



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

## NOTICE OF PUBLIC HEARING

PROJECT NUMBER R2008-01847-(4)  
CONDITIONAL USE PERMIT NUMBER 200800150

Notice is hereby given that the Hearing Officer will conduct a public hearing concerning this land use proposal on, **Tuesday, September 15, 2009 at 9:00 a.m.** in **Room 150, Hall of Records, 320 West Temple Street**, Los Angeles, California 90012. Interested persons will be given an opportunity to testify. The hearing room will open at 8:50 a.m.

**CONDITIONAL USE PERMIT REQUEST:** To authorize a conditional use permit for a new unmanned wireless telecommunications facility on a newly constructed commercial building in a C-1 zone (Restricted Business).

**Section 704 of Title 7 of the Federal Telecommunications Act of 1996 (effective February 8, 1996), contains the following language:**

**"IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."**

Any concerns regarding health risks from this proposed facility should be directed to the Federal Communications Commission – Office of Engineering and Technology – 445 12<sup>th</sup> Street S. W., Washington DC 20554, or by phone (202) 418-2464; toll free (888) CALL-FCC; [www.fcc.gov/oet/rfsafety](http://www.fcc.gov/oet/rfsafety); e-mail [rfsafety@fcc.gov](mailto:rfsafety@fcc.gov).

**LOCATION OF SUBJECT PROPERTY:** The subject property is located at 15008 Mulberry Drive, Whittier, CA 90604 in the unincorporated community of South Whittier-Sunshine Acres, in the Southeast Whittier Zoned District.

This case does not affect the zoning of surrounding property. If you are unable to attend the public hearing but wish to send written comments, please write to the Hearing Officer, 320 West Temple Street, Los Angeles, California 90012, attn: Travis Seawards.

If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Hearing Officer at or prior to the public hearing.

This project has been determined to be categorically exempt (Class 3) from the reporting requirements under the California Environmental Quality Act.

Case materials, including the environmental documentation, are available for review between 7:30 a.m. and 5:30 p.m., Monday through Thursday (**closed on Fridays**) in the offices of the Department of Regional Planning, Hall of Records, Room 1340, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also available on the Regional Planning website at <http://planning.lacounty.gov/case> and at the following location beginning Tuesday, August 15, 2009:

South Whittier Library  
14433 Leffingwell Road, Whittier, CA 90604 (562) 946-4415

Additional information concerning this case may be obtained by telephoning **Travis Seawards** at (213) 974-6417 between 7:30 a.m. and 5:30 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (661) 272-0964 (Antelope Valley) or (661) 253-0111 (Santa Clarita) toll free and then request a connection to (213) 974-6417.

**"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. El proyecto que se considera por el Condado de Los Angeles es un permiso de uso condicional para autorizar la instalación y operación de una facilidad de comunicaciones inalámbricas. Una audiencia pública para considerar el proyecto tendrá lugar el día 15 de septiembre, 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-6417."**

**"ADA ACCOMMODATIONS:** If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 9746417

**PROJECT NUMBER R2008-01847-(4)**  
**CONDITIONAL USE PERMIT NUMBER 200800150**

**PUBLIC HEARING DATE**  
 9/15/2009

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

<b>APPLICANT</b> Boudewijn Hanrath (BP)	<b>OWNER</b> Atlantis Equities, Robert Melamed, Manager	<b>REPRESENTATIVE</b> None
--	--	-------------------------------

**PROJECT DESCRIPTION**  
 The applicant, AT & T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor RBS cabinets, one (1) 19' rack, nine (9) panel antennas, and two (2) GPS antennas that will be contained within a cupola on top of a new multi-tenant commercial building at the intersection of Mulberry Drive and La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres. The project will require only monthly servicing visits and will be accessed via a ladder located at the rear of the commercial building.

**REQUIRED ENTITLEMENTS**  
 Per section 22.28.110, a conditional use permit (CUP) is required for wireless facilities in a C-1 zone (Restricted Business).

**LOCATION/ADDRESS**  
 15008 Mulberry Drive, Whittier, CA 90604

**SITE DESCRIPTION**  
 The site plan depicts a proposed location for an AT & T telecommunications facility inside a cupola on top of a new 6,456 sq. ft. commercial building on the subject property. The cupola will be located on the northwest corner of the building and will reach a height of 33 ft. AT & T is leasing 360 sq. ft. of space in the cupola (18'x 18') ease area from the owner. The site has 39 parking spaces, 2 being ADA accessible.

<b>ACCESS</b> There are access points to the project site from La Mirada Boulevard and Mulberry Drive.	<b>ZONED DISTRICT</b> Southeast Whittier
---	---

<b>ASSESSORS PARCEL NUMBER</b> 8228-023-034	<b>COMMUNITY</b> South Whittier - Sunshine Acres
--	---

<b>SIZE</b> 0.5 Acres (360 sq. ft. lease area)	<b>COMMUNITY STANDARDS DISTRICT</b> N/A
---	--

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Multi-tenant commercial	C-1 (Restricted Business Zone)
North	Multi-tenant commercial and a large parking lot	CPD (Commercial Planned Development)
East	Strip mall and single family residential	R-A-6,000 (Residential Agriculture – 6,000 sq. ft. minimum required lot area)
South	Multi-tenant commercial and single-family residential	R-A-6,000 (Residential Agriculture – 6,000 sq. ft. minimum required lot area)
West	Gas station and multi-family residences	C-2-BE (Neighborhood Business- Billboard Exclusion)

<b>GENERAL PLAN/COMMUNITY PLAN</b> Countywide General Plan	<b>LAND USE DESIGNATION</b> 1 - Low Density Residential	<b>MAXIMUM DENSITY</b> 1-6 dwelling units per acre
---	--	---

**ENVIRONMENTAL DETERMINATION**  
 Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Travis Seawards		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) 0 (F) 0	<b>PETITIONS</b> (O) 0 (F) 0	<b>LETTERS</b> (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



LOS ANGELES CO

Map taken from:  
 "The Thomas Guide, 2006 Edition  
 Copyright 2006 Rand McNally & Co.  
 Project No: R2006-01847  
 Case No:



# CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

***(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)***

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> <li>1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or</li> <li>2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or</li> <li>3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.</li> </ol>
--

1. the proposed ATT cellular facility will propagate its RF signal within fed, and local limits
2. the project is completely stealthed, thus it has no visual impact within the community
3. the project will benefit public welfare as it improves the emergency communications network, it facilitates telecommuting, thereby reducing the use of oil from non-native sources

<p>B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.</p>
---

The design of this unmanned ATT telecom facility utilized dead space and does not impact any retail space, parking space, or any other exterior space.

<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> <li>1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and</li> <li>2. By other public or private service facilities as are required.</li> </ol>
---

the project is an ummanned facility which requires monthly servicing thus it places virtually no burden on local streets or any other services.
---