

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

Planning Staff Use Only

ENV No.		Existing Zone		District Map	
APC		Community Plan			Council District
Census Tract	APN	Staff Approval*			Date

* Approval for Filing by Community Planning or Division of Land Staff, When Applicable

CASE No. _____

APPLICATION TYPE CUP
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 3712 West Evans St., Los Angeles, CA Zip Code 90027
 Legal Description: Lot LT 1 Block None Tract TR 61852-C
 Lot Dimensions 147'-11" x 200' Lot Area (sq. ft.) 100'-0" Total Project Size (sq. ft.) Approx. 49.'

2. PROJECT DESCRIPTION

Describe what is to be done: Clearwire proposes to construct an unmanned wireless facility consisting of (6) Panel Antennas and (3) backhaul antennas mounted on the roof behind New Screening, painted and textured to match existing bldg. One equipment cabinet & one GPS also mounted on the roof in the R2-1XL Zone

Present Use: Apartment Complex Proposed Use: WTF

Plan Check No. (if available) _____ Date Filed: _____

Check all that apply:

<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Alterations	<input type="checkbox"/> Demolition
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> LEED Silver

Additions to the building: Rear Front Height Side Yard

No. of residential units: Existing 20 To be demolished 0 Adding 0 Total 20

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:

Code Section from which relief is requested: _____ Code Section which authorizes relief: 12.24W

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

List related or pending case numbers relating to this site:

4. OWNER/APPLICANT INFORMATION

Applicant's name Kevin Jordan Company Clearwire Corp.
 Address: 4400 Carillon Point Telephone: (425) 216-7600 Fax: (866) 324-1364
Kirkland, WA Zip: 98033 E-mail: kevin.jordan@clearwire.com

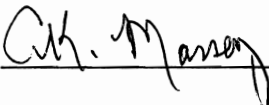
Property owner's name (if different from applicant) Los Feliz Townhouses LLC & Condominiums of Los Feliz Inc.
 Address: 3712 Evans St. Telephone: (714) 730-0606 Fax: ()
Los Angeles, CA Zip: 90027 E-mail:

Contact person for project information Andrew Massey - Contractor Company Bemis Development Inc.
 Address: 250 El Camino Real #216 Telephone: (714) 504-7472 Fax: ()
Tustin, CA Zip: 92780 E-mail: andrew.massey@derradesign.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: 

Print: ANDREW MASSEY

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____
 (Insert Name of Notary Public and Title)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Signature (Seal)

6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate Special Instructions handout. Provide on attached sheet(s) this additional information using the handout as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

Bemis Development, Inc.

250 El Camino Real, Suite 216
Tustin, Ca. 92780
office: 714-730-0606 fax: 714-730-0642
derradesign-scott@sbcglobal.net

May 17, 2010

Re: CA-LOS6088
3712 Evans St., Los Angeles, CA 90005
CUP – Project Description

Clearwire Corporation (NASDAQ:CLWR) offers advanced high-speed internet services to consumers and businesses. The company is building the first nationwide 4G mobile WiMAX network, bringing together a compelling combination of speed and mobility. Clearwire's open all-IP network, combined with significant spectrum holdings, provides unmatched network capacity to deliver next-generation broadband access. The company currently provides mobile WiMax service in Baltimore, Md., and Portland, Ore. Clearwire is in the process of building approximately 900 WiMax sites in the Los Angeles County area and currently provides mobile WiMAX service in two U.S. markets and pre-WiMAX service in 50 markets throughout the U.S. and Europe. The Clearwire network will consist of a number of individual wireless facilities ("sites"), each interconnected with neighboring sites. The Project Description herein is just one of many that are an integral part of the overall network. To learn more about Clearwire, please visit the website at <http://www.clearwire.com>.

Clearwire is beginning the process of acquiring property rights and obtaining necessary permits for the development of its network in Los Angeles area.

The project herein involves the mounting of three (3) panel antennas, three (3) microwave dishes, on the rooftop of an existing 2-story condominium building. The antennas are proposed to be flush mounted behind a New Screen Wall and painted/textured to match the existing complex. Cables necessary to operate the site will run from the Clearwire equipment to the Clearwire BTS and microwave dishes via cable tray on the rooftop. The associated equipment cabinet will be located on the existing rooftop 18 feet from the edge of the roof.

Clearwire operates in compliance with all applicable local, state and federal regulations relating to wireless communication facilities. The attached application describes the proposed site more specifically as it relates to City of Los Angeles land use criteria.

Overview of Site Design/Location Criteria

The network of proposed Clearwire facilities throughout the region is "locationally dependent" meaning that there is a necessary and logical interrelationship between each facility. Eliminating or relocating a single facility can lead to gaps in the system and prohibit Clearwire from providing uninterrupted internet broadband service to customers in a defined coverage area. Further, the elimination or relocation of a facility will most often have a "domino" effect on other site locations and necessitate significant design changes or modifications to the network.

In identifying the proposed location, Clearwire network deployment engineers and personnel have selected a site that not only meets the technical objectives of RF engineering, but also provides the best siting option with regard to other key criteria that include, but are not limited to: accessibility, utility connections, zoning compatibility, liability and risk assessment, site acquisition, maintenance and construction costs. Reconnaissance work has been done by various teams to identify a building that meets the siting criteria.

Site Development Standards and General Plan

The location, size, design, and operating characteristics of the proposed facility will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The proposed use is consistent with this finding in that:

1. The proposed equipment associated with the wireless broadband facility operates quietly or virtually noise free.
2. The equipment does not emit fumes, smoke, or odors that could be considered objectionable.
3. The wireless broadband facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The proposed facility will not result in conditions or circumstances contrary to the public health, safety and the general welfare. The proposed use is consistent with this finding in that:

Unlike other land uses, which can be spatially determined through the General Plan or other land use plans, the location of wireless telecommunications facilities are based on technical requirements which include service area, geographical elevations, alignment with neighboring sites and customer demand components. Placement within the urban geography is dependent on these requirements. Accordingly, wireless telecommunication facilities have been located adjacent to and within all major land use categories including residential, commercial, industrial, open space, etc. proving to be compatible in all locations.

The proposed facility at the subject location will be unmanned, have no impact on circulation systems, and generate no noise, odor, smoke, or any other adverse impacts to adjacent land uses. The proposed facility will allow commuters and residents within the coverage area wireless access to the rapidly expanding internet communications infrastructure by providing data transmission services not currently available. The installation of antenna sectors and transmission equipment will not result in any material changes to the character of the existing structures or surrounding built or natural environments. This proposed facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.

Project Benefits

The proposed broadband wireless internet project will provide the following community benefits.

- More affordable service due to increased competition in the market area.
- High speed data transfer for business or leisure activities.

FAA and FCC Statements

Please refer to signed FAA and FCC statement enclosed in package.

Evidence of Co-location Efforts / Alternative Site Analysis

After visiting various apartment/condo buildings in the area of the current proposed location, it was deemed that the subject building was an obvious candidate due to existing rooftop height, landlord cooperation and relatively favorable zoning. However, due to technical considerations, the facility needed to be sited in a relatively limited area. There were no co-location candidates in this area that would satisfy the engineering needs.

Overview of Coverage Objective(s) / Capacity Report (Propagation Study)

To provide new wireless broadband service for the commercial and residential properties on and around Hyperion Ave.

a. Provide technical evidence showing a clear and convincing need for this facility.

The proposed facility will provide an integral link in the proposed Clearwire broadband network and will provide coverage to individuals who work, live and travel in the Los Angeles community. At present, Clearwire does not have a network in the Los Angeles area and is looking to provide coverage in the commercial and residential community surrounding the proposed site.

b. Discuss how the facility will comply with the City noise standards, especially relating to generators and air conditioning compressors that may be installed and/or used at the subject site.

The location, size, design and operating characteristics of the proposed facility will not create any unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The proposed use is consistent with the City's noise standards in that: The proposed equipment associated with the telecommunication structure operates quietly or virtually noise free. The proposed equipment does not emit fumes, smoke or odors that could be considered objectionable.

c. Is the project filling in a "blind spot" in service? If so, explain the circumstances how this is accomplished.

In identifying the proposed location, Clearwire network deployment personnel have selected a site that not only meets the technical objectives of RF engineering, but concurrently provides the best option with regard to other key criteria that include, but

are not limited to: accessibility, utility connections, zoning compatibility, liability and risk assessment, site acquisition, maintenance and construction costs. The proposed project is to provide new coverage and establish a new network.

Findings for Approval required by Municipal Code Section 12.24 E:

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

The proposed location will be desirable to the public convenience. Installation of the proposed Clearwire facility will help provide a new alternative to wireless internet access; an inherently beneficial use where the general public will benefit by the additional market competition to choose from. Further, this site sits in a strategic location on the subject property in a densely populated area.

Wireless telecommunications systems have proven to be an invaluable communications tool as an alternative to normal landline communications. Wireless internet provides more options for consumers and helps keep the market competitive and keeps a competitive technological edge for services. Wireless technology is utilized by numerous governmental and quasi-governmental agencies as well as business communications and everyday personal use.

2. The location is proper in relation to adjacent uses or the development of the community.

The location is proper in relation to adjacent uses or development of the community by a needed service to the local and regional community. The proposed installation is a logical and appropriate supplemental use of the property. Operation of the wireless facility can be accomplished without disrupting or changing the operation and character of the principal permitted use of the property. The proposed facility will be unmanned, have no impact on circulation systems, generate no noise, odor, smoke or any adverse impacts to adjacent land uses. As such, the proposed project is proper in relation to adjacent uses and will not be detrimental to improvements adjacent to or in the vicinity of the property on which it is located.

3. The use will not be detrimental to the character of the development in the immediate neighborhood.

Typically, the primary issue in locating a wireless broadband facility is how to balance the applicant's needs for expanding the wireless telecommunications network with the City's goals of reducing visual impact and not unnecessarily adding to the height, mass and bulk of the existing buildings and structures. In this case, Clearwire proposes to locate its wireless facility on the rooftop of a 2-story building which significantly decreases visibility due to line-of-sight from the ground level. To the extent that there are non-commercial uses in the area, the location of the wireless site, the design and the setbacks all ensure that there will not be any detriment to the character of the development in the neighborhood.

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

The proposed project is in harmony with the general goals and intent of the General Plan in that the proposed antennas will be flush mounted behind new screening and painted/textured to match the existing 2-story building. The visual impact is minimal and therefore compatible with the architecture of the building and the surrounding neighborhood. The proposed use does not significantly alter the positive characteristics of the surroundings (ie: scale, height, bulk and appearance).

To support the existing population and population growth, Los Angeles needs a strong and expanding economy, healthy neighborhoods, and a tax base that can support the basic public services necessary to maintain and improve quality of life of its residents. In order for the City to provide services that the public expects, it must embrace the vision of becoming a sustainable city. One which manages its infrastructure and public services in a manner that avoids depletion or permanent damage of its natural resources and avoids missed opportunities to benefit from wise management of its resources (ie: public right of way and airwaves).

Unlike other land uses, which can be spatially determined through the General Plan Land Use Element or other elements, the location requirements of wireless telecommunications facilities are more dynamic and not easily predetermined. Technical requirements such as service area, topography, the surrounding built and natural environment, alignment with neighboring telecommunication facilities and customer demand all help to determine a location for a wireless site. 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.

Additional Findings Required (in addition to those required by 12.24E)

- (a) **The site is of a size and shape sufficient to provide the following setbacks:**
- (i) **For a monopole or tower, the tower setback requirements of Section 12.21A 20 (a)(2) are met as to those portions of the property abutting residential or public uses.**
A monopole or tower is not proposed. The proposed project is located on the rooftop of an existing building. All setback requirements relating to adjacent residential or public uses are met. Please see site plans for further details.
 - (ii) **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.**
A monopole or tower is not proposed. The proposed design and site location is of sufficient size to adhere to the setback requirements in the underlying zone. Please see site plan for further details.
- (b) **The required setbacks are to be improved to meet the screening and landscaping standards of Section 12.21A 20(a) (5) and 12.21A 20 (a)(6), to the extent possible within the area provided.**
The intent of the setback, screening and landscaping requirements is to minimize the visual impact of the installation from public areas and provide sufficient safety buffer in case of structural failure. As proposed, this project is located on the roof

of a 2-story building and flush mounted behind new screening, painted/textured to match.

(c) The visual impact standard of Section 12.21A20(a)(4) is met.

As proposed, the antennas will have a very little or minimal impact on the aesthetic environment. All the antenna and equipment will be located on the rooftop of a 58' building behind screening and the line of sight naturally helps minimize visual impact from the public at ground level.

(d) A good faith effort was made by the applicant to locate on existing sites or facilities in accordance with guidelines of Section 12.21 A 20(a)(3).

Clearwire has made a good faith effort at collocation within a ¼ mile of this site; however there are no collocation opportunities available. Thus, a new site is required by Clearwire in order to provide coverage to the local community.

(e) The project is consistent with the general requirements of WTF standards of 12.21 A 20.

The proposed facility incorporates the required design standards as outlined in 12.24 W 49 for new WTF.

(f) The use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.

The location, size, design and operational characteristics of the proposed additional wireless facility will not create unusual noise, traffic, or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The use will have no substantial adverse impact on properties or improvements in the surrounding neighborhood.

CA LOS 6088

3712 Evans St.

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Aerial View

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View of site looking Northeast

Google maps

3712 Evans Street, Los Angeles, CA

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Find businesses, addresses and places of interest

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Done

Internet | Protected Mode: On

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View of site looking Southeast

Google maps

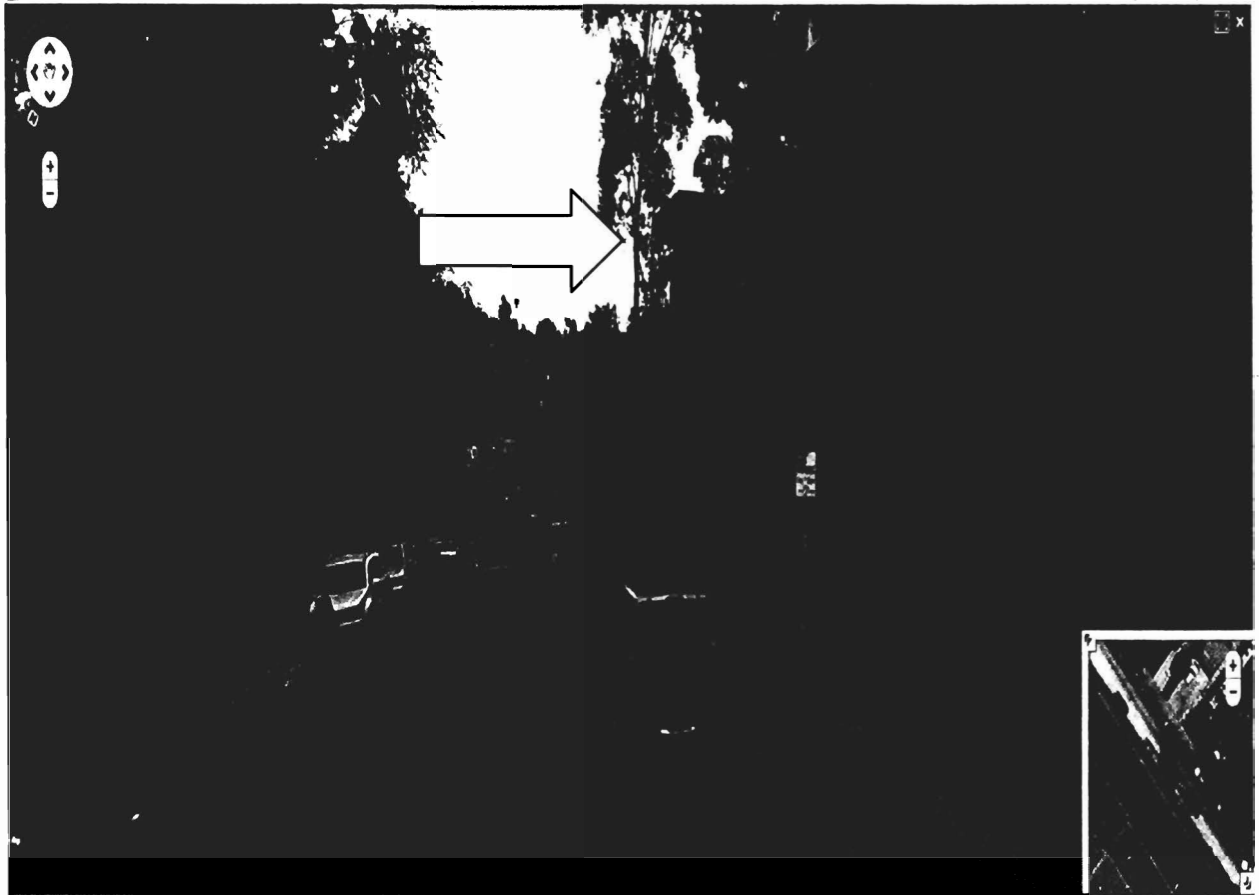
3712 Evans Street, Los Angeles, CA

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View of site looking Northwest

Google maps

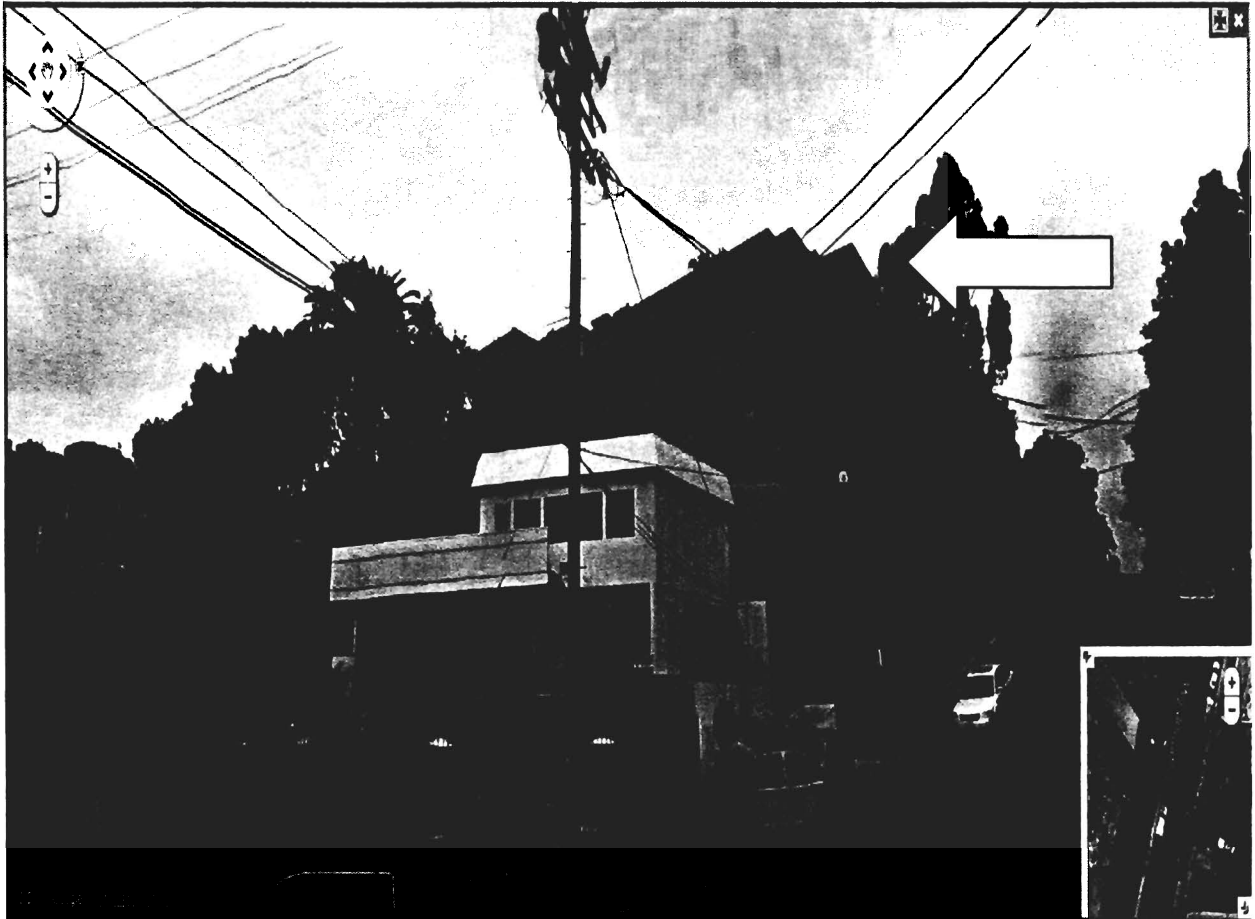
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View of site looking East