



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

November 21, 2012

Richard J. Bruckner
Director

Maryann Harwood
Reliant Land Services, Inc.
1576 N. Batavia St. Ste. C
Orange, CA 92867

**REGARDING: PROJECT NO. R2012-00035-(2)
CONDITIONAL USE PERMIT NO. 201200006
SW CORNER RAYMOND AVE/120TH ST (APN 6089-001-272)**

Hearing Officer Mitch Glaser, by his action of **November 20, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 4, 2012**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Andrew Svitek of the Zoning Permits West Section at (213) 974-6462, or by email at asvitek@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement
MK:AS

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00035-(2)
CONDITIONAL USE PERMIT NO. 201200006**

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, consisting of twelve (12) antennas and three (3) GPS units and associated equipment cabinets within the lease area pursuant to County Code Section 22.20.100 in the R-1 (Single-family Residence) Zone.
2. **HEARING DATE.** November 20, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on November 21, 2012 before the Hearing Officer. The applicant's representative, Maryann Harwood presented testimony in favor of the request and answered questions presented by the Hearing Officer. Ms. Harwood presented information explaining the alternative site analysis. One other speaker testified in favor of the request, and one speaker testified against the project. The applicant agreed to submit a revised plan showing a facility with a maximum height of 50 feet (including all palm fronds which will serve as camouflage) and to install creeping vines over the north and south faces of the exterior solid fence. The speaker who testified against cited concerns regarding possible health effects of the facility. The other neighbors who submitted written comments also mentioned concerns regarding possible health effects, interference with electronic equipment, and whether the size of the wireless tower is compatible with the mostly single story single-family residential neighborhood. There being no further testimony, the Hearing Officer closed the public hearing and approved the project.
4. **PROJECT DESCRIPTION.** A request for a conditional use permit to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, with an additional 5-foot of foliage consisting of twelve 8-foot antennas and three GPS antennas. The lease area will be 20 feet by 30 feet and will include 8 equipment cabinets and will be enclosed by a 6-foot high chain link fence.
5. **LOCATION.** The location is the southwest corner of 120th Street and Raymond Avenue, Westmont-West Athens.
6. **EXISTING ZONING.** R-1 (Single-family Residence) Zone
North: R-1 (Single-Family Residence)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: R-1 (Single-Family Residence)
7. **EXISTING LAND USES.** The subject property is developed with LADWP lattice transmission towers and overhead wires.

Surrounding properties are developed as follows:

North: single family residences
South: single family residences
East: single family residences
West: single family residences

8. **PREVIOUS CASES/ZONING HISTORY.** There are no previous cases on the subject property.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the RD 2.3 Single Family Residence designation of the Westmont-West Athens Plan. The 2.3 Single Family Residence land use designation is intended for single family residences and any structures and/or uses that are compatible with single family residences. The wireless communications tower is compatible because a WTF is a telecommunication facility that will serve the communication needs of residents and therefore supports the health, safety and general welfare of the community.
10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The proposed project complies with the development standards of the R-1 Zone, and the Westmont-West Athens Community Standards District. Because the proposed project is not a single family residence the standards relating to single-family residences are not applicable (Section 22.20.105). Height in R-1 Zone is limited to a maximum of 35 feet. However, in the Westmont-West Athens Community Standards District, wireless telecommunications facilities may be up to 50 feet in height. The proposed project is in compliance with the setback requirements and parking facilities requirements. The project is also consistent with the development standards for wireless telecommunication facilities as set out in the Planning Director's memorandum. Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010. The project is in compliance maximum height allowed in the zone, which is 50 feet. The project also uses appropriate screening and camouflage techniques because the cabinets will be behind a hedge and the antenna will be disguised as a monopalm. The monopoles shall be constructed so as to physically and structurally allow co-location of at least one other wireless facility. The facility will be secured from access by all persons other than authorized personnel.
11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project area is within an existing LADWP transmission line corridor which was constructed several decades ago and has coexisted with the single family residences. The proposed wireless telecommunications facility is compatible with the single family residential area as the transmission tower and cabinets will be located within a transmission line utility corridor sharing a boundary with streets on three sides (north, south and east) and a vacant lot and one residence (west). The lease area will be surrounded with a solid fence with creeping vines on two sides (north and south). The wireless telecommunications tower will be required to adhere to all health, safety, and building standards. The project therefore does not conflict with the permitted uses of the underlying land use category.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Due to the nature of the project (wireless telecommunications facility), other County agencies were not required to provide comments on this project for the conditional use permit.
13. **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 and property posting.
14. **PUBLIC COMMENTS.** A letter of support was received from the Southwest Community Association, recommending five conditions that were incorporated into the final conditions of approval. Three neighbors were opposed to the project (one testified, two written comments). The neighbors expressed concerns regarding the compatibility of the 50-foot high antenna with the surrounding mostly single story single-family residential neighborhood and cited possibility of health effects. The applicant presented its alternative site analysis showing that this location is necessary to provide coverage in this area. The design of the facility complies with the standards for wireless telecommunications towers, including camouflage of the antenna as monopalm and landscaping surrounding the fenced lease area. In response to the concerns about possible health effects, the Hearing Officer noted that the facility will be required to comply with the FCC safety standards for wireless telecommunications facilities and reports of compliance will be available upon request.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The proposed wireless telecommunications facility will provide phone, data and emergency communications services to the surrounding community. Therefore, the proposed use will be consistent with the adopted general plan for the area.
16. The proposed wireless telecommunications facility will be required to comply with all FCC regulations to protect the health and safety of the public. The facility will be required to be constructed according to the building code to ensure that it is structurally stable. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will 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 or general welfare
17. The proposed wireless telecommunications facility will be located adjacent to towers and overhead transmission lines and lattice towers in a zone that permits communications facilities. Therefore, 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, of as is

otherwise required in order to integrate said use with the uses in the surrounding area.

18. The proposed wireless telecommunications facility will be serviced approximately on a monthly basis and the land surrounding the lattice towers and the proposed facility is open and sufficiently large to allow for the parking of maintenance vehicles. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

19. The project involves the authorization for continued operation and maintenance of an existing wireless telecommunications facility with no alterations.

Therefore, project qualifies for a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

20. **TERM LIMIT.** 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 fifteen (15) years.
21. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will 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 or general welfare; and
- C. 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and

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

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Class 1 Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200006 is APPROVED subject to the attached conditions.

MK:AS
11/21/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00035-(2)
CONDITIONAL USE PERMIT NO. 201200006**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, consisting of twelve 8-foot antennas and three GPS antennas, within a 20-foot by 30-foot lease area containing equipment, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.
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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 20, 2027.** 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, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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 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. 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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) 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(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITY)

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
20. 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.
21. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
22. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
23. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

24. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
25. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
26. The maximum height of the facility shall not exceed fifty (50) feet above finished grade, including the antenna and all camouflage (palm fronds).
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. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed. The lease area shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. The lease area shall be landscaped and maintained with grass, shrubs and/or trees as shown on the approved Exhibit "A"
30. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement Section of the Department of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's

receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with Condition #29 (maintenance) and Condition #30 (removal).
32. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
33. The facility shall be secured by fencing, gates and/or locks. The western edge of the fence shall be screened with a landscaped barrier.
34. New equipment added to the facility shall not compromise the stealth design of the facility.
35. Appurtenant equipment boxes shall be screened or camouflaged.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monopalm fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.

PROJECT SITE SPECIFIC CONDITIONS

37. The fence shall be constructed of solid materials. The north and south faces of the proposed fence shall be landscaped with creeping vines.
38. Noise generating equipment shall be properly insulated and that insulation shall be maintained for the life of the installation.
39. Service to the facility shall be performed between the hours of 7:00 A.M. and 5:00 P.M. Monday to Saturday. Service shall not be performed on Sundays or holidays.
40. The public street shall be maintained free of mud, trash, or other debris that may be carried from the site by vehicle tires or other sources.
41. Contact information for Department of Regional Planning, Zoning Enforcement Section, and for Los Angeles Department of Water and Power, shall be posted in a conspicuous location fronting 121st Street at the entrance to the site.
42. Applicant shall submit a revised Exhibit "A" be submitted to Regional Planning within thirty (30) days showing a modified antenna design with a maximum height of 50 feet, including the topmost height of the camouflage (palm fronds). The revised Exhibit "A" should also show the location of the proposed landscaping, the sign, and

fence type. The lease area may be expanded to accommodate the requirements of a solid fence and landscape barrier of creeping vines.