



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



April 19, 2016

Richard J. Bruckner
Director

VERIZON WIRELESS – SMSA LIMITED PARTNERSHIP
C/O MIGUEL SAMAYOA
2362 MCGAW AVENUE
IRVINE, CA 92614

**REGARDING: PROJECT NO. 2014-02172-(2)
CONDITIONAL USE PERMIT NO. 201400096
6025-025-038**

Hearing Officer Bruce Durbin, by his action of **April 19, 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 **May 3, 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. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. 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 Phillip Smith of the Zoning Permits Section at (213) 974-6454, or by email at psmith@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:PS

CC.060412

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02172-(SUP DISTRICT 2)
CONDITIONAL USE PERMIT NO. 2014-00096**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on April 19, 2016, in the matter of Conditional Use Permit No. 201400096 ("CUP").
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the establishment and maintenance of a 49-foot tall wireless telecommunication facility pursuant to County Code section 22.32.190 for a project in the M-2 (Heavy Industrial) Zone ("Project") on a property located at 2121 Nadeau St in the unincorporated community of Florence-Firestone ("Project Site").
3. The Project Site is 1.02 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with generally flat topography and is developed with an existing truck storage lot, a two-story 6,570 square foot gas station with market and a one-story 850 square foot office.
4. The Project Site is located in the Roosevelt Park Zoned District and is currently zoned M-2 (Heavy Manufacturing).
5. The Project Site is located within the I-Major industrial land use category of the General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-3 (Limited Density Residence), M-2(Heavy Manufacturing)
 - South: C-2(Neighborhood Business); C-M (Commercial Manufacturing), M-2
 - East: M-2
 - West: C-2; R-3
7. Surrounding land uses within a 500-foot radius include:
 - North: Auto Repair
 - South: Parking Lot; Residence; Vacant Lot
 - East: Railroad corridor; Auto Truck Repair
 - West: Residence
8. The subject property was previously zoned M-1/M-2 under Ordinance 8711 which was passed October 29, 1940. The property was rezoned entirely to M-2 under the General Plan 2035 which was passed November 5, 2015.
9. The site plan for the Project depicts the project site with a new 49-foot mono-palm on a lease site of 450 square feet (15 X 30 feet). The plan depicts twelve (12) panel antennas, twelve (12) RRUs with A2 Backpack three (3) arrays, two (2) raycaps &

one (1) microwave dish mounted on a proposed 49-foot utility pole disguised as a monopalm on the north side of a 1.02 acre parcel. There is also a proposed 8'-0" utility cabinet at the base of the monopalm built on a new concrete slab at grade. The lease area is delineated with a cinder block wall enclosure. Within the enclosure will be a standby generator and two (2) raycaps mounted on the new concrete slab inside of a new CMU wall enclosure. The antennas will be painted to match the monopalm and faux bark will be applied to the support pole to resemble the trunk. Ingress and egress to the facility is available at several points along Nadeau Street.

10. The Project Site is accessible via Nadeau Street to the south. Primary access to the Project Site will be via an entrance/exit on Nadeau Street.
11. The project will not provide any dedicated parking and will rely on existing on-site parking areas for maintenance visits.
12. The County Department of Public Health cleared the project on October 20, 2015 but commented that the project must comply with the Toxics- Epidemiology Program and the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12. The Fire department cleared the project on September 21, 2015 with no comments or conditions. Public Works cleared the project on November 3, 2015 with the condition imposed that the project must obtain building permits from the Building and Safety Division.
13. Prior to the public hearing on the Project, the 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 project involves construction of a facility in an existing urbanized area that will not significantly alter or impact the existing development pattern and land use of the area.
14. 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 hearing by mail, newspaper, and property posting.
15. A Florence-Firestone Community Leaders meeting was held on July 8, 2015. During the meeting a brief overview of the project was presented to community members by the applicant. No complaints were submitted to Regional Planning at that time and no calls in opposition have subsequently been made to the department.
16. A duly noticed public hearing was held on April 19, 2016 before the Hearing Officer. The applicant's representative, Miguel Samayoa presented testimony in favor of the request and answered questions presented by the Hearing Officer. Testimony was also heard from Danilo Diaz, who expressed concern of the perceived adverse effects posed by the construction of a new wireless facility. There being no further

testimony, the Hearing Officer closed the public hearing and adopted the recommended changes by staff and agreed to by the applicant.

17. The Hearing Officer finds that the project is consistent with the plans and policies of the Countywide General Plan. The WTF is located in an urbanized area, served by public services, and is consistent with the countywide policies encouraging the use of existing investment in public services. As part of the communication infrastructure, the WTF is also consistent with and furthers the policy goals of maintaining high quality emergency response services.
18. The Hearing Officer finds that the Project is allowed in the subject zone category with the approval of a conditional use permit. Further, the Project is consistent with the development standards of the M-2 zone as set forth in section 22.32.190 of the County Code.
19. The Hearing Officer finds that the project is adequately camouflaged to prevent visual impacts to the surrounding neighborhood. The palm tree camouflage is consistent with the palm trees found in the landscaped setback of the property on which the Project is located.
20. The Hearing Officer finds that as an unmanned facility, the Project will not generate any significant additional activity to the area.
21. The Hearing Officer finds that the Project is adequately secured by proposed CMU wall around the lease area and existing fencing around the entire property to ensure access only to authorized personnel.
22. The Hearing Officer finds that the Project Site is adequate in size to accommodate all project components.
23. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to accommodate the kind and quantity of traffic the Project would generate.
24. The Hearing Officer finds that the Project is compatible with the surrounding land uses through the location and design of the facility, placed closer to industrial uses and disguised as a palm tree, which blends in with the existing landscaping on site.
25. 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.
26. 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 libraries located in the vicinity of the Florence- Firestone community. On March 15, 2016, a total of 91

Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 1 notice to those on the courtesy mailing list for the Florence Firestone Zoned District and to any additional interested parties.

27. 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 West 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.
- 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 21000 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
- 2. Approves Conditional Use Permit No. 2014-00096, subject to the attached conditions.

ACTION DATE: April 19, 2016

MK:PS

04/19/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02172
CONDITIONAL USE PERMIT NO. 201400096**

PROJECT DESCRIPTION

The project is a request to authorize the construction and operation of a 49-foot tall wireless telecommunications facility (WTF) disguised as a monopalm. The WTF consists of twelve panel antennas, twelve RRUs with A2 Backpack, three arrays, and equipment and utility cabinets, among other necessary improvements, 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 April 19, 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 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 ("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 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.
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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval which will be June 18, 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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.
19. **PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATION FACILITY)**
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. Upon request, the permittee shall provide 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.
22. 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.
23. 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.
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. If any external lighting is proposed, including security lighting, it 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.
26. 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.
27. 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.
28. The maximum height of the facility shall not exceed 49 feet above finished grade.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
30. 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.
31. 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.
32. 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. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
33. 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.
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 wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

35. New equipment added to the facility shall not compromise the stealth design of the facility.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or 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.
37. Appurtenant equipment boxes shall be screened or camouflaged.
38. This grant entitles the permittee the use of a new wireless telecommunications facility built on a new mono-palm but does not entitle the permittee to retain the pole for its sole use. Notwithstanding the provision of Condition No. 9 if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee will be required to either obtain a new conditional use permit to either relocate its facilities or install a new pole and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
39. 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.

PROJECT SITE SPECIFIC CONDITIONS

40. The antennas and power equipment cabinets shall be painted and maintained with a color that blends into and harmonizes with the surroundings, shall not be glossy or reflective in nature, and shall be maintained in good condition at all times.
41. No cigarette smoking shall be allowed in the vicinity of the construction area.
42. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated October 20, 2015.

MK:PS