

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
LOS ANGELES COUNTY**

REQUEST: The applicant, T-Mobile, is requesting authorization for the construction, operation and maintenance of a wireless telecommunication facility consisting of (12) panel antennas mounted on the riser legs of an existing 151-ft lattice tower with associated equipment situated at the base located in a 300 sq ft lease area enclosed by a 6-ft high concrete block wall within the Hacienda Heights Zoned District.

REGIONAL PLANNING COMMISSION HEARING DATE: FEBRUARY 4, 2009

PROCEEDINGS BEFORE THE PLANNING COMMISSION:

February 4, 2009 Regional Planning Commission

A duly noticed public hearing was held on February 4, 2009 before the Regional Planning Commission. Commissioners Valdez, Bellamy, Helsley, Modugno were present and Commissioner Rew was absent. The applicant's agent, Jason Kozora from Trillium Consulting Inc., testified in favor of upholding the Hearing Officer's approval. Five area residents were sworn in and testified in opposition to the project, citing concerns such as aesthetic impacts on the neighborhood, diminishment of property values, potential health concerns, and negative impacts on the surrounding trails and the Red-tailed Hawk.

The Commission requested to change the proposed chainlink fence to an enclosed concrete block wall to buffer associated equipment from the surrounding single-family residences and to avoid constructing the facility during egg laying season for local raptors, as determined by the Audubon Society, which the applicant agreed to. There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to uphold the Hearing Officer's decision to approve project R2007-02104-(4) with changes to findings and conditions as agreed to by the applicant.

Findings

1. T-Mobile requests authorization for the construction, operation and maintenance of a wireless telecommunication facility consisting of (12) panel antennas (4 per sector, 3 sectors total) to be mounted on the riser legs of a 151-ft existing Southern California Edison lattice tower with (4) associated equipment cabinets within the 12'x25' lease area enclosed by a 6-ft high block wall.
2. This entitlement request was approved by a Hearing Officer on September 8, 2008.
3. On September 18, 2008 the case was appealed to the Regional Planning Commission. Reasons for the appeal were stated as: the project would cause a reduction in property values, health concerns, and that alternate sites be researched.
4. The subject property is located at parcel lot APN-8289-019-803 between S. Frame Avenue & S. Holmes Circle in the Hacienda Heights Zoned District.
5. The subject property is a 15-acre narrow rectangular-shaped parcel on relatively level land.
6. The project site is zoned A-2-1 (Heavy Agricultural—1-acre minimum lot size).
7. Surrounding properties are all zoned as follows:
North: R-A-12,000 (Residential Agricultural—12,000 sq ft minimum lot size)

South: R-1-15,000 (Single-Family—15,000 sq ft minimum lot size)
East: RPD-15,000 (Residential Planned Development—15,000 sq ft minimum lot size)
West: A-2-1 (Heavy Agricultural—1-acre minimum lot size), city of Whittier

8. Surrounding land uses consist of vacant land with the closest residential use being 150-ft from the subject property.
9. There are no previous zoning violations involving the subject property.
10. The subject property is located within the O (Open Space) classification of the Hacienda Heights Community Plan. The intent of this land use classification is for the conservation of open space for parks, riding and hiking trails, passive recreation, scientific study, sanitary landfills, and utility easements. There are no specific policies related to the proposed type of use in the Community Plan.
11. The site plan depicts a 151-ft existing lattice tower on a 15 acre lot. The proposed project is composed of (12) panel antennas (4 per sector, 3 sectors total) to be mounted on the riser legs of an existing lattice tower. Two sectors of the panel antennas are at 42-ft. and the third sector is at 50-ft. The plans illustrate (4) new BTS cabinets with a new GPS antenna located at the northern portion adjacent to the existing lattice tower surrounded by a new 6-ft high concrete block wall with 5-ft wide access gates at the northwestern portion of a concrete slab within the leasehold area. The proposed project site dimension is approximately 300 sq. ft. Access to the subject property is from South Frame Avenue.
12. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify a wireless telecommunications facility as a use. The use most closely matching a wireless telecommunications facility specified in the Zoning Ordinance is a radio or television tower. Under Section 22.32.190 of the Zoning Ordinance, radio or television towers are permitted uses in A-2 (Heavy – Agricultural) zone, with an approved CUP.
13. Section 22.52.1220 determines parking requirements for uses not specified. The proposed project is subject to provision of one parking space for the purpose of maintenance visits.

The site plan does not illustrate any parking spaces. South Frame Avenue has sufficient space to allow for the temporary parking of a maintenance vehicle. Access to the facility is with advance permission via a locked gate.
14. This project was determined to be Class 3 Categorical Exemption which exempts the installation of small new equipment in small structures from the California Environmental Quality Act.
15. Access to the subject property is via a secured entrance from South Frame Avenue.
16. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
17. Since May 15, 2008, staff has received four phone calls and thirty-two letters of opposition in form of a petition from the area's residents.
18. A community meeting was held on June 2, 2008 at the Steinmetz Senior Center to discuss possible options to the proposed wireless telecommunication facility. There was no decision that

was agreed upon by the applicant and the opposed group.

19. The proposed project should not have an adverse visual impact on the surrounding neighborhood because the proposed wireless facility will utilize the existing Southern California lattice tower. The project size is approximately 300 sq. ft. on a 15 acre parcel lot within an open space area which is of adequate size to accommodate the proposed use while not impacting the current use of the property.
20. The project will not significantly affect the aesthetics and visual harmony of the area.
21. The Wireless Telecommunication Facility will serve the basic needs of the community for both personal and business providing coverage for personal use, business uses and during emergency situations where traditional telephone service is not available or becomes disrupted.
22. Applicant submitted coverage maps (Exhibit A and Exhibit B) illustrating that the coverage area is substandard without the installation of the proposed Wireless Telecommunication Facility. Exhibit A shows that the alternate site proposed by the community residents will not provide coverage for the intended area. Exhibit B depicts the intended area without the proposed project as having "marginal" coverage and with the proposed project as having "good" coverage.
23. Access to the project site will be limited to the maintenance crew by first acquiring permission from Southern California Edison to encourage public safety.
24. Prior to construction the applicant shall contact the "Audubon Society" to ensure installation of the wireless facility will not disrupt the nesting patterns of native bird species.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact and conclusions presented above, the Regional Planning Commission upholds the Hearing Officer's **APPROVAL** decision of Conditional Use Permit No. 200700149-(4), Project R2007-02104-(4), subject to the attached conditions.

VOTE: 4-0

Concurring: Valadez, Bellamy, Helsley, Modugno

Dissenting:

Abstaining:

Absent: Rew

Action Date: February 4, 2009

Attachments: Conditions
Affidavit

cc: Zoning Enforcement, Building and Safety