



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 5, 2016

Justin Robinson
1750 E. Ocean Boulevard #906
Long Beach, CA 90802

**REGARDING: PROJECT NO. R2013-02962-(5)
CONDITIONAL USE PERMIT NO. 201300155
2561 FAIR OAKS AVENUE, ALTADENA, CA (5835-011-025)**

Hearing Officer, Bruce Durbin, by his action of **April 5, 2016**, 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).

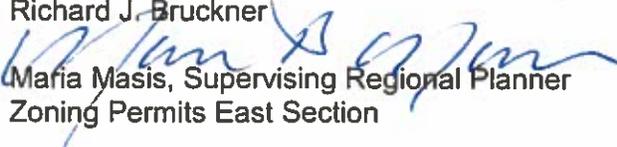
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **April 19, 2016**. **Appeals must be delivered in person.**

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 Carl Nadela of the Zoning Permits East Section at (213) 974-6475, or by email at cnadela@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


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance

c: DPW (Building and Safety); Zoning Enforcement

MM:CN

CC.060412

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02962-(5)
CONDITIONAL USE PERMIT NO. 201300155**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500155 ("CUP") on January 5, 2016 and April 5, 2016.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize a new Wireless Telecommunication Facility (WTF) disguised as a eucalyptus tree in the parking lot of an existing church ("Project") on a property located at 2561 Fair Oaks Avenue in the unincorporated community of Altadena ("Project Site") in the C-3 Zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.6 acres in size and consists of two legal lots. The Project Site is rectangular in shape with flat topography and is developed with a church and an associated parking lot.
4. The Project Site is located in the Altadena Zoned District and is currently zoned as C-3 (General Commercial).
5. The Project Site is located within the GC (General Commercial) land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-3, R-2 (Two-Family Residence), R-1-7500 (Single Family Residence with a Minimum Lot Area of 7,500 square feet)
 - South: C-3, R-2, R-1-7500
 - East: C-3, R-2, R-1-7500
 - West: R-1-7500
7. Surrounding land uses within a 500-foot radius include:
 - North: Office buildings, commercial uses, two-family residence, single family residences
 - South: Commercial uses, single-family residences
 - East: Office buildings, commercial uses, single-family residences
 - West: Single-family residences
8. Ordinance 5541 was adopted on May 9, 1950, which established the C-2 (Neighborhood Business) zone on the subject property.

Ordinance 6783 was adopted on October 4, 1955, changing the zone of the subject property to C-3.

Building Permit records indicate that the structure was formerly used as a Post Office in the 1960's. There is no record in Regional Planning indicating the establishment of the currently existing church at the site. However, the board of trustees of the church indicated that they had moved into the site in the 1980's.

9. The site plan for the Project depicts the subject property with access from Fair Oaks Avenue. It shows the existing church building and associated parking lot. It also shows the location of the WTF, including the mono-eucalyptus tree and the equipment cabinets and back-up generator.
10. The Project Site is accessible via Fair Oaks Ave to the east.
11. The site plan indicates the parking areas for the church. These provide ample parking spaces to serve the parking needs for the regular maintenance activities needed for the WTF located at the site.
12. Two other alternative sites were considered for the project, including a mono-palm at the Baja Ranch Market at 2515 Fair Oaks Ave and a mono-pine at the cemetery at 2300 Fair Oaks Avenue. This project site was deemed most feasible since it was in the center of the RF selected Search Area; the property owner was amenable to the project; the surrounding properties have extensive tree cover that make a faux-tree design feasible, and the other two sites were not technically feasible.
13. Wireless phone coverage maps indicate that this facility is necessary to ensure that there are no gaps in wireless phone coverage in the area.
14. A Radio Frequency Exposure FCC Compliance Assessment by Hammett and Edison, Inc., Consulting Engineers, has been prepared and submitted for the site indicating that the facility is in compliance with FCC limits and guidelines on RF emissions.
15. The Los Angeles County Department of Public Health, Environmental Health Division (DPH) was asked to review the project, particularly with regards to the potential impacts of the back-up generator. A letter from DPH dated June 9, 2015 indicates that they have reviewed the project and recommends approval of the CUP.
16. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the faux-tree, antennas and equipment proposed to be installed by the Project are small and limited in scale and impacts.
17. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

18. Prior to the hearing, the applicant has also conducted and/or attended a number of community meetings and has redesigned the project to address the concerns raised by the community as well as by staff.

The application was first filed on October 15, 2013. At the request of staff, the applicant consulted with various agencies including the Los Angeles County Departments of Public Health and Public Works. Upon getting feedback from these agencies, the applicant then held a neighborhood meeting with the residents within 1000-foot radius of the property. The applicant then presented the project, as well as subsequent revised designs, to the Land Use Committee of the Altadena Town Council on October 6 and November 3, 2015. On December 1, 2015, the Land Use Committee voted to recommend approval of the project to the Altadena Town Council.

19. Staff received three emails from the community opposing this project, as well as another proposed mono-palm by Verizon located at 2949 Lincoln Avenue. Staff also received two petitions opposing both projects. The first petition contained 27 signatures from the residents of the area and the second petition contained the signatures from the first petition as well as 30 signatures from parents of children attending the Pasadena Waldorf School. Both petitions indicate their opposition to new cell phone towers in the neighborhood of Altadena as well as near their children's schools in Altadena or Pasadena. The cover email of the petition also raised the issue of over concentration of cell phone towers in the area which was the historically lower income side of Altadena.

Aside from these, staff also received two emails in opposition specifically to this project. Issues raised were the proliferation of wireless towers in the area, as well as a socioeconomic bias of the current zoning of the area as it allows wireless towers in the lower income west side of Altadena and not in the more affluent east side. Suggestions made were for the applicant to co-locate at an existing facility or relocate to a different area where there are no two existing towers.

20. The Hearing Officer held a duly-noticed public hearing on the Conditional Use Permit on January 5, 2016. The Hearing Officer heard a presentation from Regional Planning staff. Staff recommended continuance of the item to allow for the property owner to file for a Plot Plan for the underlying church use on the property. The representative of the permittee provided testimony, followed by two members of the public who voiced opposition to the project. As recommended by staff, the Hearing Officer continued the public hearing to April 5, 2015. On this date, staff reported that a Plot Plan for the church has been approved and recommended approval of the project. The representative of the permittee was present at the hearing to answer any questions but did not provide additional testimony aside from the fact that they accept the findings and conditions. The Hearing Officer closed the public hearing, determined the project to be categorically exempt from the California Environmental Quality Act requirements and approved the Conditional Use Permit subject to the attached findings and conditions.

21. The Hearing Officer finds that the WTF and accessory equipment, are consistent with the GC (General Commercial) land use category of the Altadena Community Plan.

This designation is intended to ensure that development on the subject property is consistent with the Altadena Community Plan. The proposed WTF supports several of the policies of this Plan and is therefore consistent with the underlying land use designation of the Community Plan.

22. The Hearing Officer finds that the WTF and accessory equipment are consistent with the C-3 Zone pursuant to section 22.28.210 (C-3 Development Standards) of the County Code.

23. The Hearing Officer finds that the proposed project meets the Conditional Use Permit Burden of Proof requirements pursuant to section 22.56.040 of the County Code.

24. The Hearing Officer finds that the requested use at this location will not adversely affect the health, peace, comfort or welfare of persons residing, working or commuting in the 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 health, safety or general welfare of the public.

The WTF provides necessary wireless telecommunication service to the area that helps promote the safety, security and general welfare of the residents, workers and commuters in the area. Furthermore, being designed as a faux-eucalyptus tree and located in the middle of an existing parking lot, the WTF is of adequate distance and camouflaging from public areas.

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

The project site is approximately 0.6 acres with a fairly large parking lot which easily accommodates the proposed WTF. The WTF is located in the middle of the parking lot and is adequately disguised and set back from public areas.

26. The Hearing Officer finds 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. The proposed site is adequately served by public utilities as required by the proposed use.

The existing church, as well as the WTF, are directly adjacent to Fair Oaks Avenue, a major roadway, and have access to energy and other public utilities.

27. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
28. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Altadena Library at 600 E. Mariposa St., Altadena, CA 91001. On November 12, 2015, a total of 337 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 4 notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
29. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the Altadena Community Plan.
- B. The proposed use at the site 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.
- C. 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.
- D. 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 HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and

2. Approves Conditional Use Permit No. 201300155, subject to the attached conditions.

ACTION DATE: April 5, 2016

MM:CN

12/9/2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02962-(5)
CONDITIONAL USE PERMIT NO. 201300155**

PROJECT DESCRIPTION

The project is an authorization for a new Wireless Telecommunication Facility (WTF) disguised as a eucalyptus tree in the parking lot of an existing church 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 reasonably 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 reasonably 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 April 5, 2031.** 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) 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 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 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 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **June 5, 2016**.
18. 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 substantially conform to the originally approved Exhibit "A". 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 (WTF)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon completion of construction of the facility, the permittee shall provide upon request 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 permittee 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 proposed facility will be required to provide upon request 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. 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.
24. Pole mounted lighting is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

25. 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.
26. Placement and height of all antenna and 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 58 feet, as shown on the Exhibit A.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
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 by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice.
32. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
33. The 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.
34. Upon termination of this grant or after the construction of this facility, if 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.