA, Food and Drug to come up with this determination
- The 3000 South Robertson has an existing Verizon cell site
- What about splitting the site into 2 sites in lieu of 1 macro-site. The policy is to have less, not more sites, and achieve complete coverage
- The facilities are required to have structural calculations at LADBS, Fire, etc.
- No cell facilities in the City of Los Angeles have failed, collapsed, or caught fire
- In the City of Los Angeles, the Wireless Telecommunications Facilities are engineered to higher standards as they are part of an Emergency Communications Network
- Noise of equipment humming or buzzing – there is no noise
- Generators are for emergency and maintained about 15 minutes a week for safety
- Noise is about 63db at 25 feet distance
- There will be a CMU wall surrounding it

William Desmond, Project Architect, Rebuttal

- No one is trying to mislead anyone by utilizing photo simulations
- The scale of the pole has been accurately portrayed
- The simulations are to scale, it's a matter of perspective

Approximately 117 email letters were received in opposition to the subject request (see Finding No. 2).

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for a wireless telecommunications facility to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the four 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.**

Wireless communication is an essential element of the communications network for personal, commercial and emergency services that are critical to the public convenience and welfare. The project proponent, Verizon, has determined that there is significant gap in coverage and capacity in the Beverlywood area of the City and submits that the proposed site is needed, *...to offload capacity stress on existing network infrastructure in the area ...due to an increase in customer using smartphones and a decrease in overall landline phone uses.*

Therefore, the proposed facility *...is needed to provide new or enhanced coverage to previously significantly underserved residential areas and businesses, to offload existing voice and data capacity demands from other nearby Verizon wireless facility (including, Oxen Corner and Castle heights), and to serve customers who travel on nearby segments of South Robertson Boulevard, Cadillac Avenue, and adjacent streets.* The improved service coverage would potentially result in the elimination of incomplete and dropped calls, and a higher quality cellular service to its subscribers.

The requested site and improvement will provide the level of service to the project area that would meet the performance standard set by the FCC. Therefore, the proposed WTF at this site would provide a beneficial service to the community and be desirable to the public convenience and welfare.

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 proposed wireless telecommunications facility is to be established on the subject approximately 6,826 square-foot site currently occupied with a vacant commercial building. The project site consists of three assessors parcels and is located in the middle of the block easterly of Robertson Boulevard between 25th Street on the north and Beverlywood Street on the south.

The surrounding area of the proposed project site is zoned C4-1VL-CPIO, R2-1, R2-1-O, R1-1, and R1-1-O, and developed with neighborhood oriented multi-commercial uses along both sides of Robertson Boulevard, duplexes located behind the major thoroughfare provides buffer to the single-family dwellings in the interior areas of Robertson, 25th and Beverlywood Streets. The neighborhood is

fully established and developed, primarily built in the 1930s thru 1950s.

It should be noted that, on November 10, 2014, the subject WTF project was filed with the Department of City Planning, Case No. ZA-2014-4204-CUW and, on March 10, 2016, the request was denied by a Zoning Administrator. The primary focus of the denial was the aesthetic aspect of the proposed WTF. On June 7, 2016, an appeal of the case was also denied by the South Los Angeles Area Planning Commission. On July 27, 2017, the applicant, Verizon, filed the instant request for the second time on the subject site; however, with a modified and enhanced faux eucalyptus tree.

Approximately 117 email letters and 14 oral testimonies were received at the public hearing from community residents and stakeholders, including representatives from South Roberson (SORO) Neighborhood Council and Council District 10, in opposition to the proposed project currently under consideration. Opinion expressed in the letters and in testimonies received could be classified in three general categories: (1) Impact of the proposed WTF on human health residing in the nearby residential, (2) Negative aesthetics of the WTF, and (3) Impact of the WTF on property value, economic development and revitalization of Robertson Boulevard through SORO Neighborhood Council Great Streets project.

Impact of WTF on human health:

The placement, construction, and modification of such facilities may not be regulated on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions.

Information about the health safety of such facilities include, but are not limited, to the following:

FCC Radio Frequency Safety:

<http://www.fcc.gov/general/radio-frequency-safety-0> and

<https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#015>

Summary: The RF emissions from cellular or PCS base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antennas, the pattern is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from antennas. Consequently, ground-level exposures are much less than exposures if one were at the same height and directly in front of the antenna.

World Health Organization (WHO):

<http://www.who.int/peh-emf/about/WhatisEMF/en/>

Summary: Telecommunications base stations add little to the total ambient radio frequency signals as signal strengths are typically similar to or lower than signal strengths from distant radio and TV stations.

American Cancer Society (ACS):

<http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/cellular-phone-towers>

Summary: Public exposure to radio waves from cell phone tower antennas is slight for several reasons. The power levels are relatively low, the antennas are mounted high above ground levels, and the signals are transmitted intermittently, rather than constantly. At ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safety exposure set by the US Federal Communications Commission (FCC) and other regulatory authorities. It is very unlikely that a person could be exposed to RF levels in excess of these limits just by being near a cell phone tower.

As the ACS study concludes, the "...RF energy is thousands of times less than the limit for safety exposures set by the US FCC and other regulatory authorities." And the WTF "...signal strengths are typically similar to or lower than signal strengths from distant radio and TV stations" (WHO). Therefore, it follows that the nearby residential uses surrounding the site are safe, so are the children attending Shenandoah Elementary School, which is located approximately 800 feet easterly of the project site.

The health issue has been vetted at the federal level by the FCC, as well as many scientific and research organizations time and again, with the conclusion that such facilities are safe. Within the City of Los Angeles, therefore, the cell tower sites are approved by-right, when in compliance with the Municipal Code, Sections 12.21-A,20 (cell tower) or 12.21-A,21 (rooftop), as well as through discretionary approval of a Conditional Use Permit, pursuant to Section 12.24-W,49. Subsequent to City approval, each and every WTF goes through further compliance review with FCC regulations and licensing requirements.

Negative aesthetics of WTF:

The applicant submits that the adverse aesthetic aspect of the previous WTF proposed at the site, have been remedied by making the proposed mono-eucalyptus significantly denser. Upon review of the materials submitted to the case file by the Zoning Administrator, it was established that the new branch count and/or branch density for the enhanced design is approximately 40% more than that proposed for the original faux tree design submitted with ZA-2014-4204 (CUW). The proposed plans filed with the subject case had 123 branches in its design and the enhanced current design has 172 branches in its design. It will be located northerly, abutting the existing vacant commercial structure. Decorative

masonry wall will enclose the lease area toward the rear, textured and painted to match the existing structure on-site. Both the base of the antenna tower structure and the lease area will be landscaped with live shrubs and bushes to lessen the scale of the mono-eucalyptus, as seen from Robertson and the nearby residential.

This is an unmanned facility, which would require infrequent servicing. Consequently, the proposed use of the site will not generate additional traffic or parking in the area. It will not interfere with any existing residential uses or activities, nor will it create any significant visual or noise impact on the surrounding neighborhood. As conditioned, the required enhanced mono-eucalyptus treatment and landscaping will aid the subject facility to blend into with the surrounding context. It is noted that there are 26 existing trees lining West 25th Street between Robertson Boulevard and Shenandoah Street. Of the 26 trees, 17 are existing, very mature melaleucas (Paperbark) trees. Both Eucalyptus and Melaleucas are hardy, and are evergreen trees native primarily to Australia -- and they are related. They belong to the myrtle family, or Myrtaceae, and share the characteristic of fragrant leaves that have pungent oils. Melaleuca and eucalyptus have similar growth habits. The trees are called paperbark because of their white, peeling bark. The proposed mono-eucalyptus will stealth the antennae, and fit the context of the trees in the immediate vicinity.

Impact of WTF on property value, economic development and revitalization of Robertson Boulevard:

The applicant submits that, for the past four years, Verizon sought to identify a suitable location for the proposed cell site to serve the Beverlywood area, which was identified as an underserved area for its residential and business customers, lacking adequate infrastructure coverage. WTF facilities could be placed on the rooftop of a building, or as a façade element of a building or church, such as a clock, bell tower, or cross; or consist of another form of tower, disguised as a tree, such as, Cactus, Pine, Palm, Eucalyptus, etc.; or yet another form of tower, such as, a water tank, Flag Pole, etc. Of all the designs, however, most common type of WTF seems to be rooftop or a faux tree.

The applicant focused on the design of a mono-eucalyptus tree or a rooftop facility, and the search involved identification of potential sites that would fit the technical need, as well as coverage objectives. The search included the following sites:

- 1842 South Robertson: This site has an existing facility by Sprint/Clearwire. Infeasible for RF for a rooftop WTF.
- 2050 South Robertson: Could not secure lease for a freestanding WTF.
- 1966 South Robertson: Infeasible for construction of a rooftop WTF.
- 8939 Cadillac: Tenant/structural Issues for a rooftop WTF.
- 2461 South Robertson: Roof would not accommodate a cell site. Also, setback issues for a freestanding WTF.

Finally, through a process of elimination, the applicant concluded that the above

sites were not viable candidates, and selected the subject "Hillsboro" site, which came out as the best candidate to achieve their project objectives.

The City of Los Angeles has thousands of cellular sites, established by-right and through discretionary approval throughout its 469 square miles of land area. In the United States, the number of cell phone users grew from 165.24 million in spring 2008 to 207.08 million in spring 2012 and to 237.72 million in spring 2017 (*Source: www.statista.com*). Cell phones are now being used by more than 91% of adults in the country, and with household income of \$75k and above, 98% of Americans own cellphones. Consequently, hundreds and thousands of cell tower and/or rooftop facilities have been installed throughout the country to provide and enhance cellular services, and the number is constantly increasing by the year as the demand rises to serve the technological needs of the 21st century. Evidently, the FCC would not have authorized and the local agencies granted all the cell sites throughout the nation, if there were compelling data that cell sites have significant adverse impact on human health, discourage economic development, or negatively impact property value. On the contrary, historically, future investment and development in any community or a country is not independent of technological improvement and innovation, or infrastructure development; rather they go hand in hand. The project would enhance data processing capability and therefore should foster development, contrary to being deterrent to such potential.

Therefore, all future efforts by SORO Neighborhood Council's Great Street Project to revitalize Robertson and the neighborhood would not be impeded by the installation of the subject WTF with a mono-eucalyptus tree, and any potential negative aesthetics of this facility is being substantially mitigated through the implementation of a considerable amount of landscaping at its base, and an enhanced branch count and foliage volume, thereby creating a green environment surrounding the installation.

The use will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The West Adams-Baldwin Hills-Leimert Community Plan Map designates the property for Neighborhood Commercial uses with corresponding zones of C1, C1.5, C2, C4, R3 and RAS3. The subject site is zoned C4-1VL-CPIO.

The General Plan does not specifically address the subject request. However, it provides for services in locations that are beneficial to the community and yet do not adversely impact public health, welfare and safety. The use of wireless telecommunications is an essential element of private, public and business communication needs. For WTFs that cannot comply with the LAMC requirements for a by-right installation, the Municipal Code authorizes the Zoning Administrator to grant the requested entitlement, in the zones corresponding to the General Plan

Land Use Designation. Granting such entitlements, however, does not change the underlying use of the property, applicable requirements of the zone, or the Plan land use designation of the property. Hence, the subject site will remain consistent with the Plan.

The California Public Utilities Commission (CPUC) considers the subject use a public utility. In Chapter 9, Infrastructure and Public Services, of the Framework Element of the General Plan, the City recognizes the importance of telecommunications in land use planning *"to provide an integrated network serving as a regional hub for public and private users."* It further states that *"in order to fully exploit the benefits of the emerging integrated telecommunications infrastructure, the City needs to maximize the quantity of information that the system could carry."*

The proposed WTF is consistent with the City's Safety Plan, which states that: *"...an Emergency Notification System providing quick, no-cost, readily accessible service for reporting of fires and other general emergencies by the general public be established."*

Furthermore, the facility also advances the City's Seismic Safety Plan, which states that it is the City's policy *"that the emergency communications network, emergency control center, and reconnaissance systems are properly maintained."* The site connects with other remote Verizon sites with enhanced and updated equipment that will enhance cellular service in the project area.

Therefore, the subject WTF will be in harmony with the purpose, intent and various provisions of the General Plan.

ADDITIONAL REQUIRED FINDINGS

- 4. The site is of a size and shape sufficient to provide the setback required in the underlying zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.**

The subject 6,826 square-foot, rectangular, site is developed with a vacant commercial building, which abuts parking and Goodwill building to the north and a 20-foot wide alley to the east. The Municipal Code requires that the subject mono-eucalyptus tower be located a distance equal to 20 percent of its 52 feet height, i.e., approximately 10 feet 5 inches, from all abutting streets, residential uses, and all zones and areas with public access. The intent of this requirement is to ensure safety of the residents and property abutting the requested site. The properties abutting the flux tree to the east are developed with residential uses in the R2 and R1 Zones, with a minimum distance of 56 feet from the proposed faux structure, and minimum 76 feet from the Goodwill building to the north in the C4 Zone.

- 5. The required setbacks are to be improved to meet the screening and landscaping standards of Section 12.21-A,20(a)(5)(Screening) and 12.21-**

A,20(a)(6)(Landscaping) to the extent possible within the area provided.

The project complies with Section 12.21-A,20(a)(5)(Screening) in that the proposed WTF will have a façade of a mono-eucalyptus tree with all its antennas attached to the structure/branches and hidden behind the leaves (socks). The equipment will be located on the ground level inside an 8-foot high CMU enclosure the rear abutting the alley. As stated above, it will have sufficient setback from the nearest residential area.

The project complies with Section 12.21-A,20(a)(6)(Landscaping) in that the enclosure area as well as the base of the faux tree will be landscaped with shrubs and bushes and maintained in accordance with a landscape and irrigation plan.

Additionally, landscaping on the site, as well as landscaping and street tree planting, as approved by the Urban Forestry Division, is being required herein.

6. The visual impact standard of Section 12.21-A,20(a)(4) is met.

The subject WTF will have the façade of a 52-foot high mono-eucalyptus located approximately 45 feet from Robertson Boulevard to the east and 56 feet from the nearest residential use to the further to the east. The proposed 12 panel antennas and 18 radios would be mounted on the faux tree (includes 172 branches), and two equipment cabinets, one GPS antenna, one wireless meter, and one stand-by emergency generator will be mounted on a concrete platform at grade inside an 8-foot high CMU wall enclosure. The masonry wall enclosure will have stucco finish and painted to match the color of the commercial building on the site. Additionally, the lease area will be landscaped as per conditions of approval contained herein, so that it will provide a green buffer that completely screens the WTF's ground based equipment enclosure from all surrounding views and right-of-way.

Furthermore, the base area of the faux tree will be landscaped as per conditions of approval contained herein.

Therefore, the proposed design and landscaping should effectively minimize any visual impact to the travel corridors and residential neighborhood and comply with the visual impact standard of Section 12.21-A,20(a)(4).

7. An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(a)(3)(Locating Antennas at Existing Sites).

The applicant submitted information into the record with propagation plots to provide evidence of effort in good faith to site the subject WTF at some other existing location. The site at 1842 Robertson Boulevard is currently used by Sprint; however, the site is close to Verizon's existing "Castle Heights" site near La Cienega Boulevard, as well as the building is too low for a rooftop installation,

which would not allow the height necessary to provide the adequate level of service for this area. There was no other existing cell site in the area that could be sought for co-location. All other sites described earlier in Finding No. 2 do not contain any existing facility and were not feasible for the reasons stated therein.

Consequently, the subject location is needed to provide balance and the separation between other existing Verizon sites in the outlying area. Moving the proposed site in any other direction would not result into seamless integration of sites to filling the gap in coverage.

8. **The project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21-A,10(a)(20) of the Code.**

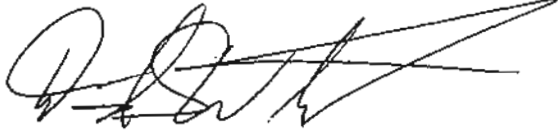
The applicant will seek a separate FCC license and be in full compliance with its regulations and standards for minimum location distance to habitable residential structures. The antennas mounted on the faux tree will be located more than 20 percent of its height from all abutting streets, residential uses and areas with public access. A Structural Integrity Report will be prepared by a professional engineer licensed in the State of California. The equipment and generator will be located on the ground level within the leased area enclosed by a CMU wall, the perimeter of which will be landscaped in accordance with an approved landscape and irrigation plan. The facility will not be a hazard to air navigation by complying with FAA regulations for illumination and finishing. The proposed WTF is expected to provide a seamless integration with other sites. An effort in good faith to co-locate without success and the propagation plots have been submitted into the record to the satisfaction of the decision maker.

9. **The use would not have substantial adverse impact on properties or improvements in the surrounding neighborhoods.**

The site was designed in accordance with the City regulations for location, screening and aesthetics. The faux eucalyptus tree will contain the antenna and obscure them from public view. The WTF will provide the required setback, and both the base and the lease area will be landscaped to provide a green screen. As conditioned, live Eucalyptus trees, or another such variety that resembles most closely in relation to the color and shape of leaves (socks) , branch spacing and trunk texture, will be planted on the site, as well as street tree replacement within the surrounding one-block area will provide a green environment to make the mono-eucalyptus nonintrusive and blend with.

Given the findings incorporated herein, particularly those enumerated under Finding No. 2; the Zoning Administrator concludes that the proposed use would not have substantial adverse impact on properties or improvements in the surrounding neighborhood.

Inquiries regarding this matter shall be directed to Alam Choudhury, Planning Staff for the West/South/Coastal Project Planning Division at 213-978-1467.

A handwritten signature in black ink, appearing to read 'D. Weintraub', with a long horizontal stroke extending to the right.

DAVID S. WEINTRAUB
Associate Zoning Administrator

DSW:AC

cc: Councilmember Mike Bonin
Eleventh District
Adjacent Property Owners