

APPROVED
08-10-2016

BOARD OF RECREATION
AND PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 16-168

DATE August 10, 2016

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CULVER/SLAUSON PARK - CELLULAR EQUIPMENT INSTALLATION;
APPROVAL OF SITE LEASE AGREEMENT WITH AT&T

for AP Diaz _____

R. Barajas CSD _____

H. Fujita _____

V. Israel _____

K. Regan _____

N. Williams _____


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS

1. Grant approval for the installation of a new unmanned wireless telecommunications facility at Culver/Slauson Park by New Cingular Wireless PCS, LLC;
2. Approve the proposed Site Lease Agreement, herein included as Attachment 1, for a five-year lease of the property (with up to three successive five-year terms) to New Cingular Wireless PCS, LLC (AT&T) for its maintenance and operation, subject to approval of the Mayor, the City Council by ordinance, and the City Attorney as to form;
3. Concur with the California Environmental Quality Act (CEQA) findings as adopted by the Los Angeles Department of City Planning on April 6, 2015 relative to the Mitigated Negative Declaration prepared for the Project;
4. Direct the Board Secretary to transmit the proposed Site Lease Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form;
5. Authorize the Board President and Secretary to execute the Site Lease Agreement upon receipt of necessary approvals;
6. Authorize the Department of Recreation and Parks' (RAP) Chief Accounting Employee to establish a RAP Fund and Account number into which the fees collected for the approved Site Lease Agreement may be deposited; and,
7. Authorize the RAP Chief Accounting Employee to make technical corrections, as necessary, to the transactions included in this Report to implement RAP's intentions.

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SUMMARY

On June 15, 2011, the Board of Recreation and Park Commissioners (Board) approved Board Report No. 11-185 which authorized RAP staff to enter into a Master Lease Agreement with cellular telecommunication providers for the purpose of facilitating the review of individual Site Lease Agreements, each of which to be reviewed for approval by the Board.

AT&T approached RAP with a request to install an unmanned wireless telecommunications facility at Culver/Slauson Park (Park). The Board gave conceptual approval of this proposal on June 11, 2014. (Report No. 14-140) Culver/Slauson Park is located at 5070 South Slauson Avenue. This is an approximately 3.27 acre facility which features a recreation center, basketball courts, tot lot, outdoor exercise equipment, and offers a variety of sports and other programs. The proposed installation (Project) consists of a new sixty (60) foot mono-eucalyptus style pole with twelve (12) eight-foot antennas and the associated ground equipment. Photo renderings of the proposed installations are attached hereto as Exhibit A.

RAP staff and the applicant attended a standing meeting of the Culver/Slauson Park Advisory Board to present the proposed installation and solicit feedback. Public comments received at the meeting were primarily focused on safety and aesthetic issues as well as expenditure of lease fees. No additional comments have been received by members of the public regarding this proposal to date.

RAP staff finds that the proposed location of the equipment in the northeast corner of the Park is in keeping with the adopted Standards and Guidelines for cellular equipment installation (Report No. 11-185). The northeast corner of the Park is not adjacent to existing recreation uses, and the design of the pole mimics a native tree which minimizes the potential for visual clutter within the Park. The required ground equipment is also located away from established recreation uses. RAP staff completed an initial project walk-through with the applicant which included Planning, Landscape Architecture, Maintenance and Forestry staff to identify any potential disruption that the Project may cause at the proposed location.

Subsequent to the Board granting conceptual approval for this Project, RAP signed permit applications and Right-of-Entry (ROE) permits in order for the applicant to obtain other necessary City entitlements such as a Conditional Use Permit (CUP) from the City's Planning Department. The applicant has received the CUP for this Project (Exhibit B) which included the distribution of public notification and a public hearing as legally required. A Notice of Public Hearing was mailed on April 22, 2015 to 543 property owners and/or occupants residing near the subject site, and the site was posted on May 7, 2015. The hearing was held on Tuesday, May 21, 2015. The hearing was attended by the applicant's representative, who provided a detailed description of the proposed Project and the conditional use request. A member of the community testified generally in opposition to the Project and registered a few concerns regarding the compatibility of the Project with the existing developments along the subject street and Park. A representative of Councilmember Mike Bonin's Office, Council District 11, stated that the Council Office had no opposition to the Project.

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The opponents of the Project generally opposed the wireless telecommunications project because of the perceived health effects it may have on the child care and recreation facility. There were also concerns expressed regarding the loss of income due to the wireless facility installation. Two pieces of correspondence were also received regarding the proposed Project, both of which stated similar concerns.

ENVIRONMENTAL IMPACT STATEMENT

RAP staff has determined that the Project has been previously evaluated for environmental impacts in compliance with California Environmental Quality Act (CEQA) Guidelines, and the proposed Site Lease Agreement was part of the Project. A Mitigated Negative Declaration (MND) and an associated Mitigation Monitoring Program (MMP) was adopted by the Department of City Planning on July 14, 2015 in connection with Conditional Use Permit for the installation of a wireless telecommunication facility, with the finding that all potentially significant environmental impacts would be mitigated to a level less than significant through the implementation of the measures in the MMP. Therefore, no additional CEQA documentation is required for Board approval.

RAP management and staff support the recommendations contained in this Report and Councilmember Mike Bonin's Office, Council District 11, has no opposition to the Project.

FISCAL IMPACT STATEMENT

The approval of this Project will not have an impact on the RAP's General Fund as all application and eventual construction costs are the responsibility of the applicant. The initial Site Lease Agreement application fee of Two Thousand Dollars (\$2,000.00) was sufficient to cover RAP staff time for the processing of this application. If final approval is granted in Fiscal Year 2016-2017, the initial annual rental charge will be Forty Thousand Three Hundred Forty-Three Dollars (\$40,343.00). In subsequent years, the rate shall increase at three percent (3%) per year or the Consumer Price Index amount, whichever is higher, per the executed Master Lease Agreement.

This Report was prepared by Melinda Gejer, City Planning Associate, Planning Construction and Maintenance Branch.

LIST OF ATTACHMENTS AND EXHIBITS

- 1) Proposed Site Lease Agreement
- 2) Exhibit A – Photo Renderings of Proposed Installations
- 3) Exhibit B – Conditional Use Permit

SITE LEASE AGREEMENT

This SITE LEASE AGREEMENT ("SLA") is entered into this _____ day of _____, 20____, by and between The City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners ("Landlord"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Tenant"). Landlord and Tenant may hereinafter be collectively referred to as the "Parties" or individually as the "Party".

WHEREAS, there is an existing Master Lease Agreement between Landlord and Tenant dated November 10th, 2012 ("Master Agreement"), which remains in full force and effect; and which anticipates the execution of this SLA by the Parties hereto; and

WHEREAS, the Parties desire to enter into this SLA pursuant to and in accordance with the Master Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. All of the terms and conditions of the Master Agreement shall apply to and are deemed incorporated in this SLA provided, that in the event of conflict between this SLA and the Master Agreement, this SLA shall control. Unless otherwise defined herein, all capitalized terms used herein shall have the meanings given to such terms in the Master Agreement.
2. Landlord Site Reference: Culver/Slauson Park
3. Tenant Site Reference: CLV0024 / 405 FWY/Slauson Park
4. Site Address: 5072 South Slauson Avenue, Los Angeles, CA 90230, and which is more particularly described in Attachment 1 attached hereto and incorporated herein.
5. Tenants Facilities to be erected are detailed and shall be installed in the manner set forth in Attachment 2 attached hereto and incorporated herein.
6. All notices pursuant to Section 5(G) of the Master Agreement shall be provided to Landlord's designee whose contact information is listed on Attachment 3.
7. The initial Term and Renewal Terms of this SLA shall be as set forth in Section 6 of the Master Agreement. The Commencement Date shall be confirmed in writing by Landlord and Tenant.
8. The Rent payable in consideration of this SLA shall be paid per annum in accordance with Section 7 of the Master Agreement. The Rent shall be made payable to Landlord at the following address:

Attention: Revenue Accounting
Department of Recreation and Parks
PO Box 86328,
Los Angeles, CA 9008-0328.

All rent checks shall have **Landlord's Site number** clearly written on the face of the check.

9. Special Provisions: None

10. Site Utilities. Tenant shall pay for the electricity it consumes in its operation at the rate charged by the servicing utility company. If a separate electrical meter cannot be installed at a particular Site, Tenant shall pay Landlord the sum of One Thousand Eight Hundred Dollars (\$1,800) annually in advance, based on estimated annual consumption, beginning on the Commencement Date of the applicable SLA. There shall be an annual increase commensurate to the percentage increase applied to the rental charge. The site utility payments are in addition to the rental charge, and shall be made payable in the same as the rental charge.

Signature Page to Follow

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

Executed this _____ day
of _____, 20__

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 20__

New Cingular Wireless PCS, LLC,
A Delaware limited liability company

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

MICHAEL N. FEUER,
City Attorney

By _____
DEPUTY CITY ATTORNEY

Attachments

- Attachment 1: Legal Description of the Site
- Attachment 2: Plans and Specifications
- Attachment 3: Contact Information
- Attachment 4: Memorandum of Lease

ATTACHMENT 1

LEGAL DESCRIPTION OF PROPERTY

To the Site Lease Agreement dated _____ 20____, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Lots 64 and 65, Tract No. 784, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 16, Page 56 of Maps, in the Office of the County Recorder of Los Angeles County.

Except therefrom that portion of said Lot 65 condemned for flood control purposes, as Parcel 67 in Superior Court, Los Angeles County Case No. 572920, a certified copy thereof being recorded January 19, 1953, as Instrument No. 1914, Official Records.

Assessor's Parcel Number: 4217-029-903

ATTACHMENT 2

PLANS AND SPECIFICATIONS

(including description of the antenna location, and location of ground equipment adjacent to the Premises)

To the Site Lease Agreement dated _____ 20____, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

Proposed Equipment is defined below and Plans and specifications are attached hereto.

Number of Antennas: 12
Antenna Manufacturer and Type-Number:CCI/HPA-65R-BUU-H8
Weight and Dimension of Antenna(s) (LxWxD)8'
Number of Transmission Lines: 12 Fiber
Transmission Line Mfr. and Type No.:Commscope/RFFT-36SM-001_XXX
Diameter and Length of Transmission Line:AWG#8 +/- 275'
Location of Antenna(s) on Tower (RAD Center):50'
Direction of Radiation (Azimuth):100/220/340
Dimensions of Ground Space:20' x 11'
Frequencies/Max. Power Output:698 MHz - 2360 MHz

ATTACHMENT 3

CONTACT INFORMATION

To the Site Lease Agreement dated _____ 20____, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

LANDLORD:

City of Los Angeles, Department of Recreation and Park
221 N. Figueroa Street, Suite 200
Los Angeles, CA 90012
Tel: 213-202-2633
Fax: 213-202-2614

TENANT:

New Cingular Wireless PCS, LLC
a Delaware limited liability company
1452 Edinger Ave., 3rd Floor
Tustin, CA 92780
(714) 566-7362

ATTACHMENT 4

MEMORANDUM OF LEASE

This Memorandum of Lease is entered into on _____, 20____, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners ("Landlord"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company Corporation ("Tenant").

1. Landlord and Tenant entered into a Site Lease Agreement ("SLA") on _____, 20____, for the purpose of installing, operating and maintaining a radio communications facility and other improvements. All of the foregoing are set forth in the Lease.
2. The term of the SLA is for five (5) years commencing on _____, 20____, and ending on _____, with three (3) additional and successive five (5) year options to renew, on the same terms and condition as set forth herein unless Tenant notifies Landlord of Tenant's intention not to renew at least one hundred eighty (180) days prior to the commencement of the succeeding Renewal Term, subject to approval by Landlord.
3. The property subject to the SLA is described in Attachment 1 annexed hereto. That portion of the property being leased to Tenant ("Premises") is described in Attachment 2 and annexed hereto.

Signature Page To Follow

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

Executed this _day
of _____, 20__

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners

By _____
PRESIDENT

By _____
SECRETARY

Executed this _day
of _____, 20__

New Cingular Wireless PCS, LLC,
A Delaware limited liability company

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

MICHAEL N. FEUER,
City Attorney

By _____
DEPUTY CITY ATTORNEY

Exhibit A



EXISTING

PROPOSED: 60' mono-eucalyptus, (12) panel antennas, RRUs



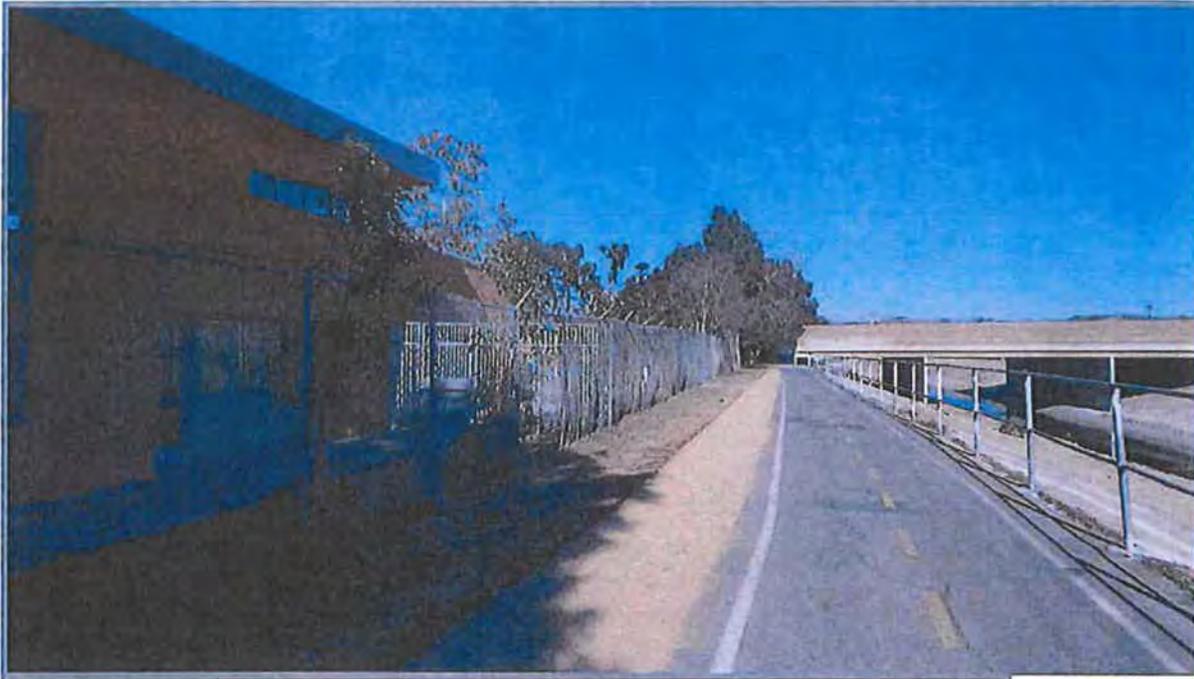
Proposed mono-eucalyptus



EXISTING

PROPOSED: 60' mono-eucalyptus, (12) panel antennas, RRUs





EXISTING

PROPOSED: 60' mono-eucalyptus, (12) panel antennas, RRUs





VIEWS 1-3



View Chart



CLV0024
5072 S Slauson Ave
Los Angeles CA 90230

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIARI
LOURDES GREEN
THEODORE I. IRVING
CHARLES J. RAUSCH JR.
JIA TOLUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

Exhibit B
DEPARTMENT OF
CITY PLANNING

MARK HAEL J. LOGRANDE
DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**

20011 Sierra Street, 7th Floor
Los Angeles, CA 90012
(213) 978-1418
FAX: (213) 978-1434
www.planning.lacity.org

July 14, 2015

AT&T Mobility (A)
1265 North Van Buren Street
Anaheim, CA 92806

Placido Macaraeg (O)
City of Los Angeles
Department of Recreation and Parks
1149 South Broadway, #610
Los Angeles, CA 90015

Brianna Noler (R)
Cortel for AT&T Mobility
11660 Church Street, #430
Rancho Cucamonga, CA 91730

CASE NO. ZA 2014-2329(CUW)
CONDITIONAL USE
5072 South Slauson Avenue
Palms-Mar Vista-Del Rey Planning Area
Zone : OS-1XL
D. M. : 108B161 and 108B165
C. D. : 11
CEQA : ENV-2014-2330-MND
Legal Description: Lots 64 and 65,
Tract 784

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

a Conditional Use to permit the installation, use and maintenance of a new unmanned wireless telecommunications facility in the OS-1XL Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or 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.
7. The installation shall consist of the following:
 - a. A maximum 60-foot in height "mono-eucalyptus" type monopole. The monopole shall be painted and textured to resemble a eucalyptus tree, and faux limbs and leaves shall be installed and painted to resemble the limbs and leaves of said eucalyptus tree.
 - 1) There shall be three (3) sectors containing four panel antennas, each mounted on the monopole.
 - 2) There shall be one (1) GPS antenna, twelve remote radio units, and one 4-foot diameter parabolic dish antenna, each mounted on the monopole.
 - 3) The installed panel antennas shall not extend beyond the faux limbs and leaves.
 - b. An 8-foot CMU equipment enclosure shall be installed on a non-permeable concrete pad with fuel/spill containment features to screen the emergency generator and associated equipment.
 - 1) The 8-foot CMU equipment enclosure shall be painted and textured to resemble the exterior of the existing buildings within the park.
 - 2) All associated equipment cabinets shall be concealed behind the walls of the equipment enclosure.
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. Verification of Radio Frequency. The facility shall not interfere with TV, radio, or cordless phone reception or exceed RF limits established by the Federal Communications Commission. Within 60 days after installation, a copy of the RF Certification Form, showing actual RF emissions, shall be transmitted to the Office of Zoning Administration for placement in the case file.
13. Structural Integrity. Prior to the issuance of a building permit, the applicant shall submit a Structural integrity Report from a professional engineer licensed in the State of California documenting the following, to the satisfaction of the Department of Building and Safety:
 - a. Structure height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design
 - b. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
 - c. Failure characteristics of the structure and demonstration that site and setbacks are of adequate size to contain debris in the event of failure.
 - d. Specific design and reconstruction plans may allow shared use.
14. Should the 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.
15. The mitigation measure identified in Environmental Clearance Case No. ENV-2014-2330-MND has been carried forward herein as condition of this grant (listed below) and shall be fully complied with:
 - a. Aesthetics (Unmanned Wireless Telecommunications Facility)

The proposed facility shall be disguised so as to blend into the surrounding neighborhood to the satisfaction of the decision-maker. This may involve, but not be limited to, one or more of the following: painting and texturing to match the existing surroundings, disguising the installation, concealment behind screen walls, incorporation into existing structures, and/or surrounding the installation with additional landscaping.

16. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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 29, 2015, 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

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 May 21, 2015, 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 located in the Palms-Mar Vista-Del Rey Community Plan area in the Open Space land use category and zoned OS-1XL and R1-1. The property is subject to the ZI 2427 (Freeway Adjacent Advisory Notice for Sensitive Uses) and located within the Los Angeles Coastal Transportation Corridor.

Properties adjoining the park to the southwest (across Slauson Avenue) and west (fronting Slauson Avenue) are zoned R3-1 and developed with multi-family dwellings. The property across Slauson Avenue from the park is developed with a family center and zoned R3-1.

Properties adjoining the park to the northwest are single-family dwellings and zoned R1-1. The north side of the park is adjacent to the 405 freeway, zoned PF-1XL, and to the easterly side is a bike path and Ballona Creek zoned OS-1XL.

The property is composed of two, irregular-shaped lots, approximately 139,445 square-feet, with an upward northeast slope, with approximately 70 feet of paved street frontage on the northerly side of Slauson Avenue, a 50-foot frontage on the easterly side of Coolidge Avenue, and approximately 120 feet of cul-de-sac frontage along Berryman Avenue on the northerly side.

Slauson Avenue, adjoining the project on the north, is a Local Street, dedicated a width of 67 feet, and improved with asphalt, speed bumps, concrete curb, gutter, and sidewalk, parkway, and underground utilities. The street terminates at the park's frontage with a parking lot and access to the adjacent bike path.

Coolidge Avenue, adjoining the project on the southeast, is a Local Street, dedicated a width of 50 feet, and improved with asphalt, speed bumps, concrete curb, gutter, and sidewalk, parkway, and underground utilities. The street terminates at the park.

Berryman Avenue, adjoining the project on the southeast, is a Local Street, dedicated a width of 50 feet, and improved with asphalt, speed bumps, concrete curb, gutter, and sidewalk, parkway, and underground utilities. The street terminates at the cul-de-sac adjoining the park.

During the site visit on February 23, 2015, staff observed that the subject property is an active public open space, Culver Slauson Park, developed with two recreation buildings, a children's play area, baseball diamond, basketball courts, barbecue pits, and picnic tables. The southeastern side of the park is adjacent to the channelized (at this portion) Ballona Creek that has a bicycle/pedestrian path running along the top of the channel. A chain-link fence has been installed between the bicycle/pedestrian path and the park; however, gateway entries are provided. Trees are situated along the edges of the park and scattered throughout, as well as in the vicinity of the proposed installation area.

The proposed project is the installation of an unmanned wireless facility including a 60-foot in height mono-pole, disguised as a eucalyptus tree on the northeast section of the park (adjacent to the fence along the bicycle path). The associated equipment will be located in a 220 square-foot leased area along the southwest side, between the bicycle path fence and the playground. The eucalyptus mono-pole includes 12 – 8-foot antennas, 4 per sector, a GPS antenna, and a 2-foot microwave antenna. The leased area will include 8-foot CMU block wall, a permanent diesel back-up generator, and utility cabinets.

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

Subject Property

Case No. ZA 2011-0183(ZAI) – On April 14, 2011 the Zoning Administrator made the Interpretation that the demolition and replacement of an existing on-story Department of Recreation and Parks building with like-kind facilities, is not subject to the parking requirements and shall not be required to provide additional parking.

CPC 2005-8252(CA) – On April 10, 2007, The City Planning Commission transmitted a draft for local regulations for the Mellow Act.

Case No. 95-0148(GPC) – On May 22, 1996, Ordinance No. 171,000 became effective changing the zones from R1-1 and R3-1 to OS-1-XL.

Case No. CPC 84 0226(SP) – On September 22, 1993 Ordinance No. 168,999 became effective repealing Ordinance No. 160394 and establishing the Los Angeles Coastal Transportation Corridor Specific Plan.

Case No. CPC 1986-0256(GPC) – On December 28, 1988 Ordinance No. 164,177 became effective changing the zone from R4-1 to R3-1.

AFF-45940 – No information is available.

There are no similar or relevant ZA, APC, or CPC cases in the surrounding area.

Public Hearing

A Notice of Public Hearing was mailed on April 22, 2015 to 543 property owners and/or occupants residing near the subject 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 site was posted on May 7, 2015.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental impact was among the matters considered at the hearing. Several written correspondences from the public were received prior to the hearing.

The hearing was held on Tuesday, May 21, 2015 at approximately 9:30 a.m., at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The hearing was held by the Zoning Administrator from the Office of Zoning Administration in taking testimony for ZA 2014-2329(CUW) and CEQA No. ENV-2014-2330-MND.

The hearing was attended by the applicant's representative, who provided a detailed description of the proposed project and the conditional use request. A member of the community testified generally in opposition to the project and registered a few concerns regarding the compatibility of project with the existing developments along the subject street and park. A staff member of Council District Office No. 11 stated the Council Office had no opposition to the project.

The opponents of the project generally opposed the wireless telecommunications project because of the perceived health effects it may have on the child care and recreation facility. There was also concerns expressed regarding the loss of income due to the wireless facility installation.

CORRESPONDENCE

On May 7, 2015, a letter was received from Verdis Ferraro, resident of an abutting property and of operator Rise 'n' Shine Childcare, stating concerns for the location of the telecommunications tower and the effects on her client's children attending her day care center.

On May 11, 2015, the Solomon Family sent an e-mail expressing their concerns of the tower in a residential area with many children and asking for a denial of the project.

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 standard findings for most other conditional use categories.

FINDINGS

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

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

The proposed project is the installation of an unmanned wireless telecommunication facility consisting of a 60-foot in height mono-pole, disguised as a eucalyptus tree on the northeast corner of the park (next to the fence along the bicycle path). The associated equipment will be located in a 220 square-foot leased area along the southwest side, between the bicycle path fence and the playground. The eucalyptus mono-pole includes 12 – 8-foot antennas, 4 per sector, a GPS antenna, and a 2-foot microwave antenna. The leased area will consist of an 8-foot CMU block wall, a permanent diesel back-up generator, and utility cabinets.

The mono-pole is designed to blend with the surroundings, disguised as a eucalyptus and located with other existing trees in the park. It will provide greater coverage for AT&T. The 8-foot CMU wall enclosure will screen the generator, cabinets and other related equipment for the facility.

The installation at the proposed location would provide a seamless integration of the communication network which is an "inherently beneficial use" where the general public will benefit by the improved service. The basis of being inherently beneficial is that since the introduction of wireless telecommunications systems, they have proven to be an invaluable communications tool in the event of emergencies (traffic

accidents, fires, etc.) and natural disasters (earthquakes, floods, etc.) where normal land line communications are often disrupted, overlooked, or inaccessible during and after such events has occurred. Wireless technology is utilized by numerous governmental and quasi-governmental agencies that provide emergency service. Wireless Telecommunications Facilities have also proven to be invaluable tools in business communications and everyday personal use.

The proposed location would be desirable to the public convenience and welfare of the installation of wireless telecommunications as verified by the applicant's submitted Propagation Maps. Therefore, the proposed wireless telecommunications will perform a function and provide a service that is essential and beneficial to the community, city and region.

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

In order for wireless facilities to operate at premium levels, a certain amount of height is necessary to attain this objective. The structure has been designed in the form of a monopole, camouflaged as a eucalyptus tree so that it will complement the existing vegetation in the area; the branches, leaves and trunk will be appropriately colored and textured. While the proposed structure is tall, it has the added aesthetics of its camouflage to blend in with the surroundings of the park, bicycle path and the Ballona Creek.

The proposed facility will be unmanned, have no impact on nearby circulation systems, and generate no noise, no odor, smoke or any adverse impacts to adjacent land uses. The applicant has submitted statements that the facility will be operated in compliance with FCC regulations.

Typically, the primary issue in siting Wireless Telecommunications Facilities is how to balance the project proponent's needs for improving wireless telecommunications with the City's goals to reduce visibility of the antennas and not unnecessarily add to the height, mass, and bulk to buildings and structures. In the instant case, equipment is incorporated into the camouflaged to blend in with the environment.

As conditioned, 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.

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

The Community Plan is silent on the issue of wireless facilities and not foreseen as an element within the park setting, however, Chapter III, Land Use Plan Policies and Programs, Public and Institutional Land Use states, "Public facilities such as libraries, parks, schools, fire and police stations shown on the Palms-Mar Vista-Del

Rey Community Plan should be developed in accordance with user needs, site area, design and general location....." There is a need within the community for the services of the facility and siting the facility within the park fulfills that need.

The telecommunication industry is building infrastructure for the 21st Century's information economy. "Telecommunications is an emerging field with the potential to significantly alter the way southern Californians communicate, work, and commute. The concentration of business and population in the City of Los Angeles and rapid technological advances offer the opportunity to provide an integrated network serving as the regional hub for public and private users." (Framework, 1996)

Unlike other land uses, which can be spatially determined through the General Plan Land Use Element or other elements, the location requirements of wireless telecommunication facilities are more dynamic and not easily predetermined. Rather, location is determined case-by-case based on technical requirements such as service area, topography, and the surrounding built and natural environment, alignment with neighboring telecommunication sites, and customer demand throughout the City. The City has adopted regulations and standards in order to provide for growth in this industry while regulating it to protect adjacent properties from adverse impacts and with low-power transmitters designed to minimize signal interference.

As such, the project substantially conforms with the purpose, intent and provisions of the General Plan and the applicable community plan.

ADDITIONAL REQUIRED FINDINGS

4. **The project is consistent with the general requirements of the Wireless Telecommunications Facilities standards set forth in Section 12.21-A,20 of this Code.**
 - a. **The site is of a size and shape sufficient to provide the following setbacks:**
 - 1) **For a monopole or tower, the tower setback requirements of Subparagraph (2) (Antenna Setback) or Paragraph (a) of Section 12,21-A,20 are met as to those portions of the property abutting the residential or public uses.**

The site of the project is within the Culver/Slauson Park. The site is approximately 139,445 square-feet in size and located on the northerly side of Slauson Avenue. Coolidge and Berryman Avenues terminate to the westerly side of the Park, and Interstate 405 is to the northeast and Ballona Creek is on the southeast boundaries. The location of the 60-foot in height mono-pole/eucalyptus tree is at the northeast section of the Park, which is adjacent to the fence separating the park from the bicycle path running along the top of the channel of Ballona Creek and over 150 feet from the nearest residence.

Therefore the site is a size and shape and is well within the setback requirements.

- 2) **For all other towers or monopoles, the site shall be of sufficient size 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 site is a city park and therefore within the OS zone, which has no height requirements.

- b. **The required setbacks shall be improved to meet the screening and landscaping standards of Subparagraph (5) (Screening) and Subparagraph (6) (Landscaping) of Paragraph (a) of Section 12.21-A,20 to the extent possible within the area provided.**

The proposal is for the mono-pole to be disguised as an eucalyptus tree and placed in an area with other existing trees in the park. The related equipment enclosure will be placed along the easterly fence, next to the bicycle path and next to the playground. The enclosure will be made of eight-foot in height CMU block walls.

The site is an active park providing appropriate landscaping in and around the active areas. Trees and shrubs line the fence area where the mono-pole/eucalyptus tree and equipment enclosure are proposed. There is turf throughout the park for patron use and enjoyment with shrubs and trees along edges and within planters. Therefore the project meets the screening and landscaping standards.

- c. **The visual impact standard of Subparagraph (4) of Paragraph (a) of Section 12.21-A,20 is met.**

The proposal is for the 60-foot in height mono-pole to be disguised as a eucalyptus tree and placed in an area with other existing trees in the park, which are of varying heights and compatible with the groupings. The buildings in the area range from one to three stories. The mono-pole/eucalyptus tree is located next to the raised portion of Interstate 405 to the northeast.

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

As part of the site analysis for locating on existing sites the applicant found two possible sites, however, the site at 5075 South Slauson Avenue did not have sufficient space to accommodate the equipment and the site of the

Ballona Open Space was not adequate for the RF's coverage needs. Therefore a good faith effort was made to locate on existing sites but was unable to.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
6. On April 6, 2015, a Mitigated Negative Declaration (ENV-2014-2330-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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This 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.

Inquiries regarding this matter shall be directed to Nora Dresser, Planning Staff for the Office of Zoning Administration at 213-978-1346.


THEODORE L. IRVING, AICP
Associate Zoning Administrator

TLI:ND:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

at&t

12821 PARK BLVD, SUITE 100
SAN DIEGO, CA 92121

Cortel, LLC
1421 AVENUE 15
SAN DIEGO, CALIFORNIA 92107

GREEN
100% RECYCLED PAPER, 50% SOY
INK, 100% RECYCLED PAPER
COVER, 100% RECYCLED PAPER
BACKING

NO.	REV.	DATE	DESCRIPTION
1			ISSUED FOR PERMITS
2			REVISED PER COMMENTS
3			REVISED PER COMMENTS
4			REVISED PER COMMENTS
5			REVISED PER COMMENTS
6			REVISED PER COMMENTS
7			REVISED PER COMMENTS
8			REVISED PER COMMENTS
9			REVISED PER COMMENTS
10			REVISED PER COMMENTS

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CLV0024
405 FRY/SLAUSON PARK
5072 S. SLAUSON AVE
LOS ANGELES, CA 90030
MONO-CUCURBITUS (OUTDOOR)

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-4

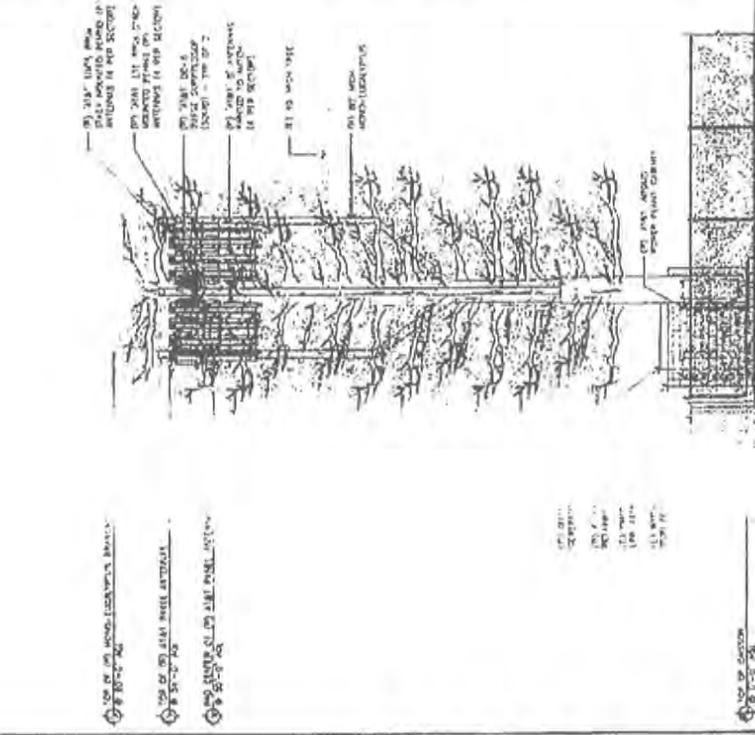
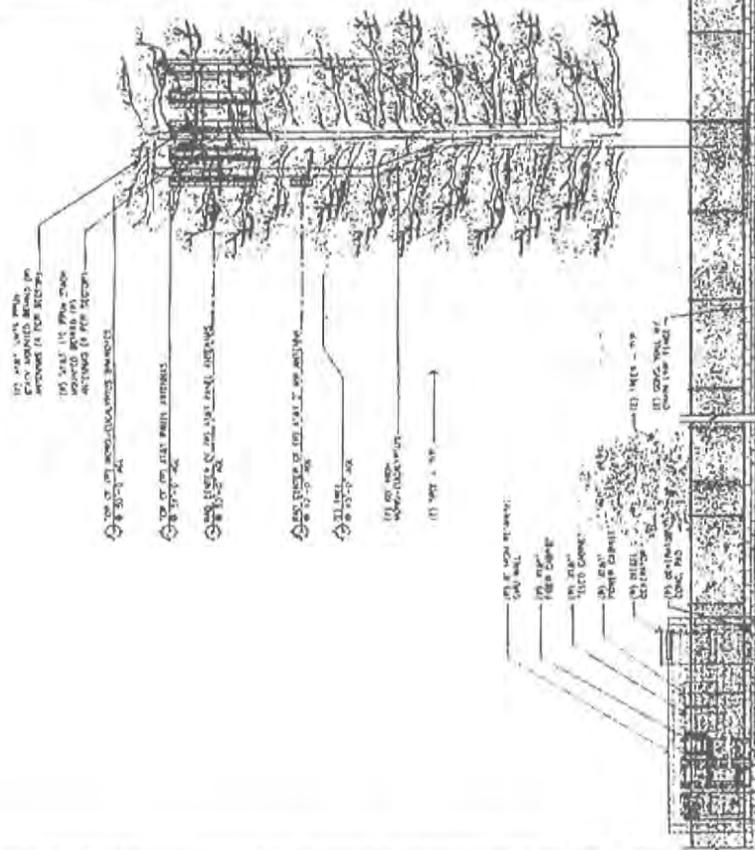


EXHIBIT "A"
6.1.1

SCALE: 3/16" = 1'-0"

(F) NORTH ELEVATION



SCALE: 3/16" = 1'-0"

(F) EAST ELEVATION

LA 2014-2329 - CUW

