

Hearing Officer Transmittal Checklist

Hearing Date 10/1/13
Agenda Item No. 5

Project Number: R2013-00362-(2)
Case(s): CONDITIONAL USE PERMIT NO. 201300022
Planner: Gretchen Siemers

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Photosimulations
- _____
- _____
- _____

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2013-00362-(2)

HEARING DATE

10/1/2013

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201300022

PROJECT SUMMARY

OWNER / APPLICANT

AT&T Wireless

MAP/EXHIBIT DATE

8/13/13

PROJECT OVERVIEW

The project is a new Wireless Telecommunication Facility (WTF). The WTF is 50 feet tall and disguised as a monotree (eucalyptus). The WTF includes a new equipment enclosure housing ancillary equipment including an emergency generator. Both the monotree and the equipment enclosure are surrounded by a 6-foot high fence. Existing on the property is a residential care facility (Boys Town).

LOCATION

15116 South Gibson Avenue, East Compton

ACCESS/

Via South Gibson Avenue

ASSESSORS PARCEL NUMBER(S)

6180 024 012, 6180 024 013

SITE AREA

0.94 Acres

GENERAL PLAN / LOCAL PLAN

Los Angeles County General Plan

ZONED DISTRICT

East Compton

LAND USE DESIGNATION

Category 1 (Low Density Residential)

ZONE

R-1

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

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

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.20.110-22.20.150 (R-1 Zone Development Standards)
- Consistency with Subdivision & Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunication Facilities)

CASE PLANNER:

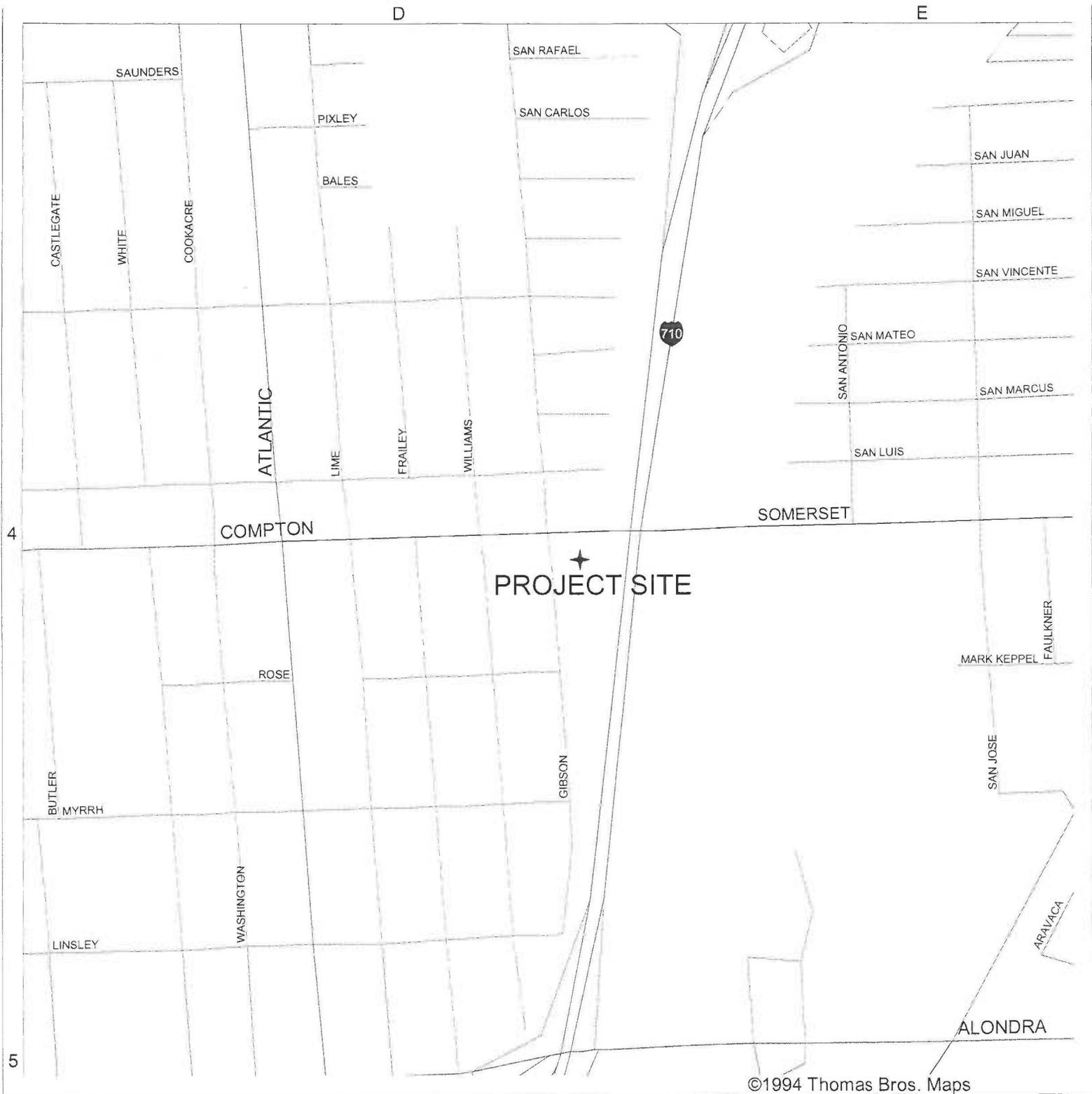
Gretchen Siemers

PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

gsiemers@planning.lacounty.gov



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VICINITY MAP

SITE : 15166 S. GIBSON AVENUE - LA0575-01

GC MAPPING SERVICE, INC.

3055 WEST VALLEY BOULEVARD

ALHAMBRA CA 91803

(626) 441-1080, FAX (626) 441-8850

GCMAPPING@RADIUSMAPS.COM

ENTITLEMENTS REQUESTED

- Conditional Use Permit (“CUP”) for the construction, operation, and maintenance of a Wireless Telecommunication Facility (“WTF”) in the R-1 (Single-Family Residence) Zone, pursuant to Los Angeles County (“County”) Code Section 22.20.100.

PROJECT DESCRIPTION

The project consists of a 46-foot tall WTF disguised as a eucalyptus tree, and associated ground level equipment. The WTF is located within an approximate 800-square foot lease area enclosed within a 6-foot high chain link fence with privacy slats, near the southeast corner of the parcel and adjacent to the 710 Freeway. The elevated equipment includes: twelve (12) 8-foot by 1-foot panel antennas reaching 44 feet high; twenty-four (24) remote radio units (RRUs) behind the top and bottom of each panel antenna; and two surge suppressors.

The ground-level equipment is stored in a 280-square foot equipment cabinet that reaches 10 feet in height and is painted a neutral beige color. A GPS antenna is mounted to the roofline of the shelter. One telecommunication cabinet and two air condition units are mounted to the outside walls of the shelter. The shelter has two small rooms, one housing the transmission equipment and one housing an emergency generator. The project includes the undergrounding of power transmission lines within a 5-foot wide utility easement that reaches to the utility room of the Boys Town residential care facility, located on the same parcel.

The site plans proposed indicate an inadequate rear yard setback. In the interest of time, the applicant has agreed to submit revised plans with the WTF moved 10 feet 6 inches to the north to avoid encroaching in the rear yard setback. This revision will not affect compliance with the front or side yard setback, or any other provision of Title 22.

EXISTING ZONING

The subject property is zoned R-1.

Surrounding properties are zoned as follows:

North: R-1, C-3 (Unlimited Commercial)

South: R-1; City of Compton

East: R-1; R-3-P (Limited Multiple Residence-Parking); C-3

West: R-1, City of Paramount

EXISTING LAND USES

The subject property is developed with a residential care facility.

Surrounding properties are developed as follows:

North: Single-family homes

South: Vacant land

East: Single-family homes, multi-family housing

West: 710 Freeway, Los Angeles River

PREVIOUS CASES/ZONING HISTORY

In 1939, Ordinance No. 3315 zoned the property and surrounding area A-1 (Light Agricultural).

In 1968, Ordinance 9506, Zoning Case 4940, changed the zoning on the property to C-3, P (Limited Multiple Residence-Parking), and R-3.

In 1992, Ordinance No. 920082, Zoning Case 90461, changed the zoning on the subject parcel to M-1-DP (Light Manufacturing-Development Program).

In 2003, Project 00-25 changed the zoning from M-1-DP to R-1 and approved a CUP for a 3-story residential care facility for youth that is currently located on the property.

ENVIRONMENTAL DETERMINATION

County Staff performed an Environmental Assessment of the project and determined that this project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to County environmental guidelines. The project qualifies for a Class 3 Exemption for new construction or conversion of small structures because the project is small in scale and not within an environmentally sensitive area. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Category 1 (Low Density Residential) land use category of the County General Plan ("General Plan"). This designation is intended for single family residential uses and limited public serving uses. The WTF, as a communication utility, is consistent with the land use designation, and is therefore consistent with the land use policy map of the General Plan.

The following policy of the General Plan is applicable to the proposed project:

- General Plan Public Services Policy 58: "Maintain high quality emergency response services." The continued use of the existing WTF provides cellular service to this neighborhood and such service is often used to make emergency

calls. The continued use of the existing facility will ensure that such service is readily available.

Zoning Ordinance and Development Standards Compliance

The Zoning Ordinance does not specify "WTF" as a use. The use which is consistent with a WTF specified in Title 22 is "radio or television stations and towers." Pursuant to Section 22.20.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone R-1, provided that a CUP is obtained. Pursuant to Part 2 of Chapter 22.20 of the County Code, establishments in the R-1 Zone are subject to the following development standards:

- Height: "Every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas."

The WTF exceeds the height allowed in the zone. However, Section 22.56.200 allows the Hearing Officer to specify the height limit for a use that requires a CUP. The proposed height of 46 feet is necessary for the communication equipment to provide adequate cellular coverage. The County Department of Regional Planning ("DRP") issued guidelines for staff on ensuring community compatibility of WTFs. The guidelines specify that WTFs in the R-1 zone are subject to the height limit in the zone. However, the guidelines also discuss WTFs within public rights-of-way. The maximum height of a WTF in the public right-of-way is 50 feet. Because the proposed project is adjacent to the 710 Freeway, the increased height is justified.

- Yards. "Each lot or parcel of land shall have... a front yard of not less than 20 feet in depth; a rear yard of not less than 15 feet in depth; and interior side yards of not less than five feet."

The WTF is located 11 feet, 6 inches from the rear and side yard. Thus the project is consistent with the side yard requirement, but not consistent with the rear yard requirement. However the applicant has agreed to relocate the WTF outside of the setback by moving it 10 feet 6 inches to the north; this will not affect compliance with the side or front yard setbacks.

- Parking. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. 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 existing WTF will be unstaffed and will require periodic maintenance visits only. Maintenance vehicles access the residential care facility parking lot to get to the roof, and maintenance staff utilize the existing 40-space parking lot for vehicular access. Therefore, the appropriate

parking for such a use would be one space, and that parking would be satisfied by the existing parking lot.

All other applicable development standards would be met by the facility. The proposed project does not impede the compliance of any development standard in the R-1 zone. All required setbacks are met with the proposed project.

Site Visit

Staff visited the site on August 16, 2013. No zoning violations were observed, and the site was determined to be adequate in size and shape to accommodate the WTF. The design of the eucalyptus tree is compatible with the area, as there are other similar trees in view.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

The proposed use is consistent with the adopted General Plan for the area as it is located within the "Category 1 – Low Density Residential" land use category of the General Plan. The "Category 1" land use designation is intended for low density residential uses as well as limited public services and utilities. The proposed WTF is consistent with the land use designation because WTFs are a utility used by businesses and residents in the area, and as an unstaffed use, the project will not introduce a more intensive use to the area. The facility is relatively small in scale and disguised as a tree, minimizing visual impacts. Furthermore, the project is consistent with General Plan Public Services Policy 58: "Maintain high quality emergency response services."

The proposed uses does not, and will not adversely affect the health, peace, comfort, or welfare of other persons residing or working in the surrounding area because the use is one of low intensity and functions without causing nuisances to others. The WTF is located in an area already developed and its appearance as a tree renders it barely distinguishable.

The proposed use does not, and will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site because the continued use of the WTF is located near the freeway and is designed to be indistinguishable from a tree, and will not deny others the right to enjoy or use their property. A billboard located adjacent to the parcel is comparable in height.

The proposed site is 0.94 acres and is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required to integrate said use with the uses in the surrounding area.

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 other public or private service facilities as required. The new WTF will be accessible from S. Gibson Avenue.

Neighborhood Impact/Land Use Compatibility

The proposed project is for the construction, operation, and maintenance of a WTF on a developed site near the 710 Freeway. The project's relatively small size, location near the freeway, as well as the appearance of the project as a eucalyptus tree, are compatible with the area.

The project site is adequately sized to accommodate maintenance vehicles for the WTF, and as such the project will not overburden the area with traffic, nor will other public or private services be impacted by the project. Access to the property is via S. Gibson Avenue, a local street. The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service. Furthermore, the applicant worked with staff to revise the first submittal in order to make the WTF more compatible in design and height.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments at this time.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Staff has not received any other agency comments or recommendations.

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.

PUBLIC COMMENTS

Staff has not received any comments at this time.

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 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 Project No. R2013-00362-(2), Conditional Use Permit No. 201300022 subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE PROJECT NO. R2013-00362-(2), CONDITIONAL USE PERMIT NO. 201300022 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Gretchen Siemers, AICP, Zoning Permits North Section
Reviewed by Susan Tae, AICP, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs, Photo Simulations, Aerial Image
Site Plan, Land Use Map

SMT:GS
9/18/2013

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00362-(2)
CONDITIONAL USE PERMIT NO. 201300022**

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T, is requesting a Conditional Use Permit ("CUP") for the construction, operation, and maintenance of a Wireless Telecommunication Facility ("WTF") in the R-1 (Single-Family Residence) Zone, pursuant to Los Angeles County ("County") Code Section 22.20.100.
2. **HEARING DATE.** October 1, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** [*To be inserted.*]
4. **PROJECT DESCRIPTION.** The project consists of a 46-foot tall WTF disguised as a eucalyptus tree, and associated ground level equipment. The WTF is located within an approximate 800-square foot lease area enclosed within a 6-foot high chain link fence with privacy slats, near in the southeast corner of the parcel and adjacent to the 710 Freeway. The elevated equipment includes: twelve (12) 8-foot by 1-foot panel antennas reaching 44 feet high; twenty-four (24) remote radio units (RRUs) behind the top and bottom of each panel antenna; and two surge suppressors.

The ground-level equipment is stored in a 280-square foot equipment cabinet that reaches 10 feet in height and is painted a neutral beige color. A GPS antenna is mounted to the roofline of the shelter. One telecommunication cabinet and two air condition units are mounted to the outside walls of the shelter. The shelter has two small rooms, one housing the transmission equipment and one housing an emergency generator. The project includes the undergrounding of power transmission lines within a 5-foot wide utility easement that reaches to the utility room of the Boys Town group home, located on the same parcel.

The site plans proposed indicate an inadequate rear yard setback. In the interest of time, the applicant has agreed to submit revised plans with the WTF moved 10 feet 6 inches to the north to avoid encroaching in the rear yard setback. This revision will not affect compliance with the front or side yard setback, or any other provision of Title 22.

5. **LOCATION.** 15116 South Gibson Avenue, East Compton.
6. **EXISTING ZONING.** The subject property is zoned R-1. Surrounding properties are zoned as follows:

North: R-1, C-3 (Unlimited Commercial)
South: R-1; City of Compton
East: R-1; R-3-P (Limited Multiple Residence-Parking); C-3
West: R-1, City of Paramount

7. **EXISTING LAND USES.** The subject property is developed with a residential care facility. Surrounding properties are developed as follows:

North: Single-family homes
South: Vacant land
East: Single-family homes, multi-family housing
West: 710 Freeway, Los Angeles River

8. **PREVIOUS CASES/ZONING HISTORY.** In 1939, Ordinance No. 3315 zoned the property and surrounding area A-1 (Light Agricultural).

In 1968, Ordinance 9506, Zoning Case 4940, changed the zoning on the property to C-3, P (Limited Multiple Residence-Parking), and R-3.

In 1992, Ordinance No. 920082, Zoning Case 90461, changed the zoning on the subject parcel to M-1-DP (Light Manufacturing-Development Program).

In 2003, Project 00-25 changed the zoning from M-1-DP to R-1 and approved a CUP for a 3-story residential care facility for youth that is currently located on the property.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Category 1 (Low Density Residential) land use category of the County General Plan ("General Plan"). This designation is intended for single family residential uses and limited public serving uses. The WTF, as a communication utility, is consistent with the land use designation, and is therefore consistent with the land use policy map of the General Plan.

The following policy of the General Plan is applicable to the proposed project:

General Plan Public Services Policy 58: "Maintain high quality emergency response services." The proposed WTF provides cellular service to this neighborhood and such service is often used to make emergency calls. The facility will ensure that such service is readily available.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The Zoning Ordinance does not specify "WTF" as a use. The use which is consistent

with a WTF specified in Title 22 is “radio or television stations and towers.” Pursuant to Section 22.20.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone R-1, provided that a CUP is obtained. Pursuant to Part 2 of Chapter 22.20 of the County Code, establishments in the R-1 Zone are subject to the following development standards:

- Height: “Every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas.”

The WTF exceeds the height allowed in the zone. However, Section 22.56.200 allows the Hearing Officer to specify the height limit for a use that requires a conditional use permit. The proposed height of 46 feet is necessary for the communication equipment to provide adequate cellular coverage. The County Department of Regional Planning (“DRP”) issued guidelines for staff on ensuring community compatibility of WTFs. The guidelines specify that WTFs in the R-1 zone are subject to the height limit in the zone. However, the guidelines also discuss WTFs within public rights-of-way. The maximum height of a WTF in the public right-of-way is 50 feet. Because the proposed project is adjacent to the 710 Freeway, the increased height is justified.

- Yards. “Each lot or parcel of land shall have... a front yard of not less than 20 feet in depth; a rear yard of not less than 15 feet in depth; and interior side yards of not less than five feet.”

The WTF is located 11 feet, 6 inches from the rear and side yard. Thus the project is consistent with the side yard requirement, but not consistent with the rear yard requirement. However the applicant has agreed to relocate the WTF outside of the setback by moving it 10 feet 6 inches to the north; this will not affect compliance with the side or front yard setbacks.

- Parking. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. 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 existing WTF will be unstaffed and will require periodic maintenance visits only. Maintenance vehicles access the residential

care facility parking lot and maintenance staff utilize the existing parking lot for vehicular access. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by the existing parking lot.

All other applicable development standards would be met by the facility. The proposed project does not impede the compliance of any other development standard in the R-1 zone.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed project is for the construction, operation, and maintenance of a WTF on a developed site near the 710 Freeway. The project's relatively small size, location near the freeway, as well as the appearance of the project as a eucalyptus tree, are compatible with the area.

The project site is adequately sized to accommodate maintenance vehicles for the WTF, and as such the project will not overburden the area with traffic, nor will other public or private services be impacted by the project. Access to the property is via S. Gibson Avenue, a local street. The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service.

Furthermore, the applicant worked with staff to revise the first submittal in order to make the WTF more compatible in design and height.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments from County departments were received.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No comments from other agencies were received.
14. **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.
15. **PUBLIC COMMENTS.** No comments from the public were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The proposed use is consistent with the adopted general plan for the area as it is located within the "Category 1 – Low Density Residential" land use category of the General Plan. The "Category 1" land use designation is intended for low density

residential uses as well as limited public services and utilities. The proposed WTF is consistent with the land use designation because WTFs are a utility used by businesses and residents in the area, and as an unstaffed use, the project will not introduce a more intensive use to the area. The facility is relatively small in scale and disguised as a tree, minimizing visual impacts. Furthermore, the project is consistent with General Plan Public Services Policy 58: "Maintain high quality emergency response services."

Therefore, the use is consistent with the adopted general plan for the area.

17. The use is one of low intensity and functions without causing nuisances to others. The WTF is located in an area already developed and its relatively small size and stealth design as a monotree renders it barely distinguishable.

Therefore, the requested use at the location proposed does not, and 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.

18. The subject WTF is located in adjacent to the 710 Freeway and is configured to adequately accommodate all development features, including one parking stall available for monthly maintenance vehicles. The setback, parking, and other development features that are required have been met.

Therefore, the 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.

19. The 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 other public or private service facilities as required. The WTF is accessible from S. Gibson Avenue, a local street.

Therefore, the 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

20. The project is for the construction, operation, and maintenance of a WTF. The WTF consists of a 46-foot tall eucalyptus monotree, and associated ground level equipment. The project site is not in an environmentally sensitive area as mapped or adopted by the County, and, therefore, is not an exception to the Categorical Exemption.

Therefore the project qualifies as a Categorical Exemption 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.

21. **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.
22. **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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the 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 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 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 substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 3 (small structures) categorical exemption.
2. In view of the findings of fact and conclusions presented above, CUP **201300022** is Approved subject to the attached conditions.

Action Date: October 1, 2013

SMT:GS

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00362-(2)
CONDITIONAL USE PERMIT NO. 201300022**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") to authorize the construction, operation, and maintenance of a Wireless Telecommunication Facility ("WTF") in the R-1 (Single-Family Residence) Zone, 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 October 1, 2028.** 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 CUP 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 (1) year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
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) 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 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 to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
14. All development pursuant to this grant 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 of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. 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.

17. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" 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(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon request, the permittee shall submit to the Zoning Enforcement Section 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.
21. 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.
22. Any proposed WTF that will be co-locating on the 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 Regional Planning.
23. 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.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all 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.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
28. The maximum height of the facility shall not exceed forty-six feet (46') above grade.
22. The name, address and telephone number of the service provider shall be displayed on the subject property.
29. Within 30 days of change in facility ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new facility owner.
30. 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.
31. 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. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
32. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
33. The Regional Planning project number, CUP number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

34. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of chain link with slats. Barbed wire and chain link without slats are prohibited.
35. Within 30 days of approval, the permittee shall submit a new Exhibit "A" for Director approval showing the relocated WTF to accommodate the required 15-foot rear and 5-foot interior side yard setbacks. All other design and construction features, as required in Condition No. 26, shall be the same as those in the plans and photo-simulations brought forth at the public hearing.

PROJECT SITE SPECIFIC CONDITIONS

36. This CUP shall authorize the construction, operation, and maintenance of a WTF disguised as a 46-foot tall eucalyptus tree, with associated ground-level equipment located within a 280-square foot equipment cabinet.

SMT:GS



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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.

SEE ATTACHED

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.

SEE ATTACHED

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.

see attached

CUP-Burden of Proof
AT & T Site # LA0575-01
15116 South Gibson Ave., Compton Area

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**

After comparison of other potential site locations in the surrounding area, the project site at 15116 South Gibson Ave. offered the most desirable location in the interest of health, peace, comfort, and welfare of persons residing or working in the surrounding area. The proposed project design and location will have only positive effects on the community in that the project will provide access to reliable wireless telecommunications services for AT & T customers. Reliable access to wireless services is necessary in times of emergencies, for business use, and convenient for personal and family use. The proposed use of a monopine design will allow the facility to provide reliable wireless services without being unsightly or causing adverse impacts to persons residing or working in the surrounding area.

- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**

The proposed project will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site in that: (1) the proposed facility structures and equipment will be screened from public view by existing trees, other landscaping, and fencing that surround the property; (2) the antenna support pole will be disguised as a pine tree ("monopine"); and (3) access to the site is behind a locked, secure gate/fence along South Gibson Ave. The proposed stealth design and strategic location will alleviate any potential adverse impacts to adjacent uses or structures in the vicinity.

- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

The proposed project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare in that the project will be unmanned and not generate any smoke, odor, noise, or other adverse impacts to the surrounding properties. The proposed use will also have no impact on parking, traffic, circulation or density in the area. The proposed project will also not adversely affect existing viewsheds nor will it adversely affect any scenic or natural vistas.

- 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 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area in that the proposed project will occupy only about 900 square feet of an existing +/- 1 acre vacant parcel. The location of the equipment will not impact any existing yards, walls, fences, parking, etc.

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

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 in that the proposed project is unmanned so it generates no traffic above and beyond existing traffic in the area. The project will be accessed via an existing paved driveway access off South Gibson Avenue.

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

The proposed site is adequately served by other public or private service facilities as are required in that the proposed project will have access to existing electrical and telephone services in the area. There is adequate electrical and landline telephone service to accommodate the project needs.



R2013-00362-(5)

Print Date: 09/19/2013

Image Date: 02/10/2011

Level: Neighborhood