



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

May 31, 2012

TO: Curt Pedersen, Chair
David W. Louie, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Tyler Montgomery *TM*
Zoning Permits West Section

SUBJECT: **PROJECT NO. R2004-00198-(2)**
CONDITIONAL USE PERMIT NO. 201100129
ENVIRONMENTAL ASSESSMENT NO. 201100208
June 13, 2012 Continued Public Hearing
Agenda Item No. 6

Agenda Item No. 6 is Conditional Use Permit No. 201100129. The applicant, AT&T, requests a conditional use permit AT&T, seeks a conditional use permit ("CUP") to authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of 12 panel antennas mounted on a new 50-foot-tall monopole disguised as a eucalyptus tree and is located in the C-2 (Neighborhood Business) zone, within the West Athens-Westmont Community Standards District (CSD).

The above item was continued from the March 14, 2012 public hearing in order for the applicant to respond to the Commission's request for additional information. This information included the analysis of several alternative rooftop or co-location sites for the facility, which were provided by the Southwest Community Association, comments on the facility's potential to negatively affect future development on the project site, a cost estimate, and the type of coverage to be provided. The applicant's representative, Ms. Maryann Harwood, responded in a letter dated March 15, 2012 (attached).

The Commission also requested that draft denial findings be prepared for their consideration, should the applicant's response not adequately address their concerns. These were prepared by Regional Planning staff and are hereto attached.

Staff's original recommendation for approval of the project remains unchanged.

Enclosed:
Letter from Maryann Harwood, dated 03/15/12
Draft Denial Findings

MK:TM

From: Maryann Harwood [maryann.harwood@rlsusa.com]
Sent: Thursday, March 15, 2012 6:13 PM
To: Montgomery, Tyler
Subject: RE: Letter re R2004-00198
Attachments: Porter letter 3-6-12.pdf

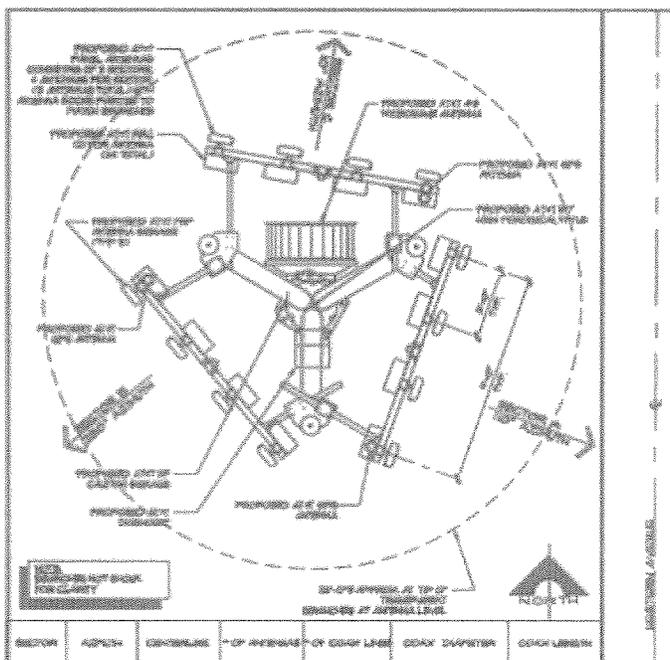
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tyler,

Again my sincerest apologies about yesterday. I wanted to respond to the letter that the Southwest Community Association's letter of concern.

1. Collocation justification:

10610 S. Western Ave.- Are roof mounted antennas. There are two reasons why this location will not work for AT&T. 1. When collocating, carrier antennas need a separation between antennas which would require us to go significantly higher than the existing antennas and if AT&T's antennas have to be placed above these antennas, the screened area would be a total of 20-ft. high and not aesthetically appealing and more importantly, the structure of the building would be at stake due to the weight being condensed to one area. We are not able to place AT&T antennas adjacent to the existing antennas because there would be interference for both carriers, reference the azimuth direction of AT&T's antennas.



1713 W. 108th St.- This location is not recorded, however it is too far southeast and would not allow AT&T to cover its object. There is no room for our facility equipment

and our antennas would be more intrusive as the property is surrounded by residential properties.

Additional locations that are more than a mile away from the coverage objective.

1617 S. Western Ave.- Is more than 7 miles away from the objective.

11711 S. Western Ave. – Is a mile south of the objective and would not be able to cover this area.

1440 W. Imperial Hwy.- Is approximately a mile SE of the Objective and too far.

11255 S. Normandie Ave.- Is an AT&T site.

1127 W. El Segundo Blvd. – Is approximately more than a mile SE of the objective.

2. Future Development:

The property has current development plans which we have strategically designed not to interrupt this future use. If years down the road they decide to sell the property, the facility is placed along the existing fence at the corner closest to the other commercial properties along S. Western Ave. The property would still be able to be developed into another commercial use as we are in the most SE corner.

3. Cost estimate:

The facility is approximately \$120,000 for the construction/equipment. We typically give this estimate to Building & Safety.

4. Coverage:

AT&T subscribers as well as all wireless customers expect to be provided with nearly flawless radio coverage at all locations and at all times. This service site will not only service the community on a day to day basis, it will also support Emergency personnel and City of Los Angeles during a time of crisis. It was also explained that the opponents know there is a coverage gap as they are unable to make a call to AT&T users within the area. It has be demonstrated that signal strength is inadequate and inconsistent and AT&T is respectfully requesting approval of CUP application 201100129 and the opportunity to cover an existing gap in service for their existing customers.

We try to collocate as often as possible as we understand that this is favored and helps to mitigate the amount of cell sites in an area. However, I hope this justification can help to explain why this is not feasible for AT&T.

Please let me know if you have any questions. I missed Rosie but hope to talk to her on Monday.

Maryann Harwood

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

PROJECT NUMBER R2004-00198-(2)
CONDITIONAL USE PERMIT NUMBER 201100129
ENVIRONMENTAL ASSESSMENT NUMBER 201100208

REGIONAL PLANNING COMMISSION HEARING DATE:
MARCH 14, 2012

SYNOPSIS:

Pursuant to County Code Section 22.28.210, which is pursuant to Part 1 of Chapter 22.56, the applicant is requesting a CUP to authorize the construction of a 50-foot wireless telecommunications tower with 12 antennas disguised as a eucalyptus tree in the C-2 (Neighborhood Business) zone. A wireless telecommunications facility is not a defined use in the County Code; 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 within the C-2 zone.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The applicant seeks a conditional use permit ("CUP") to authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 50-foot high monopole disguised as a eucalyptus tree.
2. The project site is located on the southwestern portion of a property used for oil and gas extraction, at 10410 South Western Avenue in the West Athens-Westmont Zoned District and within the West Athens-Westmont Community Standards District ("CSD") of unincorporated Los Angeles County.
3. The subject property is divided into three parcels and is currently used for oil and gas extraction and is surrounded by a 10-foot-high concrete block wall, painted white, with an exterior landscape buffer of approximately ten feet. The site is accessed by 25-foot-wide paved driveway and locked gate facing Western Avenue to the west. There is also a small doorway facing 104th Street to the north. The entire site totals approximately 1.05 acres and is relatively level. The proposed lease area would be 15-foot by 42-foot (630 square feet), located on the southwestern portion of the project site, immediately inside the existing block wall and adjacent to its southwestern corner.
4. The project site is zoned C-2 (Neighborhood Business), although the northeastern parcel of the subject property (approximately 0.25 acres) is zoned R-2 (Two Family Residence). The proposed wireless facility would be located completely within the

C-2 zone.

5. Surrounding properties within the 500-foot radius of the project are zoned as follows:
 - North: City of Los Angeles
 - South: C-2, R-2
 - East: R-2
 - West: City of Los Angeles

6. Land uses within 500 feet of the subject property consist of the following:
 - North: Church, small businesses, single-family residences
 - South: Small businesses, single-family residences, multiple-family residences, apartments
 - East: Single-family residences, multiple-family residences, apartments
 - West: Church, small businesses, liquor store, single-family residences, apartments

7. The subject property is located within the "C.2 (Community Commercial)" classification of the Westmont-West Athens Neighborhood Plan. The primary intent of this classification is to allow for locally-serving commercial developments. Utility and infrastructure uses are also allowed. Therefore, the wireless telecommunications facility is consistent with this classification.

8. The site plan depicts the proposed 50-foot-high monopole, disguised as a eucalyptus tree, on the southwestern corner of the subject property. The monopole structure and nine equipment cabinets would be located on a lease area of 630 square feet (15'x42') and surrounded by a six-foot-high wrought iron fence. The proposed lease area would be 15-foot by 42-foot (630 square feet), located on the southwestern portion of the project site, immediately inside the existing block wall and adjacent to its southwestern corner and would house equipment cabinets (approximately four feet in height) and the monopole. The monopole itself would be located on the northeastern portion of the lease area, 22 feet, 10 inches from the southern property line and 44 feet, four inches from the western property line. The facility would consist of 12 eight-foot panel antennas and three GPS antennas, which would be disguised by imitation eucalyptus branches and foliage. The foliage would protrude approximately three feet above the monopole's 50-foot height. The project site is currently used for oil and gas extraction and is surrounded by a 10-foot-high concrete block wall, painted white, with an exterior landscape buffer of approximately ten feet. The site is accessed by 25-foot-wide paved driveway and locked gate facing Western Avenue to the west. There is also a small doorway facing 104th Street to the north.

9. The property on which the project site is to be located is zoned C-2 (Neighborhood Business). A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, Regional Planning has determined that the defined use of "radio and television stations and towers" is a comparable use. Radio and television

stations and towers are uses subject to conditional use permits.

10. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The Director of Regional Planning may impose an amount of parking spaces that the Director finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. Maintenance vehicles would access the facility from the western gate, and the existing property includes enough undeveloped, level terrain for the parking of a vehicle. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied on-site by the property's undeveloped terrain. Should this land be developed in the future, the vehicle could easily utilize street parking, as a survey of the neighborhood did not seem to indicate a shortage of these parking spaces nearby.
11. There are no specific setback requirements for the C-2 zone, nor are there height requirements. Nevertheless, the wireless telecommunications facility is set back 22 feet, 10 inches from the southern property line and 44 feet, four inches from the western property line, which will help to ensure that there are no adverse impacts on neighboring properties and help to maintain compatibility with the surrounding community. All other applicable development standards would be met by the facility.
12. The West Athens-Westmont CSD states that "the maximum height of any structure shall be 40 feet except that devices or apparatus essential to industrial processes or communications related to public health and safety may be 50 feet in height." Because a wireless telecommunications facility is recognized as a public utility under state law, and because Regional Planning has determined the most comparable use under the County Code is a utility type use, such as a radio tower, as well as the fact that wireless telecommunications facilities are utilized for emergency communications, Regional Planning has determined that a wireless telecommunications facility falls within the types of uses contemplated by the CSD to be allowed to reach a maximum height of 50 feet above grade.
13. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The attached Initial Study has determined that the project, as proposed, would not have a significant effect upon the environment.
14. 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, library posting, and DRP website posting. Staff has received signed statements and photographs from the applicant's representative indicating that a public hearing notice was posted at the project site on February 10, 2012, reposted due to removal on February 11, 2012, and again reposted due to removal on February 17, 2012.

15. The Commission received a project comment letter from Mr. Henry Porter, President of the Southwest Community Association. He states that his group supports efforts to improve wireless coverage in the area. However, he suggested that project conditions be altered to allow a grant term of ten years and require the project's removal should the site be developed for residential use. He also requested that the applicant thoroughly explore the possibility of co-location at several existing wireless facilities in the area.
16. The construction of this wireless telecommunications facility is likely to adversely affect the health, peace, comfort or welfare of surrounding residents and be detrimental to surrounding properties. The photo simulations of the proposed facility provided by the applicant indicate that aesthetically obtrusive and incompatible with the surrounding area, as the facility would be isolated and higher than any other structure in the area. It would also be likely to interfere with future development of the site, which is zoned for commercial uses and is currently underutilized.
17. The applicant has neither demonstrated that the location and design of the proposed facility are the most appropriate for the area, nor that the proposed location is the most feasible site for the carrier to fill a gap in its coverage, as well as to provide relief for existing wireless facilities in the area. The monopole would be substantially visible from surrounding residences and Western Avenue, a major thoroughfare. Although the applicant has provided an alternative site analysis, it did not address all of the alternative sites that the Commission requested to be analyzed.
18. The proposed facility would not comply with all applicable development standards for the C-2 zone and the West Athens-Westmont CSD. The project would rise to a height of 53 feet above grade, which is greater than the maximum height allowed for communications and public safety structures in the CSD.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area; and
- B. The requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, but will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare; and
- C. The proposed site is inadequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features as is

required in order to integrate said use with the uses in the surrounding area; and

- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100129 is **DENIED**.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Commission Services, BOS

MK:TM
03/31/12