



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



North Valley Area Planning Commission

Date: June 3, 2010
Time: 4:30 p.m.
Place: Marvin Braude Building
First Floor Conference Room
6262 Van Nuys Boulevard
Van Nuys CA 91401

Public Hearing: April 19, 2010
Appeal Status: Specific Plan Exception, Project Permit Compliance are appealable to City Council
Expiration Date: June 5, 2010
Multiple Approval: Specific Plan Exception and Specific Plan Project Permit Compliance

Case No.: APCNV 2009-2452-SPE-SPP
CEQA No.: ENV-2009-2453-MND
Incidental Cases: None
Related Cases: None
Council No.: 2 – Krekorian
Plan Area: Sunland-Tujunga-Shadow Hills-Lake View Terrace-East La Tuna Canyon Foothill Boulevard Corridor Specific Plan
Specific Plan: Sunland-Tujunga
Certified NC: General Commercial and Limited Industrial
GPLU: C2-1VL and M1-1
Zone: T-Mobile West Corp. (Adrian Patnaud)
Applicant: Synergy Development Services Inc. (Kevin Raymond)
Representative:

PROJECT LOCATION: 10189 N. Tujunga Canyon Boulevard

PROPOSED PROJECT: The installation, use, and maintenance of a **co-location wireless telecommunication facility (WTF) consisting of 6 equipment cabinets located at grade; two Global Positioning System (GPS) antennae, and 12 panel antennae on a 5 foot extension onto an existing 51 foot church bell tower, increasing the total height of the existing bell tower to 56 feet in height.**

REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration, ENV-2009-2453-MND, for the above referenced project;
2. Pursuant to Section 11.5.7 F 1(f) of the Municipal Code, a **Specific Plan Exception** to permit the co-location of a wireless telecommunication facility along a designated Scenic Highway within the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694); and
3. Pursuant to Section 11.5.7 F of the Municipal Code, a **Specific Plan Exception** from Section 8.B.2.a of the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694) to allow the addition of a 5 foot extension to the existing wireless telecommunication facility to accommodate two GPS antennae, and 12 panel antennae, for an overall maximum height of 56 feet in lieu of the maximum height limit of 33 feet.
4. Pursuant to Section 11.5.7 C of the Municipal Code, a **Project Permit Compliance** with the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694).

RECOMMENDED ACTIONS:

1. **Approve** the **Specific Plan Exception** pursuant to Section 11.5.7 F 1(f) of the Municipal Code from to permit the co-location of a wireless telecommunication facility along a designated Scenic Highway within the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694), with the attached conditions of approval;
2. **Approve** the **Specific Plan Exception** pursuant to Section 11.5.7 F of the Municipal Code, a from Section 8.B.2.a of the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694) to allow the addition of a 5 foot extension to the existing wireless telecommunication facility to accommodate two GPS antennae, and 12 panel antennae, for an overall maximum height of 56 feet in lieu of the maximum height limit of 33 feet, with the attached conditions of approval;
3. **Approve** the **Project Permit Compliance** with the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694), with the attached conditions of approval;
4. **Adopt** the Mitigated Negative Declaration No. 2009-2453;
5. **Adopt** the attached Findings;
6. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

S. GAIL GOLDBERG, AICP
 Director of Planning

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. 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 agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. 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, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Project Summary

The project involves the installation, use, and maintenance of a co-location wireless telecommunication facility (WTF) consisting of 6 equipment cabinets located at grade; two Global Positioning System (GPS) antennae, and 12 panel antennae on a 5 foot extension onto an existing 51 foot church bell tower, increasing the total height of the existing bell tower to 56 feet in height.

The collocation of these existing and potential cellular providers will reduce blight that could be created by multiple cell sites along Foothill Boulevard – further enhancing the Scenic Corridor. Also, the redesigned bell-tower appears to contain a more customary proportion for a “tower” by comparison to the existing design. Appearance of the redesigned tower will be an aesthetic improvement over the existing.

The project requires two Specific Plan Exceptions as well as a Project Permit Compliance entitlement approval to meet the standards of the Foothill Boulevard Corridor Specific Plan. Staff recommends approval of both Specific Plan Exceptions due to the unique circumstances of the property, enhancements to the community, and benefits of consolidating multiple WTFs. Staff further recommends approval of the Project Permit Compliance for the project's compliance with all other performance standards of the plan.

Background

The subject property is an irregular shaped parcel having approximately 60,984 square feet of area. The property is identified on the zoning map as C2-1VL and M1-1 and is designated General Commercial and Limited Manufacturing by the Community Plan. The community plan also designates this property as having a “HW” – House of Worship notation. The property is subject to the provisions of the Foothill Boulevard Corridor Specific Plan which identifies the property as a part of “Target Area No. 3” which allows residential development in commercial zones, as well as within the Specific Plan boundary.

The property across the street to the north is developed with a United States Post Office Branch, a warehouse and an office, zoned [Q]C2-1VL and M1-1, and designated General Commercial and Limited Industrial, respectively. Properties across Hillhaven Avenue to the southeast are developed with manufacturing and a restaurant/bar, zoned M1-1 and C2-1VL, and designated Limited Industrial and General Commercial, respectively. Property adjacent the west are developed with offices, zoned M1-1 and C2-1VL and designated Limited Industrial and General Commercial, respectively. Properties adjacent to the south are developed with offices, zoned C2-1VL, and designated General Commercial.

Street Designations:

Tujunga Canyon Boulevard is dedicated to a 60-foot wide, improved with portions of curb, gutter and sidewalk, and is designated as a Secondary Highway.

Foothill Boulevard is dedicated to a 90 to 95-foot wide, improved with curb, gutter and sidewalk, and is designated as a Major Highway II. The General Plan Transportation Element, however, adds the *Scenic* designation on Foothill Boulevard as a *Scenic Major Highway Class II*.

Hillhaven Avenue is dedicated to a 50-foot width and improved with curb, gutter and sidewalk, and is designated as a Local Street.

Elmo Street is dedicated to a 25-foot width and improved with pavement and concrete culvert at the center, and is designated as a Local Street.

Related Cases:

APCNV-2005-6503-CU-SPE-SPP: Conditional use, Specific Plan Exception, and Project Permit Compliance to establish a wireless telecommunication facility having a monopine structure 51 feet tall including 3 sectors of antenna arrays for a total of 12 panel antennas, one microwave dish antenna, and a 402-square foot ground lease for equipment cabinets, on the subject property. The Area Planning Commission approved these requests with conditions at their meeting of October 5, 2006. Their determination was appealed to City Council who, on March 7, 2007, granted the appeal in part to permit a structure which is compatible with the church property (i.e. spire, steeple, bell tower, or other church-related structure).

ZA-2002-686(CU)(SPP): Conditional use and Specific Plan Project Permit Compliance for the continued maintenance of an existing church and related facilities, new restrooms, renovation of a building at 10177 Tujunga Canyon Boulevard, on the subject property. This includes an after school program for up to 50 children, as well as modification of existing operational standards relating to security, lighting between 10 p.m. and 8 a.m. in the parking lots, signage and outdoor recreational activities. This case was granted by the Zoning Administrator on July 30, 2002.

CPC-1986-608-GPC: General Plan Consistency Program changed the zone from M1-1 to C2-1VL for the southerly portion of the subject property. Ordinance No. 164,330, Subarea 3040 became effective on February 20, 1989.

Correspondence Received:

No reports were received from other City agencies prior to the public hearing.

Hearing Officer Comments:

The subject property is located north of Foothill Boulevard west of Hillhaven Avenue and south of Tujunga Avenue. The site is developed with a church sanctuary and 3 other buildings and sheds. Existing cellular facilities are installed on the site having been approved by previous entitlement APCNV-2005-6503-CU-SPE-SPP. This includes the 51-foot tall bell-tower, antenna arrays and a 402-square foot ground lease for equipment cabinets operated by Verizon Wireless. The Area Planning Commission approved these requests with conditions in 2006. Their determination was appealed to City Council who granted the appeal in part to permit a structure which is compatible with the church property (i.e. spire, steeple, bell tower, or other church-related structure). The existing antennas are screened from view by panels surrounding the bell-tower. The existing tower incorporates a cross on top of the tower that is obscured behind the panels which screen the antennae, when viewed from adjacent grade. This reduces the prominence of the site's main use as a church complex.

This new entitlement will establish added height and the collocation of a second provider. The proposed modifications by T-Mobile will add 5 feet of height to the existing 51 foot bell-tower to form a 56 foot tall structure. Such a height will provide the applicant with vertical space for their wireless equipment and the potential for a third wireless provider to collocate in the future. The applicant's proposed plans show antennas that will be mounted to a maximum height of 56 feet, and consists of three (3) antenna arrays (total of 9) and two GPS antennae. The screen panels that will enclose the existing and proposed equipment will be extended to accommodate the

new equipment noted above. The panels will be constructed with screening that can completely shield the antennas, and provide functional transparency to cellular signals. All panels on the tower and equipment cabinet walls will be painted and textured to match the existing structural features.

The six at grade equipment cabinets will be screened behind a concrete block enclosure and landscaping. The 11 feet wide by 35 feet long by 7 feet, 8 inches high equipment housing will occupy a ground lease of 385 square feet. Because of the existing grade differential, the southwest side of the housing will be 10 feet, 8 inches high. Two existing pine trees will be relocated to the southwest side further screen the equipment from Foothill Boulevard.

Staff feels that the collocation of these existing and potential cellular providers will reduce blight that could be created by multiple cell sites along Foothill Boulevard – further enhancing the Scenic Corridor. Also, the redesigned bell-tower appears to contain a more customary proportion for a “tower” by comparison to the existing design. The enhanced design is more narrow than wide and will appear with an individual Christian cross on each of the 3 side panels. Appearance of the redesigned tower will be an aesthetic improvement over the existing.

No parking will be lost as a result of this the proposed project. Wireless communications equipment does not constitute floor area to generate parking nor does it generate significant vehicle trips.

Further, the plans that are dated May 22, 2009 inadequately show other development on the site – notably existing buildings. Staff recommends that a revised plot plan be submitted as a condition of any future grant.

The applicant’s representative was in attendance at the public hearing along with representatives of the church (property owner), and other community members. The applicant noted that other sites in the immediate vicinity were considered for this project, however; the collocated of sites on the planned redesigned tower will eliminate the need for more towers in the area. A copy of the Site Coverage Map was submitted to the hearing officer denoting additional coverage to be provided by the subject installation. The area coverage would fill a void along Foothill Boulevard between Mount Gleason Avenue and Commerce Avenue.

No letters were received prior to the public hearing. The representative noted that the Sunland-Tujunga Neighborhood Council’s Planning, Land Use Committee met on the project on October 5, 2009 with a favorable response. A representative of the Neighborhood Council confirmed this and noted that there had been no documented account of their PLUM meeting on October 5, 2009. In light of that she explained that the Neighborhood Council is pleased with the latest design of the church tower. The NC does not want to see a proliferation of cell sites in the community and supports the tower with the potential of collocating a third provider here.

Specific Plan Exceptions:

The existing bell tower was permitted and erected after the City Council granted an appeal in part during 2007. This determination allowed the bell tower to camouflage the proposed antenna equipment in lieu of a “mono-pine”. Location of the tower is approximately 100 feet from Foothill Boulevard and is elevated approximately 18 feet. One of the purposes of the specific plan is *“To ensure that future development in the area occurs in a manner that is environmentally sensitive, considering existing topography, surrounding low-density residential, capacity of the street and circulation system, and scenic views of the local mountains.”* The narrow profile of the modified tower will be in accordance with this purpose in that it will not impede the vast view of the San Gabriel Mountain range. Therefore the design will meet such a purpose.

Because of its distance and new proportions, the bell tower would likely appear to be less prominent within the scenic corridor. Further, the enhanced aesthetic values on the panels will create a more realistic and attractive tower element.

The Specific Plan Exceptions are warranted because of the existing tower height that had been established by the previous approval. The current application will provide an opportunity for other cellular providers to consolidate their equipment into one tower and avoid proliferation of other rooftop applications throughout the Foothill Boulevard. More wireless telecommunications sites in the neighboring properties could impact the viewshed. The current site offers an approximate 100 foot setback from Foothill Boulevard. Such setback will preserve the view corridor from its placement and the height will diminish at this distance. Aesthetic handling and stealth design of the tower is an improvement to the existing as noted above.

During the public hearing a point was brought up regarding the applicability of a Specific Plan request since there is no frontage the subject property possess' along Foothill Boulevard, a Scenic Highway. Thus, an Exception need not be required. Staff disagrees with this in that the site is located within the zone boundaries of the commercial/industrial zoned lots along Foothill Boulevard that compose this scenic highway. Further the character and scenic views/vistas from Foothill Boulevard are at stake where a protrusion of the height component will exceed the height of existing specific plan and zoning regulations. Therefore, review of this entitlement is within a scenic highway is required and within the authority of the Area Planning Commission as well as an Exception for relief from the height requirement.

Project Permit Compliance:

Notwithstanding the specific plan exception requests, the project complies with all other provisions of the Foothill Boulevard Corridor Specific Plan.

Conclusion

Staff concludes that after a review of the materials and testimony submitted, the modification, installation, use, and maintenance of a wireless facility will not be detrimental to the community. The federal Government has determined that such wireless communications facilities do not have a negative impact on the health of the area residents. The City has accepted this policy and finds no health concerns with the placement of wireless facilities within a residential area. Moreover, the project has been conditioned to mitigate any visual impacts upon the immediate vicinity and will not impact the implementation of the Foothill Boulevard Corridor Specific Plan.

The Specific Plan Exceptions are warranted because of the 5-foot increase to the existing tower height that had been established by the previous approval and due to its location within the scenic highway. Further, an opportunity for other cellular providers to collocate their equipment into one tower and avoid proliferation of other rooftop applications throughout the Foothill Boulevard. More wireless telecommunications sites in the neighboring properties could impact the viewshed. The current site offers an approximate 100 foot setback from Foothill Boulevard which will preserve the view corridor. Project Permit Compliance is achieved through compliance with the Specific Plan provisions.

CONDITIONS OF APPROVAL

Specific Plan Exception and Project Permit Compliance

A. Entitlement Conditions: Specific Plan Exception

1. **Grant.** Pursuant to Section 11.5.7 F of the Municipal Code, a **Specific Plan Exception** from the following:
 - a. Section 11.5.7 F 1(f) of the Municipal Code from to permit the co-location of a wireless telecommunication facility along a designated Scenic Highway within the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694), subject to the conditions of approval of this entitlement.
 - b. Section 8.B.2.a of the Foothill Boulevard Corridor Specific Plan (Ordinance No. 170,694) to allow the addition of a 5-foot extension to the existing wireless telecommunication facility to accommodate two GPS antennae, and 12 panel antennae, for an overall maximum height of 56 feet in lieu of the maximum height limit of 33 feet, subject to the conditions of approval of this entitlement.
2. **Plans.** The use and development of the subject property shall be in substantial conformance with the plans. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. A revised plot plan shall be submitted showing an accurate representation of the existing buildings on the site. Plans submitted for permit clearance shall be in accordance with **Exhibit A, dated June 3, 2010**.
3. **New Antennae/Equipment.** Lease space of 385 square-feet, on the site for at grade for equipment, consisting of the following is permitted to be co-located in addition to the existing installation granted by the City Council on appeal for Case No. APCNV-2005-6503-CU-SPE-SPP, dated May 9, 2007:
 - a. **Antennae.** The installation of a maximum of twelve (12) panel and two (2) GPS antennae on the subject property shall be authorized by this Specific Plan Exception, substantially in conformance to **Exhibit A, dated June 3, 2010**.
 - b. **Equipment Cabinets.** Equipment cabinets (6) to be co-located with other existing telecommunication facilities located on the subject property shall be authorized by this Specific Plan Exception, substantially in conformance to **Exhibit A, dated June 3, 2010**. All new equipment cabinets shall be located at grade.
 - c. **Coax Cable Tray.** The installation of coax cable trays on the subject property shall be authorized by this Specific Plan Exception, substantially in conformance to **Exhibit A, dated June 3, 2010**.
 - d. **Height.** The top of the bell tower, antennas, GPS antenna, microwave dish, and coax cables and tray shall not exceed a height of 56 feet.
 - e. **Aesthetics (Cellular Tower):** The proposed extension of height shall be incorporated into the design of the modified tower in substantial conformance to Exhibit A, Dated June 3, 2010 to satisfaction of the Department of City Planning. This may involve (1) painting the tower to match the existing buildings on site, (2) disguising the pole church bell tower, and (3), surrounding the pole with landscaping.
 - f. **Screening.** All antennas, equipment cabinets, dishes, or coax cables and tray to be

installed on the building shall be screened and painted to match the color and texture of the structure. The screen material shall be of a solid non-translucent material (FRP) that will conceal the telecommunications equipment to the satisfaction of the Department of City Planning.

- g. **Sound insulation of Equipment Cabinets.** The equipment cabinets shall be enclosed or provided with sound insulation sufficient to prevent noise associated with their operation from being audible beyond the property line.
 - h. **Non-Reflective Material.** All antennas, equipment cabinets, dishes, or coax cables and tray shall be constructed out of non-reflective materials.
 - i. **Valid Building Permit.** The approved antennas, equipment cabinets and coax cable tray shall be installed and constructed pursuant to a valid City of Los Angeles building permit and shall operate in compliance with all local, state, and federal regulations.
 - j. **Cessation of Use.** Should the use of the approved antennas, equipment cabinets and coax cable tray cease, they shall be removed to the satisfaction of the Department of Building and Safety within 60 days.
 - k. **General Requirements.** The proposed facility shall be in substantial conformance with all applicable WTF Standards as pursuant to LAMC Section 12.21 A 20, except as conditioned herein.
4. The applicant's facility shall not interfere with TV, radio, or cordless phone reception or exceed limits established by the Federal Communications Commission.
 5. The conditions of APCNV-2005-6503-CU-SPE-SPP, as modified on appeal by the City Council, and as allowed by this entitlement shall be strictly complied with.
 6. **Chapter 5 "Design Guidelines" of the Community Plan, commercial building height.**
 - a. Providing accenting and complementary building materials to building facades.
 - b. Screening of mechanical and electrical equipment from public view.
 - c. Screening of all rooftop equipment and non-architectural building appurtenances from public view.

B. Environmental Conditions:

1. **Seismic:** The design and construction of the project shall conform to the California building Code seismic standards approved by the Department of Building and Safety.
2. **Erosion/Grading/Short-Term Construction Impacts:**

Air Quality

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to

- prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

- g. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- h. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- i. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- k. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

General Construction

- l. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- m. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- n. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- o. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- p. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- q. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- r. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

C. Entitlement Conditions: Specific Plan Project Permit Compliance

1. Prior to the issuance of any Planning clearance under **APCSV-2009-2452-SPE-SPP** on any building permit, the applicant shall provide final design plans for review and approval by the Department of City Planning.
2. **Design Guidelines.** Commercial development shall be designed in accordance with standards of the following applicable Foothill Boulevard Corridor Specific Plan Design Guidelines and Standards Manual:

- a. Freestanding unmanned wireless telecommunications facilities, including radio or television transmitters, shall be designed as a faux pine tree or other similar type of structure which blends in with the environment in which it is placed.
 - b. Building and roof mounted antennas and other telecommunication equipment shall be painted and textured to integrate into the architecture of the existing structures to which they are attached or they shall be effectively screened by the use of parapets or similar architectural elements.
 - c. Accessory equipment (e.g. power supply boxes) shall be effectively screened through placement underground, internally within building structures, on rooftop locations behind architectural elements or when above ground, placed behind a landscaped wall or a landscape solid barrier.
3. **Landscaping (per APCNV-2005-6503-CU-SPE-SPP).** The following shall apply:
- a. A minimum of six 24 inch box canary island pine trees shall be placed immediately adjacent to the wall enclosure to integrate the proposed WTF into the landscape and buffer the wall enclosure from view of Foothill Boulevard.
 - b. Existing trees located within 15 feet of the WTF shall be retained.
 - c. Fast growing clinging vine material shall be used to buffer the wall enclosure from Foothill Boulevard.
 - d. All landscaping associated with the WTF shall be maintained by Verizon Wireless and/or its successors.
 - e. All landscape areas associated with the proposed WTF shall be equipped with an automatic sprinkling or drip irrigation system designed to conserve water.
 - f. The system shall be installed and operational prior to the issuance of a Certificate of Occupancy.

D. **Administrative Conditions:**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
8. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

FINDINGS

A. General Plan/Charter Findings:

1. **General Plan Land Use Designation.** The Sunland - Tujunga - Shadow Hills - Lake View Terrace - East La Tuna Canyon Community Plan was most recently amended through the Community Plan Update Program (CPU) and adopted by City Council on November 18, 1997. The Plan map designates the subject property for General Commercial and Limited Industrial land use, with corresponding zones of C1.5, C2, C4, and RAS3 and CM, MR1, and M1.
2. **General Plan Text.** The Sunland – Tujunga - Shadow Hills - Lake View Terrace- -East La Tuna Canyon Community Plan text includes the following relevant land use goals, objectives, policies and programs:

Goal 2 ***A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.***

Objective 2-1 To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policies

2-1.1 New commercial uses should be located primarily in existing established commercial areas or existing shopping centers.

Program: The Community Plan retains commercial land use designations to conform with existing commercial centers.

2-1.2 Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and developed in accordance with design standards.

Program: The Plan includes an Urban Design chapter which establishes Design Standards for commercial development which addresses this policy.

Program: The Foothill Boulevard Corridor Specific Plan establishes standards and guidelines for commercial development.

Objective 2-3 To enhance the appearance of commercial districts.

Policies

2-3.1 Improve the landscaping of commercial properties.

Program: Implementation of the Design Policies established in the Urban Design Chapter.

2-3.3 Require that any proposed development be designed to enhance and be compatible with adjacent development.

Program: Implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

2-3.4 Improve safety and aesthetics of parking areas in commercial areas.

Program: Design standards for parking areas established in the Design Guidelines implement this policy.

The project will meet the above objective of the Sunland - Tujunga - Shadow Hills - Lake View Terrace - East La Tuna Canyon Community Plan by providing improved visual appearance of designed structures. The tower will provide stealth applications to the subject project in order to limit the visual impact of wireless equipment. Such bell tower will be more traditionally proportioned and provide collocation of up to 3 wireless providers – reducing the potential of other sites cluttering the scenic character of the Foothill Corridor. The project will provide the city with additional cellular phone coverage, a needed service. All this while demonstrating compliance with the Urban Design Standards of both the Sunland - Tujunga - Shadow Hills - Lake View Terrace - East La Tuna Canyon Community Plan as well as the Foothill Boulevard Corridor Specific Plan.

3. **Foothill Boulevard Corridor Specific Plan:** The Foothill Boulevard Corridor Specific Plan became effective on October 27, 1995. The subject parcel is a large parcel with frontage along Tujunga Canyon Boulevard zoned M1-1 and a portion of the lot approximately 100 feet north of Foothill Boulevard zoned C2-1VL. Foothill Boulevard is a designated Major Class II Scenic Highway.

The subject use is proposed to be located on that portion of the lot zoned C2-1VL adjacent to Foothill Boulevard. Pursuant to the LAMC Section 11.5.7 F 1(f), a Specific Plan Exception from the applicable Specific Plan is required for the placement of a Wireless Telecommunication Facility (WTF) along a designated Scenic Highway. Additionally, the subject use is proposed to be 56 feet high above ground level – an addition of 5 feet from the existing tower. The maximum permitted height of structures not located within a Major Activity Areas is 33 feet.

The project's stealth application would adhere to the intent of the purpose and intent of the Foothill Boulevard Corridor Specific Plan. Although its height standard is violated, the redesigned bell tower will provide an improved appearance of a tower that fails to enhance the church use. The antenna equipment will be no higher than 56 feet, under the 56 foot high tower. Further, the new wireless equipment and collocation of up to a total of three providers will reduce the number of other wireless sites in the vicinity. The new tower, although higher, will provide improved aesthetics and therefore more harmonious to the adjacent residential uses. The existing tower is approximately 52 feet in height. When compared to the proposed design, as conditioned, shall be no more obtrusive or visible. Therefore, the contiguous commercial and residential buildings will be more harmonious.

B. Entitlement Findings:

1. Specific Plan Exception Findings L.A.M.C. Sec. 11.5.7:

- a. *That the strict application of the regulations of the Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the plan in relation to the request.*

The placement, design and operation of the proposed WTF on the subject site support the provision of adequate cell coverage as prescribed by the Federal Communications Commission. Both FCC and LAMC guidelines specify design and location requirements of these types of facilities. The requested Exceptions are necessary to ensure both compliance with Federal regulations and optimal operations of the proposed facility. Limitation of the height of the facility would create an unnecessary hardship as operational and future co-location requirements dictate the necessary height of the facility.

The placement of the facility adjacent to a scenic highway is unavoidable as the subject site is located within a coverage area that can support and needs additional WTF. -The placement of the facility is limited as the coverage area overlaps the Foothill Corridor Specific Plan boundary and would therefore require the granting of some exception regardless of its placement.

The strict application of the specific plan establishes the height along the north side of Foothill Boulevard at 33 feet and creates unnecessary hardship that constrains use of the building for the proposed optimization of T-Mobile's network. The network demands unfettered lines of site between facilities at a height only available within this area, on the higher platforms that do not exist in the corridor. The applicant proposes to modify the existing facility by increasing the height an additional 5 feet to accommodate up to 3 wireless providers to mount antennas to the redesigned bell tower and constructing a new stealth screen to conceal the antennas. The height of the new tower will be 56 feet.

- b. *That there are exceptional circumstances or conditions that are applicable to the subject property involved or to the intended use or development of the subject property that do not generally apply to other property in the Specific Plan area.*

While the subject site is located within the boundary of the Foothill Corridor Specific plan boundary, it is located just outside of Major Activity Area No. three. Adjacent parcels fronting Foothill Boulevard which are zoned C2-1VL and located within MAA3 and would allow a maximum allowable height of 45 feet, which may be more compatible with the development of such a facility.

The subject site currently contains parking and is part of a larger site owned by a church. Parcels immediately adjacent to the church contain industrial uses and other commercial uses making the site ideal for the placement of such a facility.

Because of its distance from Foothill Boulevard and new proportions, the bell tower would likely appear to be less prominent within the scenic corridor. Further, the enhanced aesthetic values on the panels will create a more realistic and attractive tower element.

The Specific Plan Exceptions are warranted because of the existing tower height that had been established by the previous approval. The current application will provide an opportunity for other cellular providers to consolidate their equipment into one tower and avoid proliferation of other rooftop applications throughout the Foothill Boulevard. More wireless telecommunications sites in the neighboring properties could impact the viewshed. The current site offers an approximate 100 foot setback from Foothill Boulevard. Such setback will preserve the view corridor from its placement and the height will diminish at this distance. Aesthetic handling and stealth design of the tower is an improvement to the existing as noted above.

As conditioned, the antennas will not be visible from the adjacent properties or the adjacent public right-of-way. Further, such telecommunication services will provide a public benefit to citizenry and emergency workers during daily usage as well as emergency situations - which will involve life/safety events.

- c. *That an exception from the Specific Plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which,*

because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

As previously indicated the subject parcel is located just outside of Major Activity Area No. 3 and is therefore subject to a height restriction of 33 feet, although a portion of the site is contiguous with other commercial properties located within the MAA and shares the same zone. By virtue of the drawing of the boundary line the proposed use is rendered non compliant with the height requirements of the specific plan.

The subject site is also located over 100 feet north of a scenic highway with commercial properties located between the subject site and the roadway. Although the subject site takes its access from Tujunga Canyon road to the north and is oriented toward this dedicated Secondary Highway, it is still visible from Foothill Boulevard a Dedicated Scenic Highway and is therefore subject to LAMC Section 11.5.7 F I(f) requiring the requested Specific Plan Exception.

- d. That the granting of an exception would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

The proposed facility will be compliant with all FCC and LAMC requirements except as conditioned herein. The development of the WTF to be camouflaged as a church bell tower structure will ensure that the facility is innocuous from Foothill Boulevard and that the associated equipment is also not visible and is adequately buffered from view. The granting of the exception, as conditioned, will ensure that the development is not detrimental to the public welfare or injurious to property or improvements adjacent to the subject property.

- e. That the granting of an exception will be consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan*

The Foothill Corridor Specific Plan contains design guidelines to ensure that the development of WTF are compatible with design and provide public amenities. The proposed project meets the purpose of the Specific Plan "To create a vibrant commercial environment along Foothill Boulevard by encouraging appropriate uses, building design, landscaping, screening of unsightly views, minimizing uninteresting blank walls, and proper site design."

Facilities for wireless communications, serve many sectors of the public by providing convenient as well as emergency communication services. Providing and enhancing such services fulfills the intent of the Specific Plan by addressing the service needs of the immediate area, surrounding communities, and region. In addition, completely screening the antennas meets the aesthetic intent of the Plan by minimizing clutter along Foothill Boulevard.

2. Specific Plan Project Permit Compliance Findings L.A.M.C. Sec. 11.5.7:

- a. The project substantially complies with the applicable regulations, standards and provisions of the specific plan.*

The Foothill Boulevard Corridor Specific Plan establishes a series of development standards which help ensure a development which is compatible with the goals of the community. The proposed project complies with all applicable design standards

of the Foothill Corridor Specific Plan applicable to the use and development of Wireless Telecommunications Facilities. Antennas proposed for the bell tower installation will be in compliance with the accompanying specific plan exception. The antenna arrays to be installed will be of stealth design and will be hidden in the improved design of the structure.

- b. *The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.*

Mitigated Negative Declaration No. ENV-2009-2453-MND establishes that there may be environmental impacts associated with the project. However, during the process of this case, seismic and temporary construction impacts were identified with the installation of the subject equipment. These impacts have been appropriately conditioned to avoid impacts to residential uses.

C. CEQA Findings:

A Mitigated Negative Declaration No. ENV-2009-2453-MND was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

PUBLIC HEARING AND COMMUNICATIONS

The public hearing was held on April 19, 2010. Of the six individuals in attendance four provided testimony including the applicant's representative, a representative of the property owner, a representative of the Neighborhood Council, and a neighboring property owner. The neighboring owner who initially indicated opposition was later found to have general comments and concerns.

No letters were received prior to the public hearing.

The applicant's representative described the project and provided a history of the project site.

The representative indicated that he has met and worked with the Sunland-Tujunga Neighborhood Council's Planning, Land Use Committee on October 5, 2009 whom provided a favorable response. He also noted that Dale Thrush, then of Council District No. 2 was in attendance. Staff has not yet received written materials to confirm this information.

The applicant considered the possibilities of collocation on the subject site due to the city's policy of reducing the number of these sites throughout the city. Further, he noted that one other cellular provider is negotiating to collocate at this site as well. Due to this interest, the existing tower has been redesigned to accommodate a total of 3 providers – the existing (Verizon), the applicant (T-Mobile) and potentially one other (AT&T).

The applicant further noted that the establishment of the collocated sites on the planned redesigned tower will eliminate the need for more towers in the area as well as enhance communications and emergency communications. A copy of the Site Coverage Map was submitted to the hearing officer denoting additional coverage to be provided by the subject installation. The area coverage would fill a void along Foothill Boulevard between Mount Gleason Avenue and Commerce Avenue.

Two speakers indicated their support for the project. One represented the property owner (Community Christian Church of the Foothills) who indicated that there will be no loss of parking on the site and their continued efforts to be good neighbors in the community. The property has been kept clean of trash and graffiti-free. Parking is offered to other neighboring properties to keep cars off the streets. The church also does not own property along Foothill Boulevard and questions the applicability of the need for the Specific Plan Exception request.

The representative of the Sunland-Tujunga Neighborhood Council noted that there had been no documented account of their PLUM meeting on October 5, 2009. In light of that she explained that the Neighborhood Council is pleased with the latest design of the church tower. The NC does not want to see a proliferation of cell sites in the community. Parking is not impacted. She also confirmed that AT&T has proposed a tower expansion to establish a cell site here.

A neighboring property owner, who initially opposed the project, complimented the newly proposed bell tower. She further questioned the impacts of Electromagnetic Fields (EMF) and whether other sites were considered for locating a cell site.

The hearing officer addressed the EMF question by clarifying that the Federal Communications Commission has ruled that local jurisdictions do not have authority to address the EMF issue. The applicant's representative responded to the location question by noting that a collocation of a cell site onto an existing site is beneficial to the neighborhood because it is more acceptable to the city. Collocation of sites limits/consolidates these uses to one location and will not clutter

the vicinity. Also that the relationship between the handheld cell phone and the cell towers is cyclical in that the level of power generated from each device must be sufficient to communicate to the other. Therefore, the necessary power level needed to send or receive signals must balance one another without providing more radiation to the consumer user. He noted that T-Mobile and other providers utilize equipment that generates very low EMF levels that are well below the permitted thresholds established by the FCC.