

# Hearing Officer Transmittal Checklist

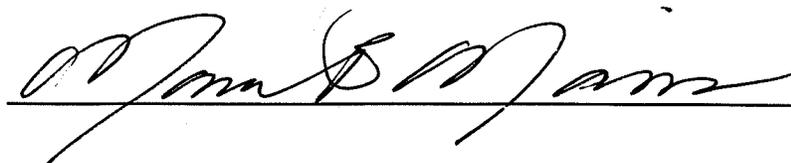
**Hearing Date**  
9/15/2009

**Agenda Item Number**  
6

**Project Number:** R2009-00955-(5)  
**Case(s):** Conditional Use Permit No. 200900057  
**Contact Person:** Tyler Montgomery, Zoning Permits II

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other

**Reviewed By:** \_\_\_\_\_





Los Angeles County Department of Regional Planning  
 320 West Temple Street, Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NO. R2009-00955-(5)**

**CONDITIONAL USE PERMIT CASE NO. 200900057**

RPC/HO MEETING DATE September 15, 2009	CONTINUE TO
AGENDA ITEM 6	
PUBLIC HEARING DATE September 15, 2009	

<b>APPLICANT</b> AT&T Mobility	<b>OWNER</b> Ralph Felix	<b>REPRESENTATIVE</b> Margaret Chang
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**REQUEST**  
*Conditional Use Permit:* To authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 80-foot high monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities on the property of an existing auto dealer.

<b>LOCATION/ADDRESS</b> 8719 East Pearblossom Highway, within the Littlerock Zoned District of Los Angeles County and within the Littlerock Community Standards District. <b>ACCESS</b> Pearblossom Highway (State Highway 138), between 87 <sup>th</sup> Street East and 89 <sup>th</sup> Street East.	<b>ZONED DISTRICT</b> Littlerock
	<b>COMMUNITY</b> Antelope Valley
	<b>EXISTING ZONING</b> C-3 (Unlimited Commercial)

<b>SIZE</b> 35,600 square feet	<b>EXISTING LAND USE</b> Auto dealer and storage yard	<b>SHAPE</b> Rectangular	<b>TOPOGRAPHY</b> Level
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<b>SURROUNDING LAND USES &amp; ZONING</b>	
North: Church—C-3 (Unlimited Commercial)	East: Vacant land—C-3 (Unlimited Commercial)
South: Vacant land—M-1 (Light Manufacturing)	West: Vacant land—M-1 (Light Manufacturing)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Antelope Valley Area Plan	C (Commercial)	N/A	See Staff Analysis

**ENVIRONMENTAL STATUS**  
 Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

**DESCRIPTION OF SITE PLAN**  
 AT&T Mobility proposes to construct, operate, and maintain a wireless telecommunication facility consisting of nine (9) panel antennas mounted in three (3) sectors on a new 80-foot high monopole disguised as a pine tree, and seven (7) equipment cabinets and utility connections located within a chain-link enclosure. These would be located within a 900 square-foot leased area of an existing auto dealer and storage yard (Vehicle Liquidation), near the northeast corner of the property.

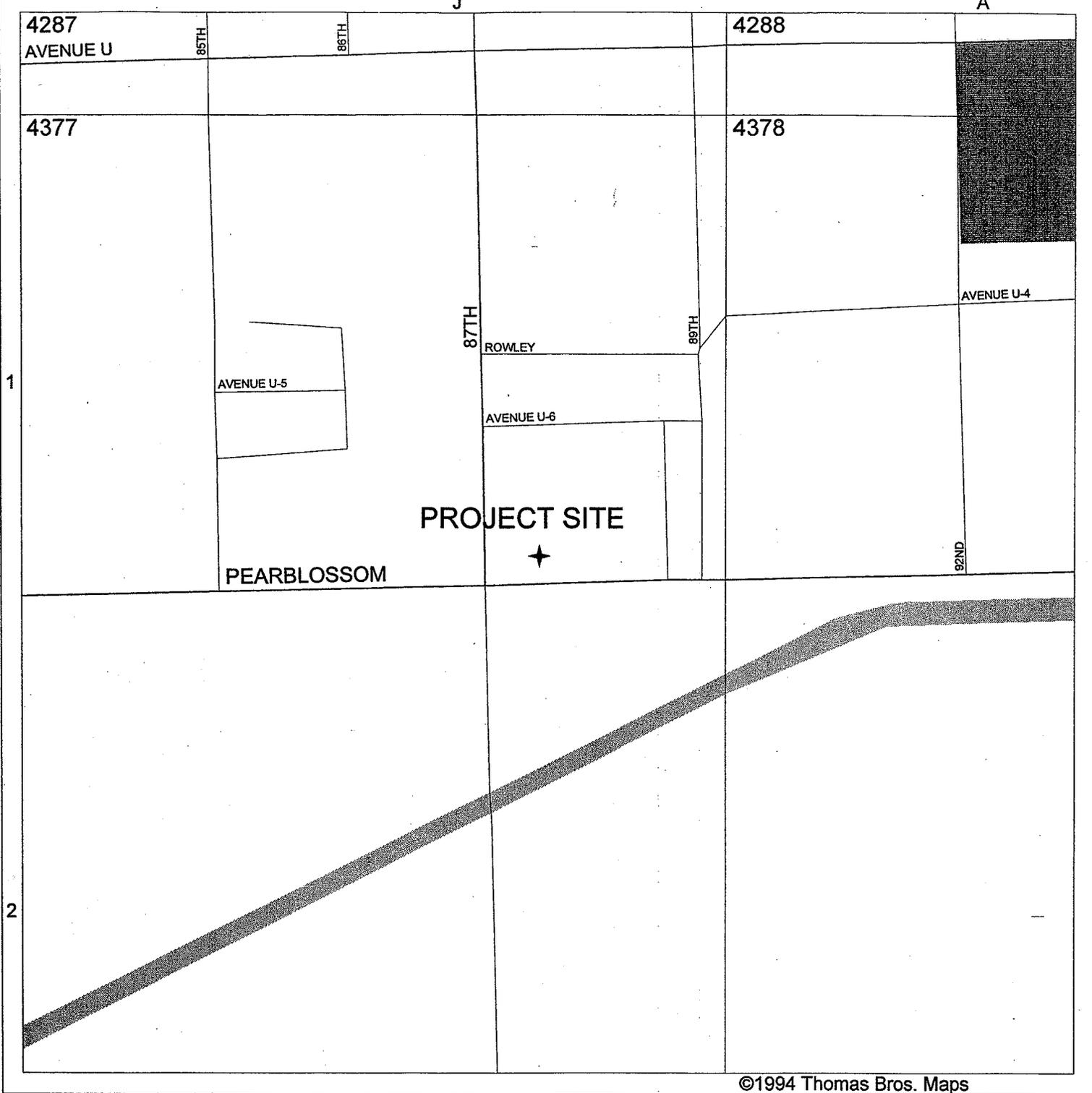
**KEY ISSUES**

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

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

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

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



**VICINITY MAP**

**SITE : 8719 PEARBLOSSOM HWY - NL0229-01**

## STAFF ANALYSIS

### PROJECT NUMBER:

R2009-00955-(5)

### CONDITIONAL USE PERMIT NO.

200900057

### OVERVIEW OF THE PROPOSED PROJECT

To authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 80-foot high monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities. Nine (9) panel antennas—mounted in three (3) sectors on the 80-foot high monopole—and seven (7) equipment cabinets and utility connections would be located within a chain-link enclosure. These would be located within a 900 square-foot leased area of the existing “Vehicle Liquidators” auto dealer and storage yard, near the northeast corner of the property. The site is located in an C-3 (Unlimited Commercial) zone, within the Southeast Antelope Valley Community Standards District (CSD) in the Littlerock Zoned District of Los Angeles County.

### DESCRIPTION OF SUBJECT PROPERTY

#### Location

The subject project is located near the northeastern corner of an existing auto dealer and storage yard, located at 8719 East Pearblossom Highway (State Highway 138). The site is within the community of Antelope Valley in the Littlerock Zoned District of unincorporated Los Angeles County.

#### Physical Features

The project lease area is approximately 900 square feet and is relatively level. It is located near northeastern boundary of an auto dealer and storage yard, also relatively level. The underlying property is approximately 35,600 square feet in area. Access to the facility would be via a driveway taking access from Pearblossom Highway (State Highway 138). Some trees of similar height, primarily cypress and pine, exist to the north and south of the lease area. The area is relatively rural and is surrounded by vacant land, a church, and single-family residential uses.

### ENTITLEMENT

The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility.

### EXISTING ZONING

#### Subject Property

The project site is zoned C-3 (Unlimited Commercial).

#### Surrounding Zones

Surrounding properties are all zoned as follows:

North: C-3 (Unlimited Commercial)

South: M-1 (Light Manufacturing)  
East: C-3 (Unlimited Commercial)  
West: M-1 (Light Manufacturing)

## **EXISTING LAND USES**

### **Subject Property**

The subject property is currently utilized as a "Vehicle Liquidators" auto dealer and storage yard.

### **Surrounding Land Use**

Surrounding land uses consist of:

North: Church  
East: Vacant land  
South: Vacant land  
West: Vacant land

## **GENERAL PLAN**

### **Land Use Policy Map**

The subject property is located within the "C" (Commercial) classification of the Antelope Valley Area Plan. The intent of this land use classification is for the development of a variety of local and regional retail, office, and service uses. There are no specific policies related to the proposed type of use in the Plan.

## **SITE PLAN**

The site plan depicts the proposed wireless telecommunications facility on the northeastern portion of the auto dealer and storage yard. The 900 square-foot lease area (30' x 30') would be bounded on all sides by a new 6-foot tall chain-link fence, topped with barbed wire. The property is already enclosed on three sides by a 6-foot tall chain-link fence and its north side by a six-foot-tall cinder block wall. An 80-foot tall monopole, disguised as a pine tree, would contain nine (9) panel antennas in three (3) sectors at a maximum height of 75 feet and one (1) microwave dish at a maximum height of 64 feet. Two 67 square-foot (3'10" x 17'6"), six-inch concrete pads would be located directly to the west of the monopole. Each pad would contain three (3) 7'6"-tall metal equipment cabinets, connected by a 9-foot-tall metal coaxial cable bridge. One (1) five-foot-tall microwave equipment cabinet would be located to the southwest of the monopole. Utility connections would be mounted on a smaller H-frame structure near the southeast corner of the lease area. All portions of the lease area not occupied by concrete slabs would be surfaced with crushed gravel.

## **COMPLIANCE WITH APPLICABLE ZONING STANDARDS**

The property on which the proposed facility is to be located is zoned C-3 (Unlimited Commercial). A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.

Section 22.52.1220 determines parking requirements for uses that are not specified. The proposed wireless telecommunications facility will be unmanned and will be visited for a periodic maintenance only. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The subject facility is unmanned and will require periodic maintenance visits only.

### **COMPLIANCE WITH SOUTHEAST ANTELOPE VALLEY CSD**

The project is within the Southeast Antelope Valley Community Standards District (CSD). The purpose of this CSD is to “to protect and enhance the community’s rural, equestrian, and agricultural character as well as its natural features, including significant ecological areas, flood plains, and desert terrain,” as well as to preserve access to hiking and riding trails and minimize the impacts of urbanization.

The CSD states that, “the extent possible, development shall preserve existing natural contours, native vegetation, and natural rock outcropping features.” While pine trees are not specifically native to the Antelope Valley, there are several other pine and cypress trees that have been planted in the immediate vicinity. Therefore, the project is likely to blend into its surrounding natural features. There are no native trees in the Antelope Valley that would extend to a similar height as the proposed monopine.

The project site is also within Area 2 of the CSD—the Pearblossom Highway Commercial Area. The intent of this designation is “to preserve and enhance the small-town, rural frontier style of commercial development existing along Pearblossom Highway, and to promote future development that is consistent with the existing community character.” Specific frontier-style architectural standards are mandated for all buildings, building additions, and building renovations in this area. However, because the structure is not considered a building under the County’s definitions, it is exempt from these standards. The standards of this district limit the height of all buildings to a height of 35 feet. Even if the monopine structure were to be considered a building, the conditional use permit process allows facilities to vary from the maximum height limit on a case-by-case basis.

All other standards of the CSD, including minimum setbacks, fence standards, and outdoor storage requirements, would be met by the project proposal.

### **BURDEN OF PROOF**

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
  1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fence, 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.
- C. That the proposed site is adequately served:
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
  2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document.

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.

### **LITTLEROCK TOWN COUNCIL**

At the request of staff, the applicant's representative, Margaret Chang, attended the July 9, 2009 meeting of the Littlerock Town Council, at which the project was presented. By a show of hands, the council indicated a majority approval of the proposed monopine design. This action was communicated verbally to staff by the Council President, Patrick Hough.

### **LEGAL NOTIFICATION/COMMUNITY OUTREACH**

A total of 82 public hearing notices were mailed out to property owners located within the 1,000-foot radius of the subject property and other interested parties on August 6, 2009 regarding the subject proposal. The notice was published in the *Antelope Valley Press* and in *La Opinion* on August 12, 2009. Case-related materials were sent to the Littlerock Library and placed on the Regional Planning web page, and the public hearing notice was posted at the project site.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

At the time of this report, staff has not received any public agency comments.

### **PUBLIC COMMENTS**

At the time of this report, staff has received two (2) phone calls from the public regarding this project. Both calls were from area residents, who wanted more information about the project. Neither caller expressed an opinion for or against the project proposal.

### **STAFF EVALUATION**

AT&T Mobility is proposing to construct, operate, and maintain an 80-foot-high unmanned wireless telecommunications facility, disguised as a pine tree, located on a 900-square foot lease area on the northeastern portion of an existing auto dealer and storage yard. The project site is zoned C-3 (Unlimited Commercial).

A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.

The development standards listed in the County Code for C-3 zoning indicate radio and television towers (and wireless facilities) are permitted upon issuance of a Conditional Use Permit. The CUP process also supersedes the general height limit of structures within the C-3 zone.

The monopine would be located on the western portion of the subject property, in an area with some nearby trees (cypress and pine) of similar height (see photo simulations). The tower will also be disguised as a pine tree. The pole will be painted a mottled brown color and artificial needles will partially disguise its panel antennas, which will be painted green. Because of this, it is not likely that the monopine will create a significant visual intrusion to passers-by on Pearblossom Highway.

While there is a church immediately to the north of the project site, the visual impact of the facility is mitigated by the fact that it will be disguised as a pine tree. There are other cypress and pine trees of similar heights on both the subject property and the church property, and the church has not voiced opposition to the project proposal. In addition, the location of the facility is such that area residents are unlikely to have a direct, unobstructed view of the facility from their properties, which are all located between 300 and 700 feet away, and no area residents have voiced opposition to the project. Staff believes that all of these factors combine to mitigate the visual impact of the proposed wireless facility to within an acceptable level.

### **FEES/DEPOSITS**

If approved, the following fees will apply unless modified by the Hearing Officer:

#### Zoning Enforcement

1. Inspection fees of \$750.00 to cover the costs of 5 recommended biennial zoning enforcement inspections.

### **STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project No. R2009-00955-(5) / Conditional Use Permit No. 200900057, subject to the attached conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II  
Reviewed by Maria Masis, AICP, Supervising Regional Planner,  
Zoning Permits Section II

Attachments:

Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Photo Simulations  
Site Plans

MM:TM  
09/01/09

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** Pursuant to the provisions of Section 22.56, Part 1 of the Los Angeles County Code, a conditional use permit to authorize the construction, operation, and maintenance of an 80-foot-tall unmanned wireless telecommunications monopine and appurtenant facilities, located on the property of an existing auto dealer and storage yard in the Littlerock Zoned District of Los Angeles County.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings

1. The applicant, AT&T Mobility, requested a Conditional Use Permit to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility located on the northeastern portion of an existing "Vehicle Liquidators" auto dealer and storage yard at 8719 East Pearblossom Highway (State Highway 138). The facility would consist of a new wireless telecommunication facility with nine (9) panel antennas mounted on a new 80-foot high monopole disguised as a pine tree, with seven (7) equipment cabinets, utility connections, and other appurtenant facilities.
2. The facility will be placed within a lease area of approximately 900 square feet on the northeastern portion of an auto dealership, located at 8719 East Pearblossom Highway. The project site is located within the community of Antelope Valley within the Littlerock Zoned District of unincorporated Los Angeles County.
3. The project site is zoned C-3 (Unlimited Commercial) and is located within the Southeast Antelope Valley Community Standards District.
4. The project lease area is relatively level. It is located near northeastern boundary of an auto dealer and storage yard, also relatively level. The underlying property is approximately 35,600 square feet in area. Access to the facility would be via a driveway taking access from Pearblossom Highway (State Highway 138). Some trees of similar height, primarily cypress and pine, exist to the north and south of the lease area. The area is relatively rural and is surrounded by vacant land, a church, and single-family residential uses.
5. Surrounding properties are zoned as follows:
  - North: C-3 (Unlimited Commercial)
  - South: M-1 (Light Manufacturing)
  - East: C-3 (Unlimited Commercial)
  - West: M-1 (Light Manufacturing)
6. The surrounding land uses consists of the following:
  - North: Church
  - South: Vacant land

East: Vacant land  
West: Vacant land

7. The plans and photograph simulation submitted with the application illustrate that the sizes, heights, shapes, colors, and materials of the proposed structures integrate fairly well into the surrounding landscape, which consists of several trees of similar heights to the proposed monopine.
8. The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (New construction or conversion of small structures) under the California Environmental Quality Act (CEQA) reporting requirements.
9. A total of 82 public hearing notices were mailed out to property owners located within the 1,000-foot radius of the subject property and other interested parties on August 6, 2009 regarding the subject proposal. The notice was published in the *Antelope Valley Press* and in *La Opinion* on August 12, 2009. Case-related materials were sent to the Littlerock Library and placed on the Regional Planning web page, and the public hearing notice was posted at the project site.
10. At the request of staff, the applicant's representative, Margaret Chang, attended the July 9, 2009 meeting of the Littlerock Town Council, at which the project was presented. At this meeting, the council indicated a majority approval of the proposed monopine design.
11. Staff did not receive any comments regarding the subject request from public agencies.
12. At the time of this report, staff has received two (2) phone calls from the public regarding this project. Both calls were from area residents, who wanted more information about the project. Neither caller expressed an opinion for or against the project proposal.
13. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.
14. The development standards listed in the County Code for C-3 zoning indicate radio and television towers (and wireless facilities) are permitted upon issuance of a Conditional Use Permit. The CUP process also supersedes the general height limit of structures within the C-3 zone.
15. The project proposal would comply with all applicable requirements of the Southeast Antelope Valley Community Standards District.

16. The monopine would be located on the western portion of the subject property, in an area with some nearby trees (cypress and pine) of similar height (see photo simulations). The tower will also be disguised as a pine tree. The pole will be painted a mottled brown color and artificial needles will partially disguise its panel antennas, which will be painted green. Because of this, it is not likely that the monopine will create a significant visual intrusion to passers-by on Pearblossom Highway.
17. While there is a church immediately to the north of the project site, the visual impact of the facility is mitigated by the fact that it will be disguised as a pine tree. There are other cypress and pine trees of similar heights on both the subject property and the church property, and the church has not voiced opposition to the project proposal.
18. The location of the facility is such that area residents are unlikely to have a direct, unobstructed view of the facility from their properties, which are all located between 300 and 700 feet away, and no area residents have voiced opposition to the project. Staff believes that all of these factors combine to mitigate the visual impact of the proposed wireless facility to within an acceptable level.

**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 locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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 use 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 conditional use permits as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G
2. In view of the findings of facts presented above, Conditional Use Permit Case No. 200900057 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions  
Affidavit of Acceptance

c: Commission Services, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the construction, operation, and maintenance of a new wireless telecommunication facility consisting of nine (9) panel antennas mounted on a new 80-foot high monopole disguised as a pine tree, seven (7) equipment cabinets, utility connections, and other appurtenant facilities. The facility will be placed within a 900-square foot lease area, located near the northeastern edge of an existing auto dealer and storage yard located at 8719 East Pearblossom Highway (State Highway 138), as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee has filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant will terminate on September 15, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$750.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 5 biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health and safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. All structures, walls, and fences open to public view shall be and remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. In the event of an occurrence of such extraneous markings, drawings, or signage, the permittee shall remove or cover them within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. Said facility shall be removed if in disuse for more than six months.
17. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
18. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit, if requested.
19. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities.
20. The monopine pole structure shall be rounded, with the coloring and appearance of all facilities similar to photographic simulations provided at public hearing and

incorporated as part of the approved Exhibit "A." The surface colors and materials of all facilities shall not be glossy or reflective in nature and shall be maintained in good condition at all times.

21. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to prevent occurrences of dangerous conditions or visual blight.

MM:TM  
09/01/09

### **Conditional Use Permit Burden of Proof**

**A.1.** 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 telecommunication structure operates quietly or virtually noise free.
2. The equipment does not emit fumes, smoke, or odors that could be considered objectionable.
3. The telecommunications facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The proposed communication 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.

4. This proposed wireless telecommunications facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.



**A.2.** Again, as stated in A.1. the location, size, design, and operating characteristics of the proposed facility will not create conditions or situations that may be objectionable, detrimental or incompatible with the use, enjoyment, or valuation of property of other persons in the vicinity or site.

In addition, the proposed facility is designed as a 'stealth' pine tree to blend in with existing pine trees on the property. The subject property is a car lot surrounded by undeveloped properties zoned M-1 to the south and west, a church to the north zoned C-2, and apartments to the northeast and east also zoned C-2.

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.

**A.3.** AT&T Mobility is regulated by the Federal Communications Commission (FCC) and is authorized to operate in the frequencies established for Cellular and PCS operators. AT&T's wireless telecommunication facilities operate at the lowest possible power levels and are well below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

This proposed wireless telecommunications facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.

**B.** Typically, the primary issue in locating a wireless telecommunications facility is how to balance the applicant's needs for improving its wireless telecommunications network with the City's goals of reducing visual impact. In this case, AT&T proposes to design a stealth wireless facility as a pine tree with associated equipment at the northeast corner of the subject property so as to be set back as far as possible from the main roads of Pearblossom and 87<sup>th</sup> Street. 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.

**C.1.** The telecommunications facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The proposed communication facility will not result in additional burdens on existing infrastructure.

**C.2.** Again, the telecommunications facility is unmanned and only requires periodic maintenance, and will not result in additional burdens on existing public or private service facilities.



## **Background**

AT&T Mobility is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). As a public utility, AT&T Mobility is licensed by the FCC to provide wireless communication services throughout California. AT&T Mobility is the second largest wireless company in the United States and is dedicated to providing customers with wireless technology designed to enrich their lives. Its vision is to simplify the wireless experience for its consumer and business customers by offering easy-to-understand, affordable rate plans and excellent customer service. AT&T Mobility is bringing next-generation wireless data products - from corporate e-mail to downloadable ringtones - to customers nationwide through its advanced networks.

AT&T Mobility is the nation's largest digital voice and data network covering 290 million people and growing. It's the only U.S. wireless carrier to offer Rollover, the wireless plan that lets customers keep their unused monthly minutes. With superior spectrum availability allotted in the nation's top 100 markets, AT&T Mobility provides a fully digital GSM/GPRS with high speed EDGE wireless data network infrastructure. AT&T Mobility is also deploying UMTS/HSPA (Universal Mobile Telecommunications System/High Speed Packet Access) service to deliver higher speed broadband services providing corporate e-mail and other advanced data services.

Wireless communications will continue to change the future of telecommunications with easy-to-use, lightweight and highly mobile communications devices including: portable telephones, computers and Personal Digital Assistants (PDAs). Wireless communications will provide voice, e-mail and Internet access capabilities for customer's communications needs virtually anywhere and at any time.

The wireless network being developed by AT&T Mobility differs from typical cellular networks in that it uses state of the art digital technology instead of analog systems, which have been in use since the early 1980's. The benefits include call privacy and security, improved voice quality, and an expanded menu of affordable products and services for personal and professional communications needs.



## **Project Overview**

The proposed project is located at 8719 E. Pearblossom Hwy, Littlerock, CA 93543 consisting of the construction, operation and maintenance of a stealth ground mounted 'monopine' with associated equipment located at the base of the proposed facility. The proposed monopine will consists of nine (9) antennas and one (1) microwave dish.

The entire lease area will measure approximately 30' x 30' subject to some final negotiations with the property owner, but will remain in the northeast corner of the subject property so as to provide additional visual mitigation from the main roads of Pearblossom Hwy and 87<sup>th</sup> Street. The entire lease area will be secured with 6' tall chain linked fencing.

The subject property is zoned C-3 with a height limit determined by building area which is not applicable to telecommunications facilities. Therefore in conforming with the draft wireless ordinance development standards (Draft Ord section 22.52.1540.B.1.b), the proposed ground-mounted facility is 75' tall to top of the proposed antennas.

In order to provide an aesthetically 'correct' faux pine tree, the top of the pine must be tapered to simulate a real pine tree. Therefore, the tapering increases the total height of the proposed monopine to 80'.

## **Overview of Coverage Objective(s)**

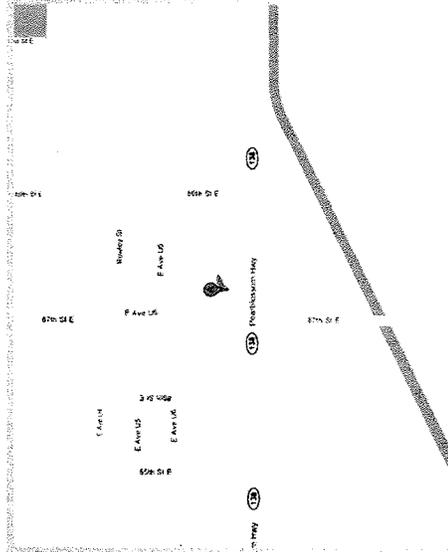
To expand coverage for AT&T Mobility in Los Angeles County around the Palmdale area eastward from the existing established AT&T network. Please refer to propagation maps showing marginal generally east of 90<sup>th</sup> Street. This new site will expand the RF Signal coverage to included Littlerock and bring it into the existing AT&T network.

## **Overview of Site Design/Location Criteria**

Reconnaissance work was focused in and around Littlerock and this location was ideal as the zoning and use of the subject property and surrounding properties was in conformance with the general intent of a proposal for a wireless facility.



NL0229 - AUTO LIQUIDATORS  
8719 E. PEARBLOSSOM HWY LITTLE ROCK CA 93543



PROPOSED



EXISTING

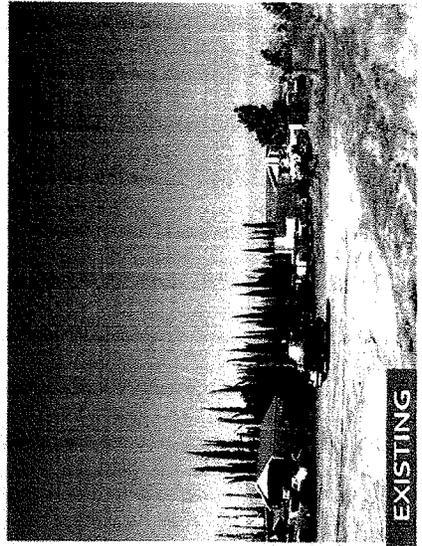
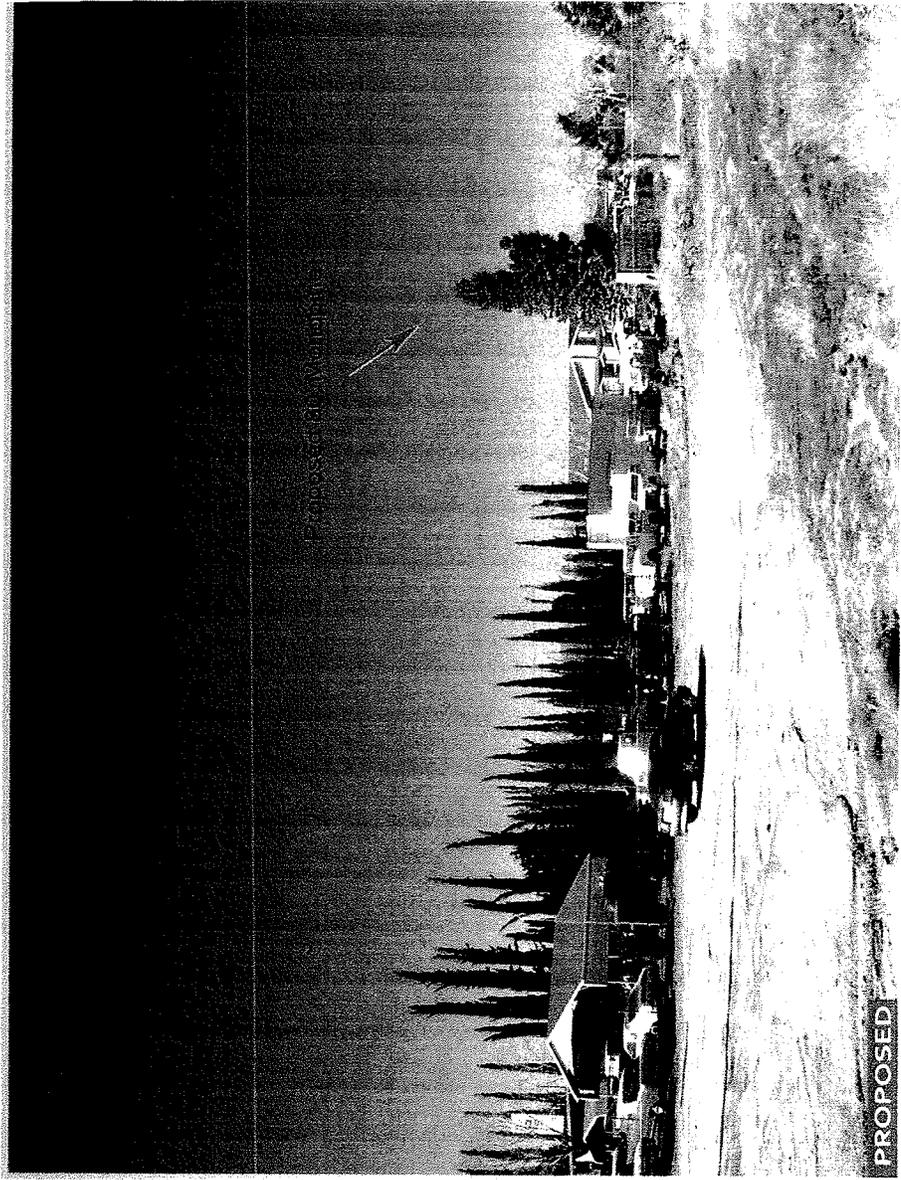
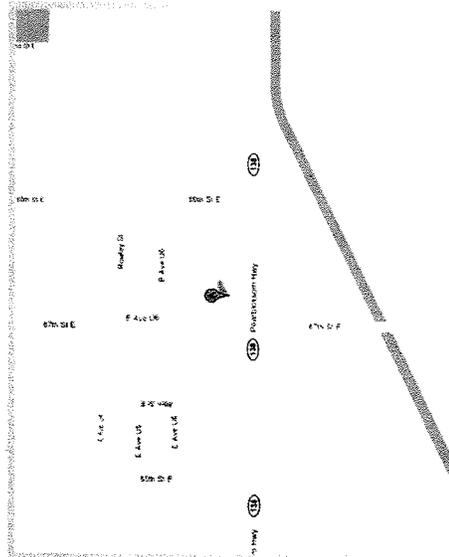
09-00955



NL0229 - AUTO LIQUIDATORS  
8719 E. PEARBLOSSOM HWY LITTLEROCK CA 93543



SOUTH FAC ELEVATION



<h1>Transmittal Checklist</h1>	<b>Hearing Date</b> 09/15/2009
	<b>Agenda Item Number</b> 7

**Project Number:** R2008-01847-(4)  
**Case(s):** Conditional Use Permit Number 200800150  
**Contact Person:** Travis Seawards

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CUP No. 86-294 (Approved Findings and Conditions)

Reviewed By: Mark Crand



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**

**APPLICANT**

AT & T Wireless

**OWNER**

Atlantis Equities, Robert Melamed, Manager

**REPRESENTATIVE**

Boudewijin Hanrath (BP)

**PROJECT DESCRIPTION**

The applicant, AT & T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (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 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.

**ACCESS**

There are access points to the project site from La Mirada Boulevard and Mulberry Drive.

**ZONED DISTRICT**

Southeast Whittier

**ASSESSORS PARCEL NUMBER**

8228-023-034

**COMMUNITY**

South Whittier - Sunshine Acres

**SIZE**

0.5 Acres (360 sq. ft. lease area)

**COMMUNITY STANDARDS DISTRICT**

N/A

**EXISTING LAND USE**

**EXISTING ZONING**

	<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)

**GENERAL PLAN/COMMUNITY PLAN**

Countywide General Plan

**LAND USE DESIGNATION**

1 - Low Density Residential

**MAXIMUM DENSITY**

1-6 dwelling units per acre

**ENVIRONMENTAL DETERMINATION**

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

**RPC LAST MEETING ACTION SUMMARY**

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

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

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

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



SEE MAP 677

LOS ANGELES CO.

MAP 706

Map taken from:  
 "The Thomas Guide, 2006 Edition  
 Copyright 2006 Rand McNally & Co.  
 Project No. R2003-01847  
 Case No:

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

**PROJECT DESCRIPTION**

The applicant, AT & T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (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 22.20.110, the applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the C-1 (Restricted Business Zone) zone in the Southeast Whittier Zoned District.

**LOCATION**

The subject property, Assessor Parcel Number 8228-023-034, is located at 15008 Mulberry Drive, Whittier, at the intersection of La Mirada Boulevard in the unincorporated community of South Whittier – Sunshine Acres.

**SITE PLAN 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') lease area from the owner. The site has 39 parking spaces, two (2) being ADA accessible. Access to the project site is from La Mirada Boulevard and Mulberry Drive.

**EXISTING ZONING**

**Subject Property:**

The project site is zoned C-1 (Restricted Business Zone).

**Surrounding Properties:**

Surrounding properties are zoned as follows:

North: CPD (Commercial Planned Development).

South: R-A-6,000 (Residential Agricultural-6,000 sq. ft. minimum required lot area).

East: R-A-6,000.

West: C-2-BE (Neighborhood Business-Billboard Exclusion).

## **EXISTING LAND USES**

### **Subject Property:**

The subject property is developed as a multi-tenant commercial development.

### **Surrounding Properties:**

Surrounding land uses are as follows:

North: Strip mall commercial building with a large parking lot

South: Strip mall commercial building and single family residential

East: Strip mall and single family residential

West: Gas station and multi-family residences

## **ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined this project to be Categorically Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.

## **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

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, property posting, library posting and DRP website posting.

## **PREVIOUS CASES/ZONING HISTORY**

The current multi-tenant commercial building was approved via Plot Plan No. 200501244

## **STAFF EVALUATION**

### **General Plan Consistency**

The subject property is designated Low Density Residential (1) land use category in the Los Angeles Countywide General Plan Land Use Map. The Low Density Residential designation is intended for areas that are suitable for single-family residential development. Under the General Conditions and Standards for Development section of the Land Use Element, locally-serving commercial uses such as facilities providing neighborhood or community convenience goods and services are allowed if they meet criteria for location, scale, design and access and traffic.

The proposed project will be incorporated into the design of a newly constructed multi-tenant commercial building. The proposed project meets the following criteria for the standards and conditions for locally-serving commercial:

- Facilities that provide neighborhood or community convenience goods and services;
- Easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities;

- The scale does not exceed 10 acres in size and is in keeping with the surrounding community setting;
- The height proposed does not exceed the general profile of existing uses;

The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Low Residential Density (1) land use designation in the General Plan.

### **Zoning Ordinance and Development Standards Compliance**

A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.28.110 of the Zoning Code, a conditional use permit is required for radio towers in a C-1 Zone.

Section 22.52.1220 provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The commercial site on which the proposed wireless telecommunications facility will be located provides 39 parking spaces. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance. Existing parking spaces are sufficient to meet the occasional parking need.

The proposed project is subject to Low Impact Development (LID) standards. LID compliance is determined by the Department of Public Works, Building and Safety. This project has been considered to meet LID requirements to the satisfaction of Building and Safety prior to building permit issuance.

### **Neighborhood Impact/Land Use Compatibility**

The site plans and photos submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.

Staff is of the opinion that although the existing land use designation is Low Density Residential (1), the subject property is zoned for commercial uses and is consistent with policies of the General Plan and the provisions of the Zoning Code.

### **FIELD INVESTIGATION**

During the site visit, staff confirmed that the construction of the new commercial building has commenced and is to the standards as described on the proposed project site plan. The site is well maintained and there have been no zoning violations to date.

### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. The Burden of Proof has been met because the proposed project will not adversely affect the surrounding community and has satisfied the provisions of the County Code.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of Project Number R2008-01847-(4), Conditional use Permit Number 2008-00150-(4), subject to attached conditions.

### **PUBLIC COMMENTS**

No comments have been received to date.

### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

### **STAFF RECOMMENDATION**

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

If the Hearing Officer agrees with staff's evaluation above, staff recommends that the Hearing Officer close the public hearing, find that the project is categorically exempt, and approve Conditional Use Permit No. 2008-00150 with the attached findings and conditions.

Prepared by Travis Seawards, RPAll  
Reviewed by Mark Child, Supervising Regional Planner

#### Attachments:

Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan  
Land Use Map

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

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

**REQUEST:**

**To authorize a Conditional Use Permit for the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the C-1 zone (Restricted Business).**

**HEARING DATE: September 15, 2009**

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Insert proceedings text after hearing.

Findings

1. The subject property, Assessor Parcel Number 8228-023-034, is located at 15008 Mulberry Drive at the intersection of La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres.
2. The project site is zoned C-1 (Restricted Business Zone).
3. Surrounding properties are zoned as follows:
  - North: CPD (Commercial Planned Development).
  - South: R-A-6,000 (Residential Agricultural Zone – 6,000 sq. ft minimum required lot area).
  - East: R-A-6,000
  - West: C-2-BE (Neighborhood Business – Billboard Exclusion).
4. The surrounding land uses consists of the following:
  - North: Multi-tenant commercial building and large parking lot
  - South: Multi-tenant commercial building, parking spaces, and single-family residences
  - East: Multi-tenant commercial building, parking spaces, and single-family residences
  - West: Gas station and multi-family residences
5. The multi-tenant commercial building on the subject property was approved via Plot Plan No. 2005-01244.
6. There are no known zoning violations associated with the subject property.

7. The applicant, AT&T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (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.
8. 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, including 2 ADA accessible spaces. Access to the project site is from La Mirada Boulevard and Mulberry Drive. The subject property is a 0.5-acre, level, square-shaped parcel of land developed with a multi-tenant commercial building, 39 parking spaces, and required landscaping. There are access points to the project site from La Mirada Boulevard and Mulberry Drive.
9. The subject property is currently designated as Low Density Residential (1) in the Los Angeles Countywide General Plan Land Use Map. There are no specific policies in the General Plan that relate directly to the proposed use. However, the proposed use is consistent with certain land use element policies.
10. Under the General Conditions and Standards for Development section of the Land Use Element, locally-serving commercial uses such as facilities providing neighborhood or community convenience goods and services are allowed if they meet criteria for location, scale, design and access and traffic. The proposed project will be incorporated into the design of a newly constructed multi-tenant commercial building. The proposed project meets the following criteria for the standards and conditions for locally-serving commercial:
  - Facilities that provide neighborhood or community convenience goods and services;
  - Easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities;
  - The scale does not exceed 10 acres in size and is in keeping with the surrounding community setting; and,
  - The height proposed does not exceed the general profile of existing uses.
11. The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Low Residential Density (1) land use designation in the General Plan.

12. The proposed project is a small development subject to Low Impact Development (LID) standards required by the Department of Public Works prior to issuance of a building permit.
13. A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.20.110 of the Zoning Code, a conditional use permit is required for radio towers in a C-1 zone.
14. Section 22.52.1220 of the Zoning Code provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The site currently facilitates parking for 39 spaces with two being ADA accessible. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance only and will utilize these same parking areas.
15. The site plans and photo simulations submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.
16. A site visit, conducted July 9, 2009, verified the accuracy of the site plan.
17. Staff did not receive any comments from public agencies to date.
18. Phone calls/community concerns to date.
19. The subject project is consistent with policies of the General Plan and the provisions of the Zoning Code.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
21. 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."

22. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years.
23. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

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 locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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; and,
- D. The Proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are requested.

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

HEARING OFFICER ACTION:

1. I have determined this project to be Categorical Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.
  2. In view of the findings of fact and conclusions presented above, **CONDITIONAL USE PERMIT NUMBER 200800150** is **APPROVED** subject to the attached conditions.
- c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant authorizes the use of the subject property for 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, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition Number 6, and until all required monies have been paid pursuant to Condition Number 9. Notwithstanding the foregoing, this Condition Number 2, and Conditions Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on September 15, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with payment of the applicable fee.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **five (5) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all

additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
20. All structures, including the antenna and equipment enclosure, shall be a neutral, earth-tone color, and/or a color that is identical to other similar structures in the

proximity, to blend in and harmonize with the surroundings. The colors and materials of the surfaces for all equipment shall not be glossy or reflective in nature and shall be maintained in good condition at all times.

21. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to prevent occurrences of dangerous conditions or visual blight.
22. The access to said facility for the purpose of the maintenance of the subject wireless telecommunications facility shall be through the entrance on La Mirada Boulevard or Mulberry Drive.
23. The property owner shall enforce its security program to prevent loitering, trespassing, and other unlawful activities on and around the subject property.
24. The property owner and/or permittee shall install a sign containing a telephone number for its 24-hour contact information at all the entrances to the property.
25. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner. In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
26. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
27. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at the time.
28. Said facility shall be removed if in disuse for more than six (6) months.
29. LID compliance shall be met to the satisfaction of Public Works prior to building permit issuance.

MC:TSS

8/1/09



## 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>
<p>1. the proposed ATT cellular facility will propagate its RF signal within fed, and local limits</p>
<p>2. the project is completely stealthed, thus it has no visual impact within the community</p>
<p>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>
<p> </p>
<p> </p>
<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>
<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>
<p> </p>
<p> </p>
<p> </p>
<p> </p>
<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>
<p>the project is an unmanned facility which requires monthly servicing thus it places virtually no burden on local streets or any other services.</p>

# View Looking North

Project Site



# View Looking North



View Looking East

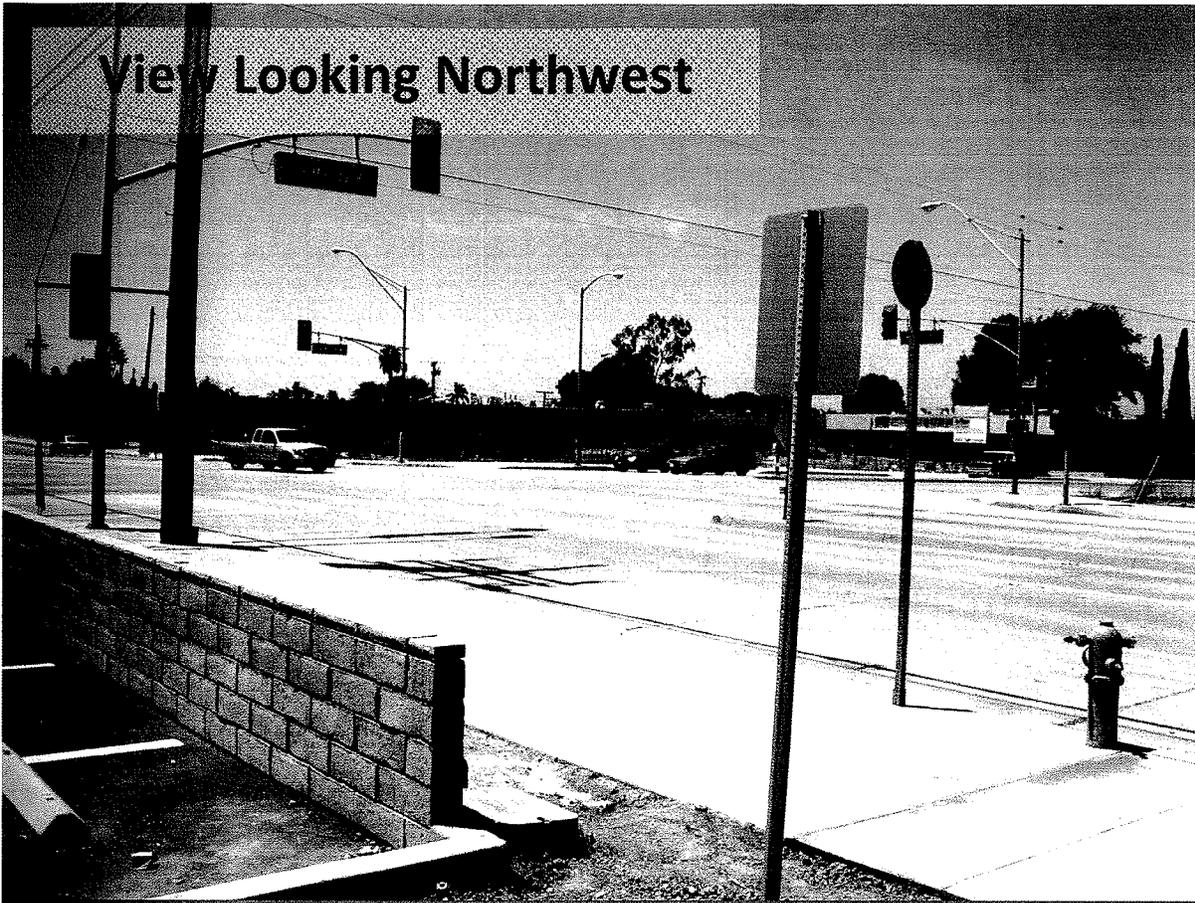
Project Site



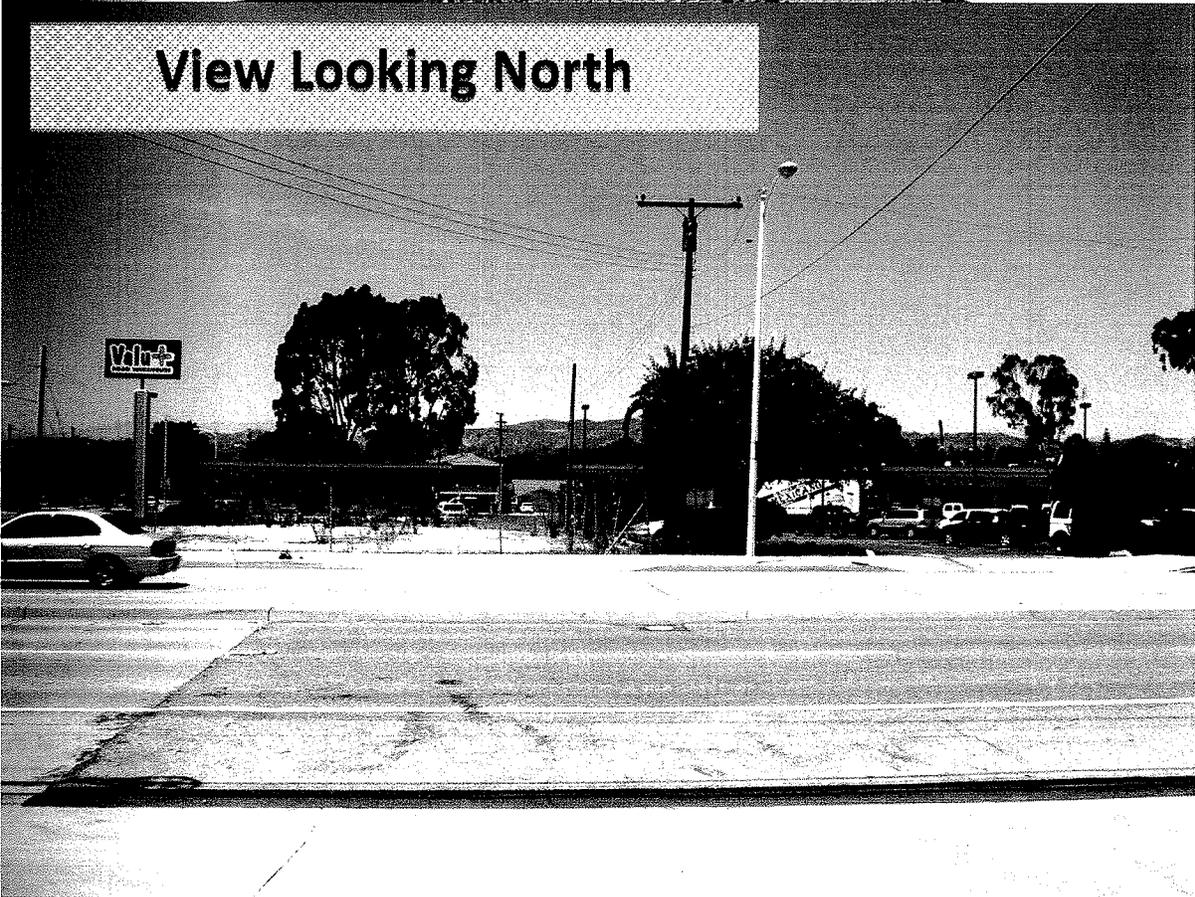
View Looking West



**View Looking Northwest**



**View Looking North**







Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 9746417  
**PROJECT NO: R2008-01638-(5)**  
**CONDITIONAL USE PERMIT NO: 200800137**

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

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Verizon Wireless

**OWNER**

Southern California Edison

**REPRESENTATIVE**

John Moreland

**PROJECT DESCRIPTION**

The project involves the installation of a new unmanned wireless communication facility consisting of twelve (12) panel antennas, one (1) GPS antenna, and one (1) 2' diameter parabolic antenna attached to an existing Southern California Edison (SCE) tower in a utility corridor with an existing nursery on site as an accessory use. At the base of the tower, the project will build a 12'x25'x6' (foot) enclosure to house equipment. Verizon is leasing a 300 square foot area from SCE and will access the site using an existing access road off of San Pasqual St. A maintenance person will access the site once a month to ensure the facility is functioning properly.

**REQUIRED ENTITLEMENTS**

Per Section 22.20.100, the applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the R-1-10,000 (Single-Family Residence – 10,000 sq. ft. minimum required lot area) zone in the East Pasadena Zoned District.

**LOCATION/ADDRESS**

3236 San Pasqual St., Pasadena, CA 91107

**SITE DESCRIPTION**

The project is located in a SCE utility transmission corridor in the unincorporated community of E. Pasadena-E. San Gabriel. The corridor is fenced off from adjacent uses and SCE has allowed a nursery to be used in the corridor. The project will attach new antennas to an existing SCE tower and will build a 12'x25'x6' enclosed structure at the base of the tower to house equipment.

**ACCESS**

SCE will allow Verizon access through a chained link fence from San Pasqual St. to the project site on an existing access road.

**ZONED DISTRICT**

East Pasadena

**ASSESSORS PARCEL NUMBER**

5377-004-800 & 5377-004-801

**COMMUNITY**

E. Pasadena-E. San Gabriel

**SIZE**

3.7 Acres (300 sq. ft. lease area)

**COMMUNITY STANDARDS DISTRICT**

East Pasadena - East San Gabriel

EXISTING LAND USE		EXISTING ZONING
Project Site	Public utility corridor and nursery	R-1-10,000
North	Public utility, nursery, and flood control channel	R-1-10,000
East	Single-family residences	R-1- 40,000 (single-family, 40,000 sq. ft. minimum lot)
South	Public utility corridor and nursery	R-1-10,000
West	Single-family residences	City of Pasadena

**GENERAL PLAN/COMMUNITY PLAN**

Countywide General Plan

**LAND USE DESIGNATION**

Public and Semi Public Facilities

**MAXIMUM DENSITY**

N/A

**ENVIRONMENTAL DETERMINATION**

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

**RPC LAST MEETING ACTION SUMMARY**

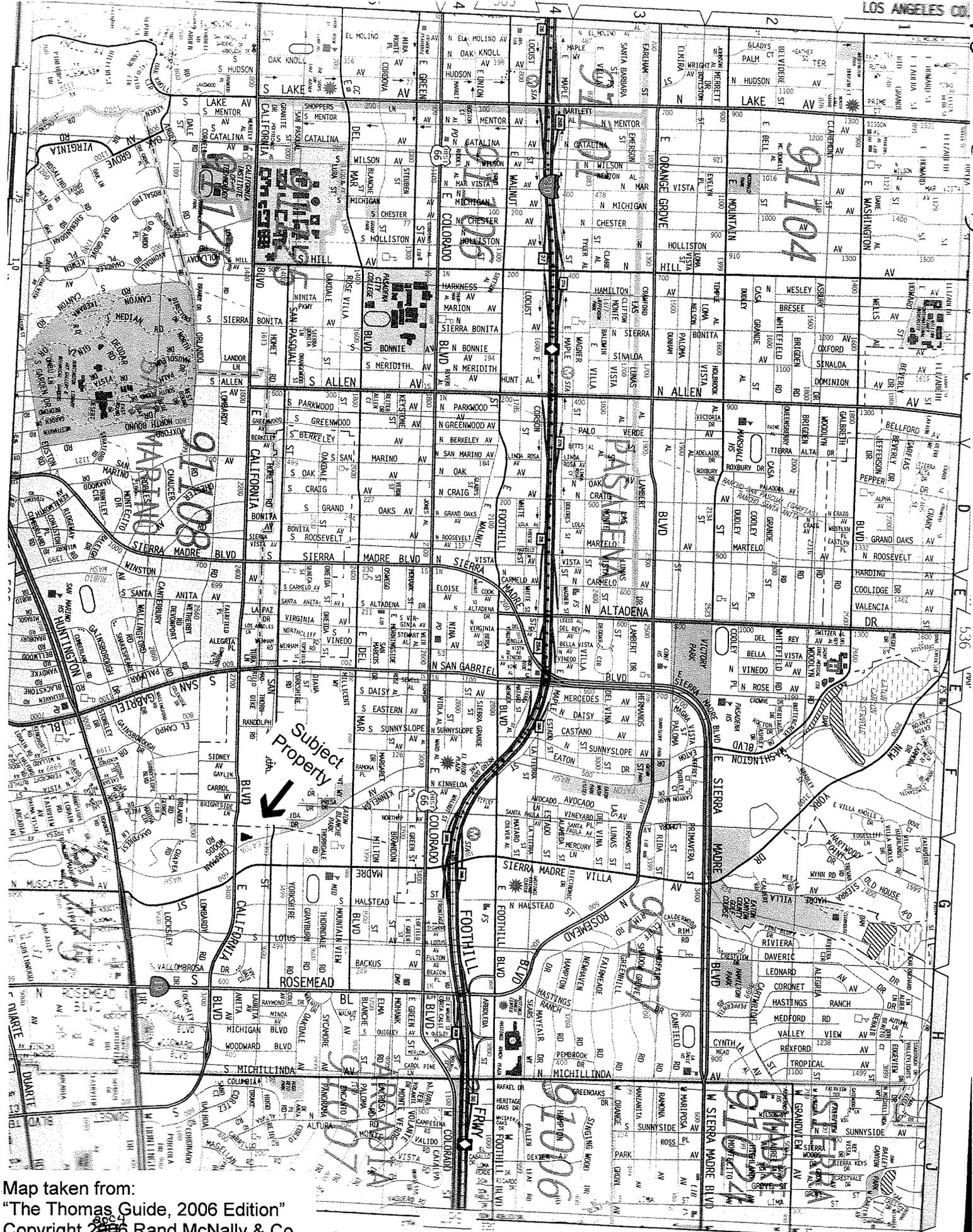
LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

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

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

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

PG. 2002 (2004)



Map taken from:  
 "The Thomas Guide, 2006 Edition"  
 Copyright 2006 Rand McNally & Co.  
 Project No. R2008-01638-(5)  
 Case No. RCUP 200800137



**STAFF ANALYSIS**  
**PROJECT NUMBER R2008-01638-(5)**  
**CONDITIONAL USE PERMIT 200800137**

**PROJECT DESCRIPTION**

The project involves the installation of a new unmanned wireless communication facility consisting of twelve (12) panel antennas, one (1) GPS antenna, and one (1) 2' diameter parabolic antenna attached to an existing Southern California Edison (SCE) tower in a utility corridor with an existing nursery on site as an accessory use. At the base of the tower, the project will build a 12'x25'x6' enclosure to house equipment. Verizon is leasing a 300 square feet area from SCE and will access the site using an existing access road off of San Pasqual St. A maintenance person will access the site once a month to ensure the facility is functioning properly.

**REQUIRED ENTITLEMENTS**

Per Section 22.20.100, the applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the R-1-10,000 (Single-Family Residence Zone) zone in the East Pasadena Zoned District.

**LOCATION**

The subject property, Assessor Parcel Number 5377-004-800 and 5377-004-801, is located at 3236 San Pasqual St., Pasadena, CA 91107 in the unincorporated community of East Pasadena-East San Gabriel.

**SITE PLAN DESCRIPTION**

The site plan depicts an existing 153' transmission tower and a nursery on the subject property. The proposed wireless facility is located on a tower approximately 20' from the access entrance off of San Pasqual Street.

**EXISTING ZONING**

Subject Property:

The project site is zoned R-1-10,000 (Single-Family Residence - 10,000 sq. ft. minimum required lot area).

**Surrounding Properties:**

Surrounding properties are zoned as follows:

North: R-1-10,000 (Single-Family Residence Zone)

South: R-1-10,000 (Single-Family Residence Zone)

East: R-1-40,000 (Single-Family Residence Zone)

West: City of Pasadena, Single-family residences

## EXISTING LAND USES

### Subject Property:

The subject property is currently designated as Public and Semi-Public Facilities (P) and is developed as a SCE transmission corridor and a nursery.

### Surrounding Properties:

Surrounding land uses are as follows:

North: Public utility corridor, nursery, and flood channel

South: Public utility corridor and nursery

East: Single-family residences

West: Single-family residences

## ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined this project to be Categorically Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.

## LEGAL NOTIFICATION AND PUBLIC OUTREACH

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, property posting, library posting and DRP website posting.

## PREVIOUS CASES/ZONING HISTORY

There are no previous cases associated with the subject property.

## STAFF EVALUATION

### General Plan Consistency

The subject property is designated Public and Semi-Public Facilities (P) land use category in the Los Angeles Countywide General Plan Land Use Map. The Public and Semi-Public Facilities designation is intended for uses that provide public services, such as utilities. There are no specific policies in the General Plan that relate directly to the proposed use.

The following policies of the General Plan are applicable to the proposed project:

- Promote the full use of existing service systems in order to gain maximum benefit from previous public investments (Policy 54, Page I-25).
- Maintain high quality emergency response services (Policy 58, Page I-25).

The proposed wireless telecommunication facility will be installed on an existing electrical power transmission tower in an existing transmission corridor. The proposed antennas will be designed to blend in with the existing features of the tower, and the

proposed equipment enclosure structure will be located at the base of the tower. A wireless telecommunications facility may be regarded as a utility as it provides telecommunication services for the areas. The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Public and Semi-Public Facilities land use designation in the General Plan.

### **Zoning Ordinance and Development Standards Compliance**

A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.20.100 of the Zoning Code, a conditional use permit is required for radio towers in an R-1 zone.

Section 22.52.1220 provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The site currently facilitates parking for SCE maintenance vehicles and nursery vehicles. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance only and will utilize these same parking areas.

The subject property is located in the East Pasadena-East San Gabriel Community Standards District. The CSD contains no development standards applicable to the proposed use.

The proposed project is subject to Low Impact Development (LID) standards. LID compliance is determined by the Department of Public Works, Building and Safety. This project has been considered to meet LID requirements to the satisfaction of Building and Safety prior to building permit issuance.

### **Neighborhood Impact/Land Use Compatibility**

The site plans and photo simulations submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.

Staff is of the opinion that the subject property is consistent with policies of the General Plan and the provisions of the Zoning Code.

### **FIELD INVESTIGATION**

During the site visit, staff confirmed that an electric transmission tower and a plant nursery were located on the subject property. Single family dwellings were located west of the property but were adequately buffered by dense vegetation in the utility corridor. To the east lies the channelized Eaton Canyon wash. Staff also observed the existing

entrance to the site off of San Pasqual Street. The site appeared well-maintained and the access to the utility corridor was safely blocked.

**BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. The Burden of Proof has been met because the proposed project will not adversely affect the surrounding community and has satisfied the provisions of the County Code.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of Project Number R2008-01638-(5), Conditional use Permit Number 20080137-(5), subject to attached conditions.

**PUBLIC COMMENTS**

No public comments have been received to date.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

If the Hearing Officer agrees with staff's evaluation above, staff recommends that the Hearing Officer close the public hearing, find that the project is categorically exempt, and **approve** Conditional Use Permit No. 2008-00137 with the attached findings and conditions.

Prepared by Travis Seawards, RPAII  
Reviewed by Mark Child, Supervising Regional Planner

- Attachments:  
Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan  
Land Use Map

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2008-01638-(5)  
CONDITIONAL USE PERMIT NUMBER 200800137**

**REQUEST:**

The applicant, Verizon Wireless, requests a Conditional Use Permit (CUP) for a new unmanned Wireless Telecommunications Facility and an equipment enclosure structure within an existing Southern California Edison (SCE) transmission tower in the R-1-10,000 Zone (Single Family Residence – 10,000 sq. ft. minimum required lot area).

**HEARING DATE: September 15, 2009**

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Insert proceedings text after hearing.

Findings

1. The subject property, Assessor Parcel Number 5377-004-800 and 5377-004-801, is located at 3236 San Pasqual St., Pasadena, CA 91107 in the unincorporated community of East Pasadena-East San Gabriel.
2. The project site is zoned R-1-10,000.
3. Surrounding properties are zoned as follows:
  - North: R-1-10,000
  - South: R-1-10,000
  - East: R-1-40,000 (Single-Family Residence Zone – 40,000 sq. ft. minimum required lot area)
  - West: City of Pasadena, Single-family residences
4. The surrounding land uses consists of the following:
  - North: Public utility corridor, nursery, and flood channel
  - South: Public utility corridor and nursery
  - East: Single-family residences
  - West: Single-family residences
5. There are no previous cases associated with the subject property.
6. There are no known zoning violations associated with the subject property.

7. The proposed project consists of the installation of a new unmanned wireless communication facility consisting of twelve (12) panel antennas, one (1) GPS antenna, and one (1) 2' diameter parabolic antenna attached to an existing SCE tower in a utility corridor with an existing nursery on site as an accessory use. At the base of the tower, the project will build a 12'x25'x6' (feet) enclosure to house equipment. Verizon is leasing a 300 square feet area from SCE and will access the site using an existing access road off of San Pasqual St. A maintenance person will access the site once a month to ensure the facility is functioning properly.
8. The site plan depicts an existing 153' transmission tower and a nursery on the subject property. The proposed wireless facility is located on a tower approximately 20' from the access entrance off of San Pasqual Street. The subject property is a 3.75-acre, level, rectangular-shaped parcel of land developed with transmission towers and a plant nursery. The applicant is leasing a 300 square foot area within the transmission tower footprint. The airspace of the property is maintained for public utility transmission. The project is located along the Eaton Canyon Flood Channel.
9. A site visit, conducted June 30, 2009, verified the accuracy of the site plan.
10. The subject property is designated Public and Semi-Public Facilities (P) land use category in the Los Angeles Countywide General Plan Land Use Map. The Public and Semi-Public Facilities designation is intended for uses that provide public services, such as utilities. There are no specific policies in the General Plan that relate directly to the proposed use.
11. The following policies of the General Plan are applicable to the proposed project:
  - Promote the full use of existing service systems in order to gain maximum benefit from previous public investments (Policy 54, Page I-25).
  - Maintain high quality emergency response services (Policy 58, Page I-25).

The proposed wireless telecommunication facility will be installed on an existing electrical power transmission tower in an existing transmission corridor. The proposed antennas will be designed to blend in with the existing features of the tower, and the proposed equipment enclosure structure will be located at the base of the tower. A wireless telecommunications facility may be regarded as a utility as it provides telecommunication services for the areas. The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Public and Semi-Public Facilities land use designation in the General Plan.

12. The proposed project is a small development subject to Low Impact Development (LID) standards required by the Department of Public Works prior to issuance of a building permit.

13. A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.20.100 of the Zoning Code, a conditional use permit is required for radio towers in an R-1 zone.
14. Section 22.52.1220 provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The site currently facilitates parking for SCE maintenance vehicles and nursery vehicles. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance only and will utilize these same parking areas.
15. The subject property is located in the East Pasadena-East San Gabriel Community Standards District. The CSD contains no development standards applicable to the proposed use.
16. The site plans and photo simulations submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.
17. Staff did not receive any comments from public agencies to date.
18. Phone calls/community concerns to date.
19. The subject project is consistent with policies of the General Plan and the provisions of the Zoning Code.
20. 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.
21. 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."
22. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years.

23. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

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 locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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; and,
- D. The Proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are requested.

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

HEARING OFFICER ACTION:

- 1. I have determined this project to be Categorically Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.
  - 2. In view of the findings of fact and conclusions presented above, **CONDITIONAL USE PERMIT NUMBER 200800137** is **APPROVED** subject to the attached conditions.
- c: Hearing Officer, Zoning Enforcement, Building and Safety

TSS  
8/16/09

This grant authorizes the use of the subject property for installation of a new unmanned wireless communication facility consisting of twelve (12) panel antennas, one (1) GPS antenna, and one (1) 2' diameter parabolic antenna attached to an existing Southern California Edison tower in a utility corridor with an existing nursery on site as an accessory use, along with the construction of a 12'x25'x6' enclosure to house equipment on a 300 square feet lease area at the bottom of the tower, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition Number 6, and until all required monies have been paid pursuant to Condition Number 9. Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4 and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on September 15, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant will expire unless used within 2 years from the date of final approval by the County. A single, one-year time extension may be requested in writing and with payment of the applicable fee.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **five (5) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all

additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
20. All structures, including the antenna and equipment enclosure, shall be a neutral, earth-tone color, and/or a color that is identical to other similar structures in the

- proximity, to blend in and harmonize with the surroundings. The colors and materials of the surfaces for all equipment shall not be glossy or reflective in nature and shall be maintained in good condition at all times.
21. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to prevent occurrences of dangerous conditions or visual blight.
  22. The access to said facility for the purpose of the maintenance of the subject wireless telecommunications facility shall be through the entrance and using the existing access road off of San Pasqual St.
  23. The property owner shall enforce its security program to prevent loitering, trespassing, and other unlawful activities on and around the subject property.
  24. The property owner and/or permittee shall install a sign containing a telephone number for its 24-hour contact information at all the entrances to the property.
  25. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner. In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
  26. The subject property shall be in substantial compliance with photo simulations approved as part of Exhibit "A" to the satisfaction of the Department of Regional Planning. If changes to the project are required as a result of instruction given at the public hearing, revised photo simulations shall be submitted to the Department of Regional Planning within sixty (60) days of approval.
  27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
  28. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at the time.
  29. Said facility shall be removed if in disuse for more than six (6) months.

30. LID compliance shall be met to the satisfaction of Public Works prior to building permit issuance.

MC:TSS

8/1/09



## 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.)*

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed use will not adversely impact persons residing or working in the area, nor will it be materially detrimental to persons or properties surrounding the site. The facility will not create any hazardous materials, fumes, odors, light, glare, traffic, or significant noise. There is another wireless facility mounted to a SCE tower in the area. Mounting the antennas to an existing SCE tower mitigates any adverse visual impacts a new facility may have. →

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.

The project site is adequate in size and shape to accommodate all of the development features prescribed in Title 22. The proposed use will not impact any required yards/setbacks, parking or loading facilities, fencing or landscaping. The use will be enclosed and secured inside a 12' x 25' x 6' tall wall enclosure. The facility has been appropriately designed in order to mitigate any affects on the surrounding community.

C. That the proposed site is adequately served:

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
2. By other public or private service facilities as are required.

The proposed use is an unmanned wireless communications facility. No additional traffic will be generated by this project other than a monthly maintenance visit. The project site is adequately served by San Pasqual St and E. California Blvd. The proposed use will not require other public or private services facilities.

A.<sup>cont.</sup>

The associated equipment will be fully secured inside a wall enclosure. The proposed facility will provide needed voice, data, and E911 services to the community of Pasadena within a 3 to 4 mile radius of the site.