Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

May 24, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NO. R2014-02389-(4)
CONDITIONAL USE PERMIT NO. 201400111
ENVIRONMENTAL ASSESSMENT NO. 201400192
APPLICANT: VERIZON WIRELESS
PUENTE ZONED DISTRICT
(FOURTH SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

A Conditional Use Permit (CUP) is requested to authorize the construction and maintenance of a 50-foot high unmanned monoeucalyptus wireless telecommunications facility on a 0.49 acre parcel of land within the unincorporated community of Rowland Heights at 2356 Fullerton Road. The property is zoned A-1-6,000 (Light Agricultural-6,000 square-foot minimum lot area). A CUP would authorize the maintenance and operation of the wireless facility on the project site. This project was approved by the Regional Planning Commission (Commission) on February 24, 2016. The Board of Supervisors (Board) called the project up for review on March 8, 2016.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Adopt the Categorical Exemption (Class 3, New Construction or Conversion of Small Structures) associated with Environmental Assessment No. 201400192, finding that the project will not have a significant effect on the environment.

2. Instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of CUP No. 201400111.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The subject property is currently zoned A-1-6,000 (Light Agricultural-6,000 square-foot minimum lot area). A wireless telecommunications facility is not a specified use in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.24.100 of the County Code, these are permissible uses in the A-1 Zone, provided a CUP has first been obtained, subject to the following development standards:

- Pursuant to Section 22.52.1220 of the County Code, one parking space should be provided. The parking space is required for site visits done on a monthly basis by maintenance personnel. The project site provides parking to meet this requirement.

- Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, appurtenant equipment boxes shall be screened or camouflaged. The appurtenant equipment will be screened within a 690.33 square-foot lease area.

- Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, when the wireless facility's fences or walls are visible from the public right-of-way, landscaping shall be provided to screen the fence or wall from the street. A minimum planter width of five feet shall be provided. The project will provide landscaping to meet this policy requirement.

The subject property has existed as a gas station use (Arco and Chevron) for more than 20 years. Several building permits have been issued for the existing use. The Chevron gas station occupies the southern half of the property. The northern portion of the property, where the wireless telecommunications facility will be located is used for parking. Adequate parking will be maintained to serve the gas station use. The wireless telecommunications facility will be located along the northern boundary of the property along Fullerton Road and Bellorita Street.

Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. Verizon wireless facilities are regulated by the Federal Communications Commission (FCC). The disguised nature of the facility as a eucalyptus tree and its location towards the rear of the property allow the gas station to be used just as it is currently. It will not affect vehicular circulation within the customer parking lot. No discernible noises, smells, light, glare or traffic will be produced by the proposed facility. The equipment will be fully secured by an enclosure and will provide needed voice, data and 911 services to the

area. Any concern raised regarding the potential health effects for residents, from radio frequency emissions from the facility antennas, is not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

> "IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emission."

As a condition of approval for this case, the applicant will have to comply with emission standards of the Public Utilities Commission of the State of California (CPUC).

Implementation of Strategic Plan Goals

This CUP promotes the County's Strategic Plan Goal of Community Support and Responsiveness by providing enhanced services. The wireless telecommunications facility will provide enhanced mobile phone service and ensure that local cellular service will remain readily available to the surrounding community in emergency situations. The project component (CUP) was carefully researched and analyzed to ensure that quality information regarding the subject property is available.

FISCAL IMPACT/FINANCING

The approval of the CUP should not result in any new significant costs to the County.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A duly noticed public hearing was held on August 18, 2015, before Hearing Officer Gina Natoli. The applicant's representative, Ross Miletich, was present to answer questions regarding the project. The Hearing Officer asked for a more detailed explanation of the possible alternative sites submitted by the applicant. Michelle Nicolaus spoke in opposition to the project, highlighting concerns with better alternatives for the wireless facility. There being no further testimony, the Hearing Officer, being of the opinion that the proposed site was the best option for the wireless telecommunication facility and there is a lack of feasible alternative sites, closed the public hearing and approved the project.

On August 26, 2015, during the meeting of the Commission, Commissioner Curt Pedersen requested the project be called up for review by the Commission. On

November 4, 2015, the public hearing for the subject project was continued to December 9, 2015, to allow the applicant time to meet with the Rowland Heights Community Coordinating Council and conduct additional community outreach.

A duly noticed public hearing was held on December 9, 2015, before the Commission. The applicant's representative, Maree Hoeger, and Verizon Wireless staff member, Mark Kay, were present to speak in favor of and answer questions regarding the project. Commissioner Pedersen had specific questions regarding alternate sites and the applicant's determination that those sites are cost prohibitive and rent exorbitant. Following further discussion, Commissioner Pedersen moved to continue the hearing to January 20, 2016, to allow the applicant time to prepare supporting documentation in response to the Commission's concerns regarding the feasibility of alternative sites.

A continued public hearing was held on January 20, 2016, before the Commission. The applicant's representatives, Maree Hoeger and Ashley Whinnery, were present to speak in favor of and answer questions regarding the project. Ms. Hoeger read a letter prepared in response to the Commission's request for additional information regarding the cost prohibitive aspect of alternative sites within County parks, during the public hearing held on December 9, 2015. Commissioner Pedersen expressed concern with the lack of time given for staff to review the additional information submitted by the applicant and indicated more time would be needed to allow staff to confirm and verify contract terms with the Department of Parks and Recreation. Following further discussion, Commissioner Pedersen moved to continue the hearing to February 24, 2016.

A continued public hearing was held on February 24, 2016, before the Commission. The applicant's representatives, Maree Hoeger and Mike Watson, were present to speak in favor of and answer questions regarding the project. Following further discussion, the Commission approved the project unanimously.

On March 8, 2016, during the meeting of the Board, Supervisor Don Knabe initiated a call for review of the Commission's approval of Project No. R2014-02389-(4), consisting of CUP No. 201400111, and directed the Executive Officer of the Board to set the matter for public hearing.

ENVIRONMENTAL DOCUMENTATION

The Department of 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 (CEQA), (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document

Reporting Procedures and Guidelines for the County because the project involved the installation of a new wireless telecommunications facility that will have a less than significant impact on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed CUP is not anticipated to have a negative impact on current services.

For further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:MM:MRB:lm

Attachments: Findings and Conditions, Commission Staff Report and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

K_CP_052416_PROJECT_NO_R2014_02389

LOS ANGELES COUNTY BOARD OF SUPERVISORS

AGENDA ENTRY

DATE OF MEETING:	MAY 24, 2016
DEPARTMENT NAME:	REGIONAL PLANNING
BOARD LETTERHEAD:	DEPARTMENT
SUPERVISORIAL DISTRICT AFFECTED	4TH DISTRICT
VOTES REQUIRED	3-VOTE
CHIEF INFORMATION OFFICER'S RECOMMENDATION	NONE

*** * * * *ENTRY MUST BE IN MICROSOFT WORD* * * * ***

Instructions: To comply with the Brown Act requirement the reader should fully understand what the department is asking the Board to approve. The recommendation must describe what the action is for; with whom the action is being taken; fiscal impact, including money amounts, funding sources, and effective dates. Also, include an instruction for the Chair(man) or Director to sign when such signature is required on a document.

PROJECT NO.: R2014-02389-(4)

PUBLIC HEARING

BOARD AGENDA TEXT:

1. De novo hearing on Project No. R2014-02389-(1), Conditional Use Permit No. 201400111, and Class 3 Categorical Exemption associated with Environmental Assessment No. 201400192, to authorize the construction and maintenance of a 50-foot high unmanned monoeucalyptus wireless telecommunications facility. The project is located at 2356 Fullerton Road in the Puente Zoned District within the Rowland Heights Community Standards District and is applied for by the applicant, Verizon Wireless.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 24, 2016

Core Development Services
Attn: Maree Hoeger
2749 Saturn Street
Brea, CA 92821

REGARDING: **PROJECT NO. R2014-02389-(4)**
CONDITIONAL USE PERMIT NO. 201400111
2356 FULLERTON ROAD (8268-017-035)

The Regional Planning Commission, by its action of **February 24, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Commission'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 Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **March 9, 2016. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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 Michele Bush of the Zoning Permits East Section at (213) 974-6435, or by email at mbush@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 (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement

MM:MRB

CC 060412

FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02389-(4)
CONDITIONAL USE PERMIT NO. 201400111

1. The Los Angeles County ("County") Regional Planning Commission conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400111 ("CUP") on February 24, 2016.

2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility ("Project") on a property located at 2356 Fullerton Road in the unincorporated community of Rowland Heights ("Project Site") in the A-1-6,000 (Light Agricultural-6,000sf minimum lot) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100.

3. The Project Site is 0.49 gross acres in size and consists of two legal lots. The Project Site is irregular in shape with relatively flat topography and is developed with an existing Chevron gas station with parking lot.

4. The Project Site is located in the Puente Zoned District and is currently zoned A-1-6,000 to the north and along a portion to the southeast, and C-1 (Restricted Business) along a portion to the southwest. The wireless telecommunications facility will be located within the A-1 Zone to the north.

5. The Project Site is located within the U2-Urban 2 (3.3 to 6.0 du/ac) land use category of the Rowland Heights Community Plan.

6. Surrounding Zoning within a 500-foot radius includes:

   North: A-1-6,000
   South: C-1
   East: A-1-6,000
   West: R-A-9,000 (Residential Agricultural)

7. Surrounding land uses within a 500-foot radius include:

   North: Single-Family Residential
   South: Commercial
   East: Single-Family Residential
   West: Single-Family Residential

8. The subject property has existed as a gas station use (Arco and Chevron) for more than 20 years. Several building permits have been issued for the existing use.

9. The site plan for the Project depicts the project site developed with an existing gas station. The Chevron gas station occupies the southern half of the property. The northern portion of the property, where the wireless telecommunications facility will be located, is used for parking. Adequate parking will be maintained to serve the gas station use. The wireless telecommunications facility will be located along the

northern boundary of the property along Fullerton Road and Bellorita Street. The wireless telecommunications facility consists of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility to include 12 panel antennas, one (1) microwave dish, two (2) fiber demarcation boxes and 12 RRUs. Verizon wireless will also install three (3) equipment cabinets, two (2) battery cabinets and one (1) stand-by generator within a CMU enclosure. Two (2) GPS antennas will be mounted to the proposed equipment cabinets. The wireless telecommunications facility will be located within a 690.33-square-foot lease area.

10. The Project Site is accessible via Fullerton Road and Mescal Street to the west and south.

11. Adequate parking is provided to serve the gas station use. Two existing parking spaces will be relocated on-site to accommodate the wireless telecommunications facility. One parking space is necessary for site visits done on a monthly basis by maintenance personnel. The project site provides parking to meet this requirement.

12. Based on a letter from the County of Los Angeles Department of Public Works, dated January 14, 2015, Public Works recommends approval of this conditional use permit.

13. Based on a letter from Rowland Heights Community Coordinating Council, Inc. (RHCCC), dated October 21, 2015, the Rowland Heights Community Coordinating Council disagrees with the finding of the Hearing Officer at the August 18, 2015 public hearing. The letter stated the RHCCC joins with petitioners living in and around the immediate vicinity of the project in opposing its construction at the proposed location. The RHCCC stated they contend the project should be denied for any one, if not all, of the following reasons:

    - Applicant failed to demonstrate the site of the proposed facility is the least intrusive feasible means of reducing the coverage gap
    - Failure of applicant to provide all project data and documentation required by the Permit Application
    - The project does not comply with the aesthetic requirements of LA County Policy No. 01-2010 Wireless Telecommunication Facilities
    - Project does not comply with the intent of Rowland Height Community Plan, Goals, Aesthetics and Scenic Highway Element
    - Project does not comply with Rowland Heights Community Standards for Landscaping and Setbacks

    Based on an additional letter from Rowland Heights Community Coordinating Council, Inc. (RHCCC), dated January 9, 2016, the RHCCC joins with a large number of residents in continuing to oppose the construction of the wireless facility at this address and respectfully requests the Regional Planning Commission deny the request as proposed.

14. Prior to the Regional Planning Commission'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 Project involved the installation of a new wireless telecommunications facility.

15. 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, property posting, library posting and DRP website posting.

16. Prior to the Regional Planning Commission's public hearing, during the Hearing Officer's hearing, the Department of Regional Planning ("Regional Planning") staff received one email in support of the project request, one phone call, one letter and a petition including 67 signatures, in opposition.

17. A duly noticed public hearing was held on August 18, 2015 before Hearing Officer Gina Natoli. The applicant's representative, Ross Miletich, was present to answer questions regarding the project. The Hearing Officer asked for a more detailed explanation of the possible alternative sites submitted by the applicant. Michelle Nicolaus spoke in opposition to the project, highlighting concerns with better alternatives for the wireless facility. There being no further testimony, the Hearing Officer, being of the opinion that the proposed site was the best option for the wireless telecommunication facility and there is a lack of feasible alternative sites, closed the public hearing and approved the project.

    On August 26, 2015, during the meeting of the Regional Planning Commission, in light of continued community opposition to the project, Commissioner Pedersen requested the project be called up for review by the Regional Planning Commission. On November 4, 2015, the public hearing for the subject project was continued to December 9, 2015, to allow the applicant time to meet with the Rowland Heights Community Coordinating Council and conduct additional community outreach.

    A duly noticed public hearing was held on December 9, 2015 before the Regional Planning Commission. The applicant's representative, Maree Hoeger, and Verizon Wireless staff member, Mark Kay, were present to speak in favor of and answer questions regarding the project. Commissioner Pedersen had specific questions regarding alternate sites and the applicant's determination that those sites are cost prohibitive and rent exorbitant. Following further discussion, Commissioner Pedersen moved to continue the hearing to January 20, 2016, to allow the applicant time to prepare supporting documentation in response to the Commission's concerns regarding the feasibility of alternative sites.

    A continued public hearing was held on January 20, 2016 before the Regional Planning Commission. The applicant's representatives, Maree Hoeger and Ashley Whinnery, were present to speak in favor of and answer questions regarding the project. Ms. Hoeger read a letter prepared in response to the Commission's request for additional information regarding the cost prohibitive aspect of alternative sites within County parks, during the public hearing held on December 9, 2015.

Commissioner Pedersen expressed concern with the lack of time given for staff to review the additional information submitted by the applicant and indicated more time would be needed to allow staff to confirm and verify contract terms with the County of Los Angeles Department of Parks and Recreation. Following further discussion, Commissioner Pedersen moved to continue the hearing to February 24, 2016.

A continued public hearing was held on February 24, 2016 before the Regional Planning Commission. The applicant's representatives, Maree Hoeger and Mike Watson, were present to speak in favor of and answer questions regarding the project. Following further discussion, Commissioner Pedersen moved to approve the project. Commissioner Modugno seconded the motion with some reluctance regarding the difference between policy and land use issues. Based on the land use review the Commission approved the project unanimously.

18. The Regional Planning Commission finds that the Project is consistent with the goals and policies of the Rowland Heights Community Plan. The subject project is located within the U2 – Urban 2 (3.3 to 6.0 du/ac) land use designation. While the primary use of land within the U2 designation is urban low-density residential, all urban classifications, within the Rowland Heights Community Plan, may include such services and facilities as schools, utility stations and churches, subject to necessary permit procedures.

19. The Regional Planning Commission finds that the Project is consistent with the Zoning Code. A wireless telecommunications facility is a use not specified in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.24.100 of Title 22 of the Los Angeles County Code, these are permissible uses in the A-1 (Light Agricultural) Zone, provided a conditional use permit has first been obtained.

20. Verizon wireless facilities are regulated by the Federal Communications Commission (FCC). The disguised nature of the facility as a eucalyptus tree and its location towards the rear of the property allow the gas station to be used just as it is currently. It will not affect vehicular circulation within the customer parking lot. No discernible noises, smells, light, glare or traffic will be produced by the proposed facility. The equipment will be fully secured by an enclosure and will provide needed voice, data and 911 services to the area. Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. Any concern raised regarding the potential health effects for residents, from radio frequency emissions from the facility antennas, is not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

> "IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emission."

As a condition of approval for this case, the applicant will have to comply with emission standards of the Public Utilities Commission of the State of California

(CPUC). Accordingly, the Regional Planning Commission finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

21. The proposed wireless facility will be located in the northwestern portion of the property. The proposed 50-foot monoeucalyptus and associated equipment will be surrounded by an eight-foot-tall CMU wall. The total lease area is 690 square feet. This proposed project can physically occupy the property without negatively impacting its current and surrounding uses. Accordingly, the Regional Planning Commission finds that the Project 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.

22. The proposed project is an unmanned wireless telecommunications facility that will only require a once-per-month visit by a maintenance technician and will not generate any significant changes to the existing traffic. Accordingly, the Regional Planning Commission 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 private service facilities as are required.

23. The Regional Planning Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 20 years.

24. The Regional Planning Commission 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 Rowland Heights Library located in the vicinity of Rowland Heights community. On September 14, 2015, a total of 114 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 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

25. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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 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 REGIONAL PLANNING COMMISSION:

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 201400111, subject to the attached conditions.

ACTION DATE: February 24, 2016

VOTE:
Concurring: Pincetl, Smith, Louie, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

MM:MRB
02/24/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02389-(4)
CONDITIONAL USE PERMIT NO. 201400111

PROJECT DESCRIPTION

The project is a request to authorize the construction and maintenance of an unmanned 50-foot-high monoeucalyptus wireless telecommunications facility and appurtenant equipment, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 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 10 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 February 24, 2036**. 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 by February 24, 2018. 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 **$2,200.00**. 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 **eleven (11) (one the first year and ten 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"), after conducting a public hearing, revoke or modify this grant, if the Commission 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 the Fire 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 adhere to the requirements contained in Title 12, Chapter 12.08 of the Los Angeles County Noise Control Ordinance.

15. 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").

16. 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.

17. 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.

18. 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, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **April 25, 2016.**

19. 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

20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

21. 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.

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. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

26. 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. 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.

29. The maximum height of the facility shall not exceed 50 feet above finished grade.

30. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

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.

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 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.

35. 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. The facility's fences or walls are visible

from the public right-of-way, therefore landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

36. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

37. 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.

38. New equipment added to the facility shall not compromise the stealth design of the facility.

39. 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 paint to match the bark.

40. Appurtenant equipment boxes shall be screened or camouflaged.

PROJECT SITE SPECIFIC CONDITIONS

41. This grant shall authorize the construction and maintenance of an unmanned 50-foot-high monoeucalyptus wireless telecommunications facility and appurtenant equipment.

42. Within sixty (60) days of approval of the subject project, the applicant shall submit three copies of the site plan with required landscaping shown (see condition #35).

43. Submit plans to the County of Los Angeles Department of Public Works, Building and Safety Division, La Puente District Office for review and permit issuance.

44. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works letter dated January 14, 2015.

Attachments:
Public Works Department Letter dated January 14, 2015

02/24/16

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 14, 2015

IN REPLY PLEASE
REFER TO FILE LD-2

TO: Maria Masis
Zoning Permits East Section
Department of Regional Planning

Attention Michelle Bush

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201400111
PROJECT NO. R2014-02389-(1)
2356 FULLERTON ROAD
ASSESSOR'S MAP BOOK NO. 8268, PAGE 17, PARCEL NOS. 35 AND 54
UNINCORPORATED COUNTY COMMUNITY OF ROWLAND HEIGHTS

We reviewed the CUP for the proposed project located at 2356 Fullerton Road in the unincorporated County community of Rowland Heights. The proposed project includes the construction and maintenance of a 50-foot-high, monoeucalyptus antenna with appurtenant equipment.

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

Upon approval of the CUP, we recommend the following condition:

1. **Building and Safety**

   1.1 Submit plans to Public Works' Building and Safety Division, La Puente District office, for review and permit issuance.

For questions regarding the building and safety condition, please contact Clint Lee of Building and Safety Division at (626) 458-3154 or cllee@dpw.lacounty.gov.

For any questions or if you require additional information, please contact Juan Sarda of Public Works' Land Development Division at (626) 458-4921 or jsarda@dpw.lacounty.gov

JS:tb

Regional Planning Commission Transmittal Checklist

Hearing Date
12/09/2015
Agenda Item No.
6

Project Number: R2014-02389-(4)
Case(s): Conditional Use Permit Case No. 201400111
Planner: Michele Bush

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

Reviewed By: [signature]

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

PROJECT NUMBER
R2014-02389-(1)

HEARING DATE
07/21/2015

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201400111

PROJECT SUMMARY

OWNER / APPLICANT
Samir E. and Marie A. Bahouth / Verizon Wireless

MAP/EXHIBIT DATE
06/16/2014

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to authorize the construction and maintenance of a 50-foot high unmanned monoeucalyptus wireless telecommunications facility to include 12 panel antennas, one (1) microwave dish, two (2) fiber demarcation boxes and 12 RRUs. Verizon wireless will also install three (3) equipment cabinets, two (2) battery cabinets and one (1) stand-by generator within a CMU enclosure. Two (2) GPS antennas will be mounted to the proposed equipment cabinets.

LOCATION
2356 Fullerton Road, Unincorporated Rowland Heights

ACCESS
Fullerton Road and Mescal Street

ASSESSORS PARCEL NUMBER(S)
8268-017-035 and 054

SITE AREA
0.49 Acre

GENERAL PLAN / LOCAL PLAN
Rowland Heights Community Plan

ZONED DISTRICT
Puente

LAND USE DESIGNATION
U2 – Urban 2 (3.3 to 6.0 du/ac)

ZONE
A-1-6,000 (Light Agricultural-6,000sf minimum lot)

PROPOSED UNITS
N/A

MAX DENSITY/UNITS
N/A

COMMUNITY STANDARDS DISTRICT
Rowland Heights

ENVIRONMENTAL DETERMINATION (CEQA)
Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES

- Los Angeles County Zoning Code Section 22.56.040

CASE PLANNER:
Michele Bush

PHONE NUMBER:
(213) 974 - 6435

E-MAIL ADDRESS:
mbush@planning.lacounty.gov

VICINITY MAP

Project Site: 2356 Fullerton Road - "Galatina"

L.A. MAPPING SERVICE
71 DEER CREEK ROAD
POMONA, CA 91766
(909) 595-0903

ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the construction and maintenance of an unmanned 50-foot high monoeucalyptus wireless telecommunications facility in the A-1-6,000 (Light Agricultural-6,000 sf minimum lot) Zone pursuant to County Code Section 22.24.100.

PROJECT DESCRIPTION

The project is a request to authorize the construction and maintenance of a 50-foot high unmanned monoeucalyptus wireless telecommunications facility which consists of the monoeucalyptus, 12 panel antennas, one (1) microwave dish, two (2) fiber demarcation boxes and 12 RRUs. Verizon wireless will also install three (3) equipment cabinets, two (2) battery cabinets and one (1) stand-by generator within a CMU enclosure. Two (2) GPS antennas will be mounted to the proposed equipment cabinets. The wireless telecommunications facility will be located within a 690.33 square-foot lease area.

The site plan for the Project depicts the project site developed with an existing gas station. The Chevron gas station occupies the southern half of the property. The northern portion of the property, where the wireless telecommunications facility will be located, is used for parking. Adequate parking will be maintained to serve the gas station use. The wireless telecommunications facility will be located along the northern boundary of the property along Fullerton Road and Bellorita Street.

EXISTING ZONING

The subject property is zoned A-1-6,000.

Surrounding properties are zoned as follows:
North: A-1-6,000
South: C-1 (Restricted Business)
East: A-1-6,000
West: R-A-9,000 (Residential Agricultural)

EXISTING LAND USES

The subject property is developed with an existing Chevron gas station.

Surrounding properties are developed as follows:
North: Single-Family Residential
South: Commercial
East: Single-Family Residential
West: Single-Family Residential

PREVIOUS CASES/ZONING HISTORY

The subject property has existed as a gas station use (Arco and Chevron) for more than 20 years. Several building permits have been issued for the existing use.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, New Construction or Conversion of Small

Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project involves the installation of a new wireless telecommunications facility in an urbanized, developed area. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the U2 – Urban 2 (3.3 to 6.0 du/ac) land use category of the Rowland Heights Community Plan. While the primary use of land within the U2 designation is urban low density residential, all urban classifications, within the Rowland Heights Community Plan, may include such services and facilities as schools, utility stations and churches, subject to necessary permit procedures. The wireless telecommunications facility provides such a service and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Encourage the beautification of new and existing commercial areas. This can be achieved through the combined efforts of the public and private sectors.*

  The proposed project includes landscaping to screen walls visible from the public right-of-way.

Zoning Ordinance and Development Standards Compliance

A wireless telecommunications facility is a use not specified in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.24.100 of the County Code, these are permissible uses in the A-1 Zone, provided a Conditional Use Permit has first been obtained, subject to the following development standards:

- Pursuant to Section 22.52.1220 of the County Code, one parking space should be provided. The parking space is required for site visits done on a monthly basis by maintenance personnel. The project site provides parking to meet this requirement.
- Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, appurtenant equipment boxes shall be screened or camouflaged. The appurtenant equipment will be screen within a 690.33 square-foot lease area.
- Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, when the wireless facility's fences or walls are visible from the public right-of-way, landscaping shall be provided to screen the fence or wall from the street. A minimum planter width of five feet shall be provided. The project will provide landscaping to meet this policy requirement.

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.

Neighborhood Impact/Land Use Compatibility
The subject property has existed as a gas station use (Arco and Chevron) for more than 20 years. Several building permits have been issued for the existing use. The Chevron gas station occupies the southern half of the property. The northern portion of the property, where the wireless telecommunications facility will be located, is used for parking. Adequate parking will be maintained to serve the gas station use. The wireless telecommunications facility will be located along the northern boundary of the property along Fullerton Road and Bellorita Street.

Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. Verizon wireless facilities are regulated by the FCC. The disguised nature of the facility as a eucalyptus tree and its location towards the rear of the property allow the gas station to be used just as it is currently. It will not affect vehicular circulation within the customer parking lot. No discernible noises, smells, light, glare or traffic will be produced by the proposed facility. The equipment will be fully secured by an enclosure and will provide needed voice, data and 911 services to the area. Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. Any concern raised regarding the potential health effects for residents, from radio frequency emissions from the facility antennas, is not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

> "IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emission."

As a condition of approval for this case, the applicant will have to comply with emission standards of the Public Utilities Commission of the State of California (CPUC).

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS
Based on a letter from the County of Los Angeles Department of Public Works, dated January 14, 2015, Public Works recommends approval of this Conditional Use Permit.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS
Based on a letter from Rowland Heights Community Coordinating Council, Inc. (RHCCC), dated October 21, 2015, the Rowland Heights Community Coordinating Council disagrees with the finding of the Hearing Officer at the August 18, 2105 public hearing. The letter stated the RHCCC joins with petitioners living in and around the immediate vicinity of the project in opposing its construction at the proposed location.

The RHCCC stated they contend the project should be denied for any one, if not all, of the following reasons:

- Applicant failed to demonstrate the site of the proposed facility is the least intrusive feasible means of reducing the coverage gap
- Failure of applicant to provide all project data and documentation required by the Permit Application
- The project does not comply with the aesthetic requirements of LA County Policy No. 01-2010 Wireless Telecommunication Facilities
- Project does not comply with the intent of Rowland Height Community Plan, Goals, Aesthetics and Scenic Highway Element
- Project does not comply with Rowland Heights Community Standards for Landscaping and Setbacks

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
Prior to the Regional Planning Commission's public hearing, during the Hearing Officer's hearing, the Department of Regional Planning ("Regional Planning") staff received one email in support of the project request, one phone call, one letter and a petition including 67 signatures, in opposition.

Staff received one email in support of the project request and one phone call in opposition.

FEES/DEPOSITS
If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

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 R2014-02389-(4), Conditional Use Permit Number 201400111, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION, APPROVE CONDITIONAL USE PERMIT NUMBER 201400111 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Michele Bush, Principal Regional Planner, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

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

MM:MRB
12/09/15

DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02389-(4)
CONDITIONAL USE PERMIT NO. 201400111

1. The Los Angeles County ("County") Regional Planning Commission conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400111 ("CUP") on December 9, 2015.

2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility ("Project") on a property located at 2356 Fullerton Road in the unincorporated community of Rowland Heights ("Project Site") in the A-1-6,000 (Light Agricultural-6,000sf minimum lot) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100.

3. The Project Site is 0.49 gross acres in size and consists of two legal lots. The Project Site is irregular in shape with relatively flat topography and is developed with an existing Chevron gas station with parking lot.

4. The Project Site is located in the Puente Zoned District and is currently zoned A-1-6,000 to the north and along a portion to the southeast, and C-1 (Restricted Business) along a portion to the southwest. The wireless telecommunications facility will be located within the A-1 Zone to the north.

5. The Project Site is located within the U2-Urban 2 (3.3 to 6.0 du/ac) land use category of the Rowland Heights Community Plan.

6. Surrounding Zoning within a 500-foot radius includes:

   North: A-1-6,000
   South: C-1
   East: A-1-6,000
   West: R-A-9,000 (Residential Agricultural)

7. Surrounding land uses within a 500-foot radius include:

   North: Single-Family Residential
   South: Commercial
   East: Single-Family Residential
   West: Single-Family Residential

8. The subject property has existed as a gas station use (Arco and Chevron) for more than 20 years. Several building permits have been issued for the existing use.

9. The site plan for the Project depicts the project site developed with an existing gas station. The Chevron gas station occupies the southern half of the property. The

northern portion of the property, where the wireless telecommunications facility will be located, is used for parking. Adequate parking will be maintained to serve the gas station use. The wireless telecommunications facility will be located along the northern boundary of the property along Fullerton Road and Bellorita Street. The wireless telecommunications facility consists of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility to include 12 panel antennas, one (1) microwave dish, two (2) fiber demarcation boxes and 12 RRUs. Verizon wireless will also install three (3) equipment cabinets, two (2) battery cabinets and one (1) stand-by generator within a CMU enclosure. Two (2) GPS antennas will be mounted to the proposed equipment cabinets. The wireless telecommunications facility will be located within a 690.33-square-foot lease area.

10. The Project Site is accessible via Fullerton Road and Mescal Street to the west and south.

11. Adequate parking is provided to serve the gas station use. Two existing parking spaces will be relocated on-site to accommodate the wireless telecommunications facility. One parking space is necessary for site visits done on a monthly basis by maintenance personnel. The project site provides parking to meet this requirement.

12. Based on a letter from the County of Los Angeles Department of Public Works, dated January 14, 2015, Public Works recommends approval of this conditional use permit.

13. Based on a letter from Rowland Heights Community Coordinating Council, Inc. (RHCCC), dated October 21, 2015, the Rowland Heights Community Coordinating Council disagrees with the finding of the Hearing Officer at the August 18, 2105 public hearing. The letter stated the RHCCC joins with petitioners living in and around the immediate vicinity of the project in opposing its construction at the proposed location. The RHCCC stated they contend the project should be denied for any one, if not all, of the following reasons:

    - Applicant failed to demonstrate the site of the proposed facility is the least intrusive feasible means of reducing the coverage gap
    - Failure of applicant to provide all project data and documentation required by the Permit Application
    - The project does not comply with the aesthetic requirements of LA County Policy No. 01-2010 Wireless Telecommunication Facilities
    - Project does not comply with the intent of Rowland Height Community Plan, Goals, Aesthetics and Scenic Highway Element
    - Project does not comply with Rowland Heights Community Standards for Landscaping and Setbacks

14. Prior to the Regional Planning Commission'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 Project involved the installation of a new wireless telecommunications facility.

15. 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, property posting, library posting and DRP website posting.

16. Prior to the Regional Planning Commission's public hearing, during the Hearing Officer's hearing, the Department of Regional Planning ("Regional Planning") staff received one email in support of the project request, one phone call, one letter and a petition including 67 signatures, in opposition.

17. A duly noticed public hearing was held on August 18, 2015 before Hearing Officer Gina Natoli. The applicant's representative, Ross Miletich, was present to answer questions regarding the project. The Hearing Officer asked for a more detailed explanation of the possible alternative sites submitted by the applicant. Michelle Nicolaus spoke in opposition to the project, highlighting concerns with better alternatives for the wireless facility. There being no further testimony, the Hearing Officer, being of the opinion that the proposed site was the best option for the wireless telecommunication facility and there is a lack of feasible alternative sites, closed the public hearing and approved the project.

    On August 26, 2015, during the meeting of the Regional Planning Commission, in light of continued community opposition to the project, Commissioner Pedersen requested the project be called up for review by the Regional Planning Commission. On November 4, 2015, the public hearing for the subject project was continued to December 9, 2015, to allow the applicant time to meet with the Rowland Heights Community Coordinating Council and conduct additional community outreach.

    To be inserted after December 9th hearing

18. The Regional Planning Commission finds that the Project is consistent with the goals and policies of the Rowland Heights Community Plan. The subject project is located within the U2 – Urban 2 (3.3 to 6.0 du/ac) land use designation. While the primary use of land within the U2 designation is urban low-density residential, all urban classifications, within the Rowland Heights Community Plan, may include such services and facilities as schools, utility stations and churches, subject to necessary permit procedures.

19. The Regional Planning Commission finds that the Project is consistent with the Zoning Code. A wireless telecommunications facility is a use not specified in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.24.100 of Title 22 of the Los Angeles County Code, these

are permissible uses in the A-1 (Light Agricultural) Zone, provided a conditional use permit has first been obtained.

20. Verizon wireless facilities are regulated by the Federal Communications Commission (FCC). The disguised nature of the facility as a eucalyptus tree and its location towards the rear of the property allow the gas station to be used just as it is currently. It will not affect vehicular circulation within the customer parking lot. No discernible noises, smells, light, glare or traffic will be produced by the proposed facility. The equipment will be fully secured by an enclosure and will provide needed voice, data and 911 services to the area. Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. Any concern raised regarding the potential health effects for residents, from radio frequency emissions from the facility antennas, is not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

    "IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emission."

    As a condition of approval for this case, the applicant will have to comply with emission standards of the Public Utilities Commission of the State of California (CPUC). Accordingly, the Regional Planning Commission finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

21. The proposed wireless facility will be located in the northwestern portion of the property. The proposed 50-foot monoeucalyptus and associated equipment will be surrounded by an eight-foot-tall CMU wall. The total lease area is 690 square feet. This proposed project can physically occupy the property without negatively impacting its current and surrounding uses. Accordingly, the Regional Planning Commission finds that the Project 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.

22. The proposed project is an unmanned wireless telecommunications facility that will only require a once-per-month visit by a maintenance technician and will not generate any significant changes to the existing traffic. Accordingly, the Regional Planning Commission 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 private service facilities as are required.

23. The Regional Planning Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 20 years.

24. The Regional Planning Commission 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 Rowland Heights Library located in the vicinity of Rowland Heights community. On September 14, 2015, a total of 114 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 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

25. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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 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 REGIONAL PLANNING COMMISSION:

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 201400111, subject to the attached conditions.

ACTION DATE: December 9, 2015

VOTE:

MM:MRB
12/09/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02389-(4)
CONDITIONAL USE PERMIT NO. 201400111

PROJECT DESCRIPTION

The project is a request to authorize the construction and maintenance of an unmanned 50-foot-high monoeucalyptus wireless telecommunications facility and appurtenant equipment, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 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 10 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 December 9, 2035**. 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 by December 9, 2017. 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 **$2,200.00**. 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 **eleven (11) (one the first year and ten 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"), after conducting a public hearing, revoke or modify this grant, if the Commission 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 the Fire 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 adhere to the requirements contained in Title 12, Chapter 12.08 of the Los Angeles County Noise Control Ordinance.

15. 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").

16. 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.

17. 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.

18. 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, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **February 8, 2015**.

19. 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

20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

21. 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.

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. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

26. 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. 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.

29. The maximum height of the facility shall not exceed 50 feet above finished grade.

30. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

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.

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 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.

35. 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. The facility's fences or walls are visible

from the public right-of-way, therefore landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

36. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

37. 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.

38. New equipment added to the facility shall not compromise the stealth design of the facility.

39. 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 paint to match the bark.

40. Appurtenant equipment boxes shall be screened or camouflaged.

PROJECT SITE SPECIFIC CONDITIONS

41. This grant shall authorize the construction and maintenance of an unmanned 50-foot-high monoeucalyptus wireless telecommunications facility and appurtenant equipment.

42. Within sixty (60) days of approval of the subject project, the applicant shall submit three copies of the site plan with required landscaping shown (see condition #35).

43. Submit plans to the County of Los Angeles Department of Public Works, Building and Safety Division, La Puente District Office for review and permit issuance.

44. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works letter dated January 14, 2015.

Attachments:
Public Works Department Letter dated January 14, 2015

12/09/15

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 14, 2015

IN REPLY PLEASE
REFER TO FILE LD-2

TO: Maria Masis
Zoning Permits East Section
Department of Regional Planning

Attention Michelle Bush

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201400111
PROJECT NO. R2014-02389-(1)
2356 FULLERTON ROAD
ASSESSOR'S MAP BOOK NO. 8268, PAGE 17, PARCEL NOS. 35 AND 54
UNINCORPORATED COUNTY COMMUNITY OF ROWLAND HEIGHTS

We reviewed the CUP for the proposed project located at 2356 Fullerton Road in the unincorporated County community of Rowland Heights. The proposed project includes the construction and maintenance of a 50-foot-high, monoeucalyptus antenna with appurtenant equipment.

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

Upon approval of the CUP, we recommend the following condition:

1. **Building and Safety**

   1.1 Submit plans to Public Works' Building and Safety Division, La Puente District office, for review and permit issuance.

For questions regarding the building and safety condition, please contact Clint Lee of Building and Safety Division at (626) 458-3154 or cllee@dpw.lacounty.gov.

For any questions or if you require additional information, please contact Juan Sarda of Public Works' Land Development Division at (626) 458-4921 or jsarda@dpw.lacounty.gov

JS:tb

Los Angeles County
Department of Regional Planning

Pl nin o e C allenges he d

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 we fare of per ons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuat on of property of other persons located in the vicinity of the site, or
3. Jeo ardize, endanger or otherwise constitute a menace to the pub ı health, safety or eneral welfare.

Please see attachment.

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.

Please see attachment.

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. B other public or private service facilities as are re uired.

Please see attachment.

GALATINA | *Burden of Proof*

A.

The proposed wireless facility will be designed and meet all health and safety regulations and standards. The Federal Communications Commission (FCC) has set safe operating standards that all wireless carriers must abide by and Verizon Wireless telecommunications facilities always operate well below the allowed levels of emissions. Therefore the community's health will not be at risk due to the operation of the proposed WTF. Rather than endangering the community, the wireless project will improve telecommunications in the area and will thus afford Verizon Wireless users improved wireless uses, which is particularly beneficial when residents need to call for help in emergency situations. Additionally, the improved wireless coverage and capacity that the project will produce may pose as a draw for residents to live in the area and may thus improve the value of the positively affected properties.

B.

The proposed wireless facility will be located in the northwestern portion of the property. The proposed 50 foot mono eucalyptus and associated equipment will be contained in an eight foot tall CMU wall. The total lease area is 690 square feet. This proposed project can physically occupy the property without negatively impacting its current and surrounding uses. While the proposed project may not meet the required setbacks, the use is allowable and suitable for the site.

C.

The proposed project is an unmanned wireless telecommunications facility that will only require a once per month visit by a maintenance technician and will not generate any significant changes to the existing traffic. Therefore, the existing roadways will adequately serve the project and will not be negatively impacted by the project.

core DEVELOPMENT SERVICES		*Site Acquisitions* *A &E* *Construction Management*

Introduction/Purpose

Verizon Wireless (VZW) is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). As a public utility, VZW is licensed by the FCC to provide wireless communication services throughout California. VZW is the largest wireless company in the United States and is dedicated to providing customers with wireless technology designed to enrich their lives. Its vision is to simplify the wireless experience for its consumer and business customers by offering easy-to-understand, affordable rate plans and excellent customer service. VZW is bringing next-generation wireless data products - from corporate e-mail to downloadable ringtones - to customers nationwide through its advanced networks.

Background

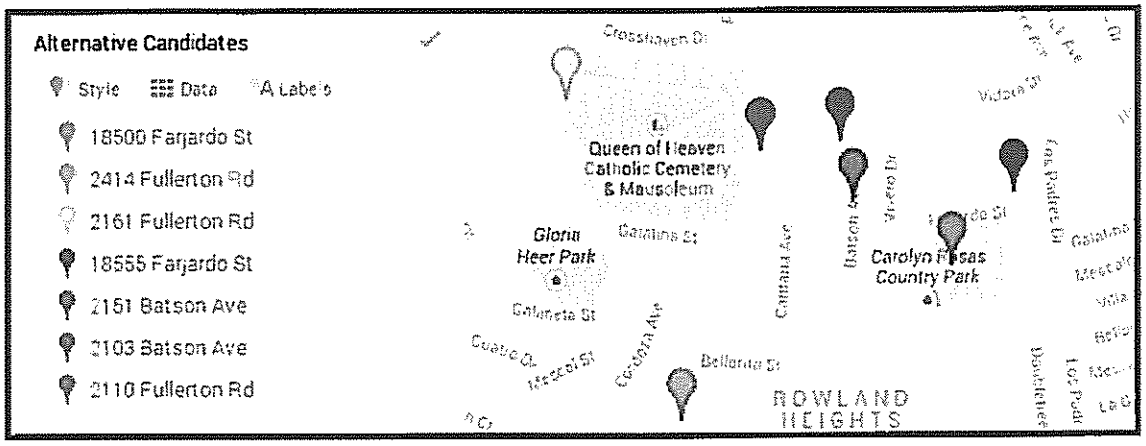
VZW is the nation's largest digital voice and data network covering 290 million people and growing. With superior spectrum availability allotted in the nation's top 100 markets, VZW provides a fully digital GSM/GPRS with high speed EDGE wireless data network infrastructure. Wireless communications will continue to change the future of telecommunications with easy-to-use, lightweight and highly mobile communications devices including: portable telephones, computers and Personal Digital Assistants (PDAs). Wireless communications will provide voice, e-mail and Internet access capabilities for customer's communications needs virtually anywhere and at any time. The wireless network being developed by VZW differs from typical cellular networks in that it uses state of the art digital technology instead of analog systems, which have been in use since the early 1980's. The benefits include call privacy and security, improved voice quality, and an expanded menu of affordable products and services for personal and professional communications needs.

Project Narrative & Coverage Analysis

Efforts are currently underway in the County of Los Angeles to establish the required infrastructure for VZW. VZW has retained the services of Core Development Services (Core) to facilitate the land use entitlement process. Core is currently seeking approval of a Conditional Use permit for the installation and operation of an unmanned Wireless Telecommunications Facility (WTF) at the subject property which is currently zoned A-1 – Light Agricultural. This project will install a 50-foot wireless facility disguised as a eucalyptus tree that has twelve panel antennas, a microwave dish, and 12 RRU's. The generator, equipment cabinets and all associated equipment will enclosed within an eight-foot tall CMU wall with connection to nearby existing electrical and telephone utilities to service the site. This facility will operate 24/7 except for the generator, which will operate once a week for maintenance, for about 15 minutes unless power is disconnected from the facility. Regular maintenance of the facility will be conducted by a technician about once a month. All associated antennae and equipment will be screened and hidden from the public right-of-way. Therefore, this site design and proposal adheres to the developments guidelines (Ord. Policy No. 01-2010).

The intent of this facility is to meet capacity demands to the expanding community's needs for cell phone coverage in and around the La Puente area of Los Angeles County. This new facility will provide improved coverage for those individuals who live, work and visit the surrounding community. As shown in the coverage maps, there is a gap in coverage along Fullerton Road, between Colima Road and Pathfinder Road. Specifically, this project will offload capacity that surrounding area while also improving coverage in residential neighborhood with challenging terrain.
The specific location and design of the proposed project is illustrated in further detail on the provided drawings and photo simulations.

Alternative Candidates for WTF

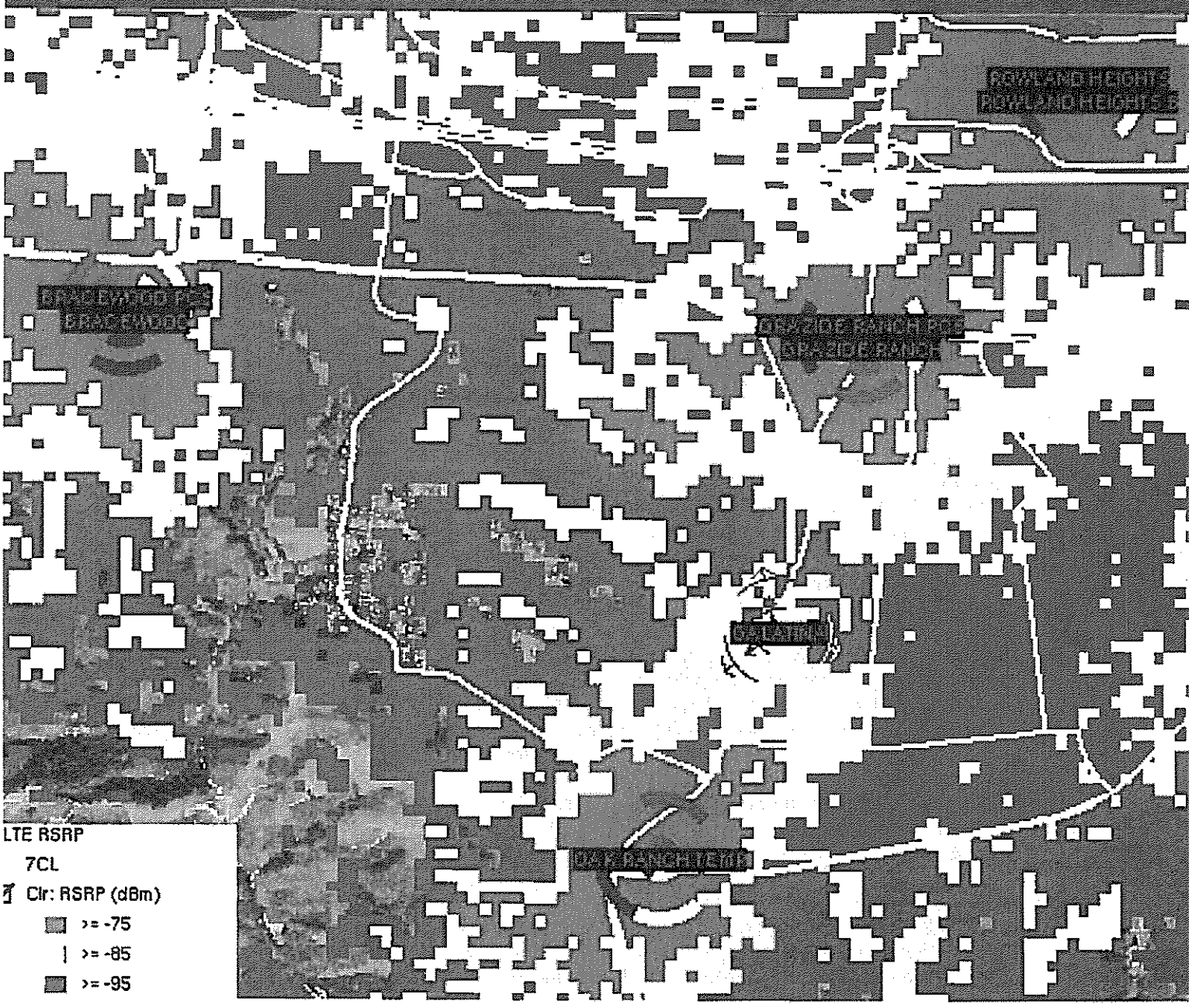


- **Candidate 1** | Carolyn Rosas Country Park | 18500 FARJARDO ST, ROWLAND HEIGHTS, CA 91748 | The landlord was interested, but the rest was cost prohibitive.
- **Candidate 2** | Monopalm | 2414 FULLERTON RD, ROWLAND HEIGHTS, CA 91748 | The landlord already has cell site on their property, but there is not enough space for collocation or for equipment with generator.
- **Candidate 3** | Queen of Heaven Cemetery | 2161 FULLERTON RD, ROWLAND HEIGHTS, CA 91748 | Landowner was not interested in the cell site on their property.
- **Candidate 4** | Evangelical Formosan Church | 18555 FARJARDO ST, ROWLAND HEIGHTS, CA 91748 | Landowner was not interested in the cell site on their property.
- **Candidate 5** | Gloria Heer Park | 18109 GALLINETA ST, ROWLAND HEIGHTS, CA 91748 | Landlord was interested, but requested rent was exorbitant.
- **Candidate 6** | CALVARY CHURCH OF EASTWOOD | 2103 BATSON AVE, ROWLAND HEIGHTS, CA 91748 | Landlord is in the process of improving and building additional garage structure on the property. This process will limit the potential cell site location to the west corner of the property, which is surrounded by single family residences.
- **Candidate 7** | The Ever Shining Church located | 2151 BATSON AVE, ROWLAND HEIGHTS, CA | LL was not interested in the wireless facility.
- **Candidate 8** | Ron & Alicia Robinson Florist | 2110 Fullerton Rd | no space available.

Ultimately, the proposed project site at 2356 FULLERTON RD was chosen above the other candidates because:

1) The location would allow the Radio Frequency engineer to achieve the height needed for the WTF.
2) The ample space lease available can accommodate the WTF and associated equipment.
3) The zoning of the property is compatible with the proposed project use.

Without Galatina



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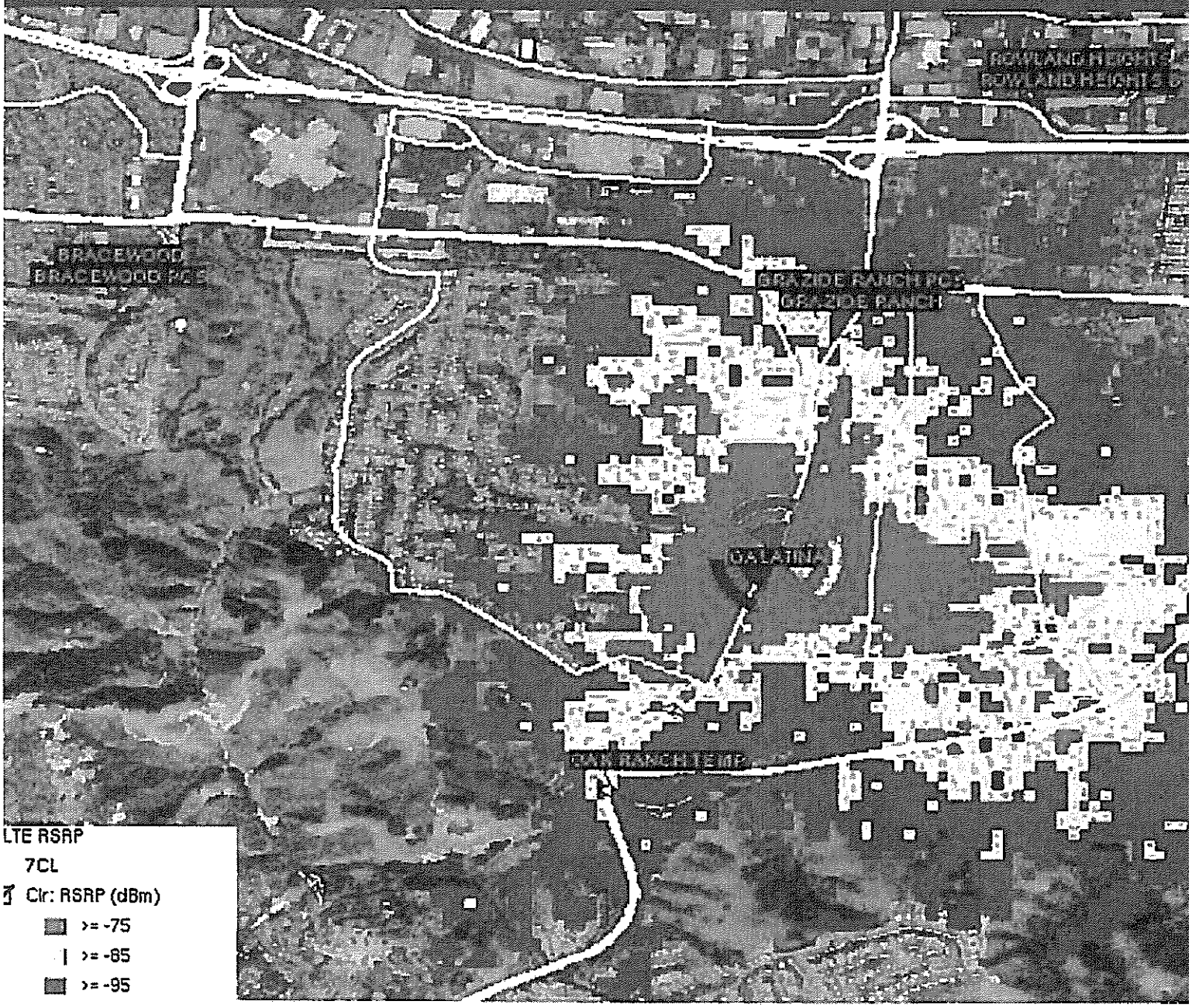
Galatina Coverage –



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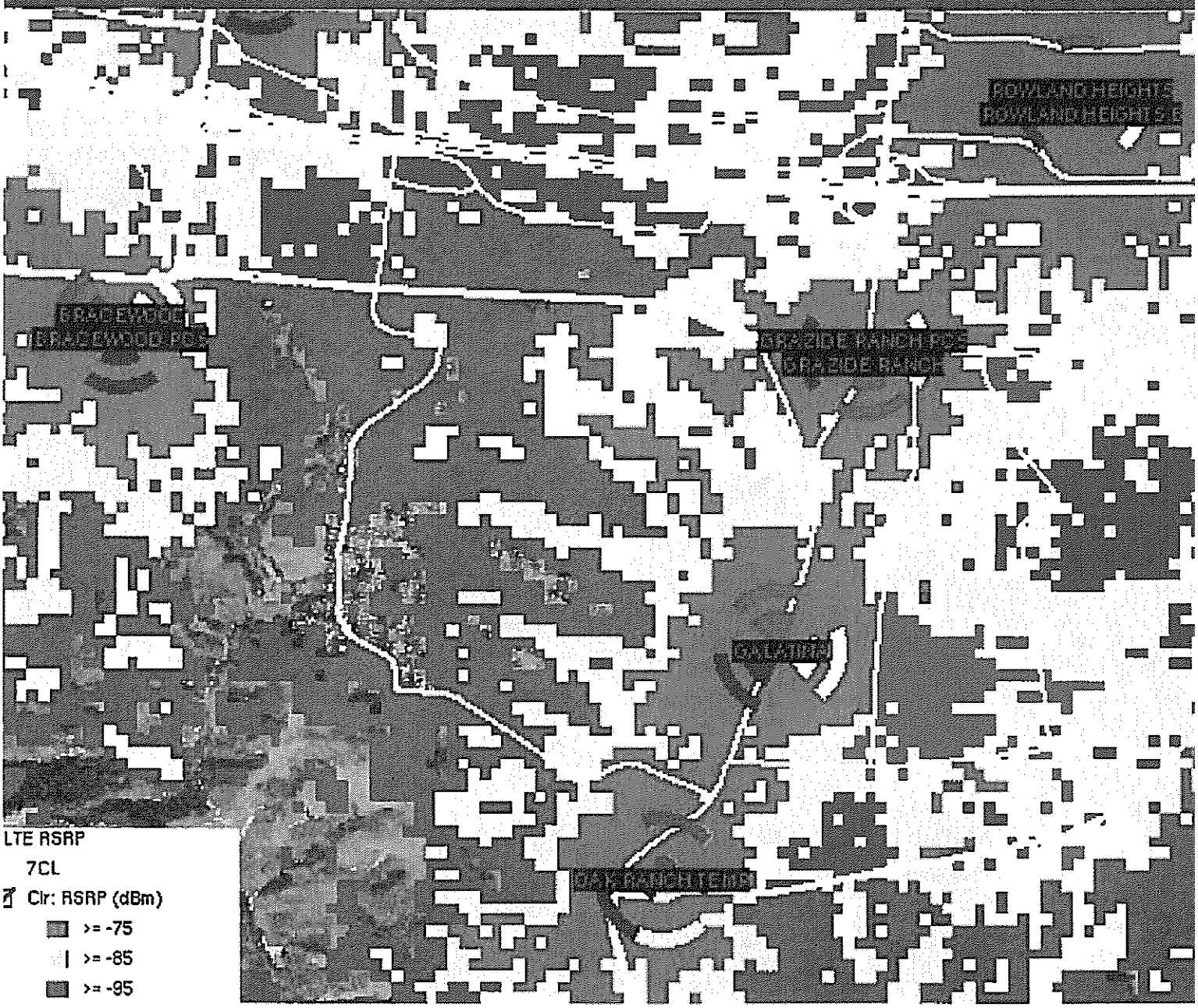
Galatina and Neigh



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ROWLAND HEIGHTS
COMMUNITY COORDINATING COUNCIL

"IMPROVING OUR COMMUNITY"

WWW.ROWLAND-HEIGHTS.ORG

P.O. Box 8171
Rowland Heights
California 91748

Email:
rhccc4RH@gmail.com

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Past President
Kingdon Chew

October 21, 2015

Los Angeles County Dept of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012
Email: mbush@planning.lacounty.gov

Re: Appeal of Hearing Officer decision on Project No. R2014-02389-(4) CUP 201400111

Dear Michele Bush,

The Rowland Heights Community Coordinating Council (RHCCC) disagrees with the findings of the hearing officer at the August 18, 2015 public hearing.

The RHCCC joins with the 113 signed petitioners living in and around the immediate vicinity of the project in opposing its construction at the proposed location. We contend it should be denied for any one, if not all, of the following reasons:

A. Applicant failed to demonstrate the site of the proposed facility is the least intrusive feasible means of reducing the coverage gap.*
B. Failure of applicant to provide all project data and documentation required by the Permit Application*
C. The project does not comply with the aesthetic requirements of LA County Policy No. 01-2010 Wireless Telecommunication Facilities.*
D. Project does not comply with the intent of Rowland Heights Community Plan, Goals, Aesthetics and Scenic Highway Element.*
E. Project does not comply with Rowland Heights Community Standards for Landscaping and Setbacks.*

Debbie Enos
First Vice President
Rowland Heights Community Coordinating Council

*See attached addendum

RECEIVED
OCT 26 2015
BY:

Addendum: Project No. R2014-02389-(4) CUP 201400111

A. Failure of applicant to demonstrate the proposed site is the least intrusive location

The RHCCC contends the Fullerton Road location does not represent the 'least intrusive' site available nor does it represent the most effective location to close the identified service coverage gap. In a meeting held August 3, 2015 Mr. Miletich, the applicants' representative, admitted Carolyn Rosas Park would be the preferred site to close the intended service coverage gap except for the fact it would have a higher lease cost. ***Sufficient and compelling documentation has not been provided by the applicant to substantiate the claim that Fullerton Road is the least intrusive location.***

B. Failure of applicant to provide all project data and documentation required by the Permit Application

Section 19 of the Permit Checklist (Supplemental Information for a Wireless Telecommunication Facility (WTF)) requires the information listed below (***deficiencies/non-compliance are noted in bold italics).***

1. Development guidelines, project must comply with Policy No. 01-2010.
   RHCCC has not been made privy to any compelling evidence the above ordinance guidelines were applied to this project *.

   ** Note: Transparency on this project is troublesome, for the record it should be known that components of the application, burden of proof statement and project visualization documentation refer to the project as "Galatina" despite the project being located on Fullerton Road and Galatina Street being over 1,000 feet away from the project site.*

2. Coverage analysis to demonstrate the proposed facility is necessary to close a significant gap in service area coverage. The applicant must include existing and proposed coverage maps. ***At the August 3, 2015 meeting with Mr. Miletich the RHCCC requested coverage analysis data and maps for the alternative site. <u>The documents have not been provided</u>. Without the aid of comparative data to prove otherwise, RHCCC, through interpretation of available visual data, contends the proposed <u>project site is not the best location to close the coverage gap intended.</u>***

3. Site analysis is to include: Co-location feasibility on existing facilities located within ¼ mile of proposed project site, other sites considered, why they were not selected; and a description of why the proposed project site is the least visually intrusive site considered. ***Applicant <u>failed</u> to address why the proposed project site was the least visually intrusive site considered. Applicant merely stated the site could accommodate the necessary equipment.***

4. Applicant to provide map that depicts alternative site locations, including existing facility sites considered for co-location and proposed project site location. *Map provided did not include a marker for the proposed site. Doing so would have made it clear the proposed project location is literally across the street from an existing rejected, co-location alternative. Additionally for clarity, the provided map did not label major streets for reference.*

5. Design analysis to include a description of how the proposed facility is designed to minimize the visual impact to the surrounding area and alternative designs that were considered and why they were deemed infeasible. *RHCCC contends the applicant has not sufficiently addressed the design concerns of the community, nor the design requirements and camouflage options for the proposed location. The design is not sensitive to the rural nature and future potential of Fullerton Road as designated Scenic Highway in Rowland Heights Community Plan. Additionally, applicant did not provide alternative design options and why those options were deemed infeasible.*

   The impacted residents and the greater community have a right to know what other design alternatives were consider and why they were not chosen.

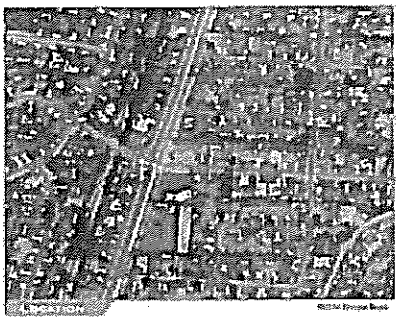
C. Project does not conform with Los Angeles County Policy No. 01-2010 Wireless Facilities

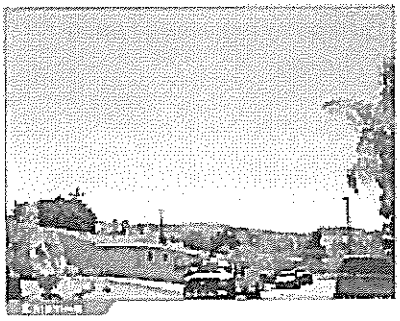
Guideline: Concealment of a wireless facility through incorporation into architectural design of a building or structure or by utilizing design and site selection that disguise the wireless facility as a structure or object other than a wireless facility. The structure or object shall either be already present in the area or blend in with the existing environment. Examples of camouflage techniques include but are not limited to, bell or clock towers, bell steeples, monument signs, water tanks, light poles and flag poles.

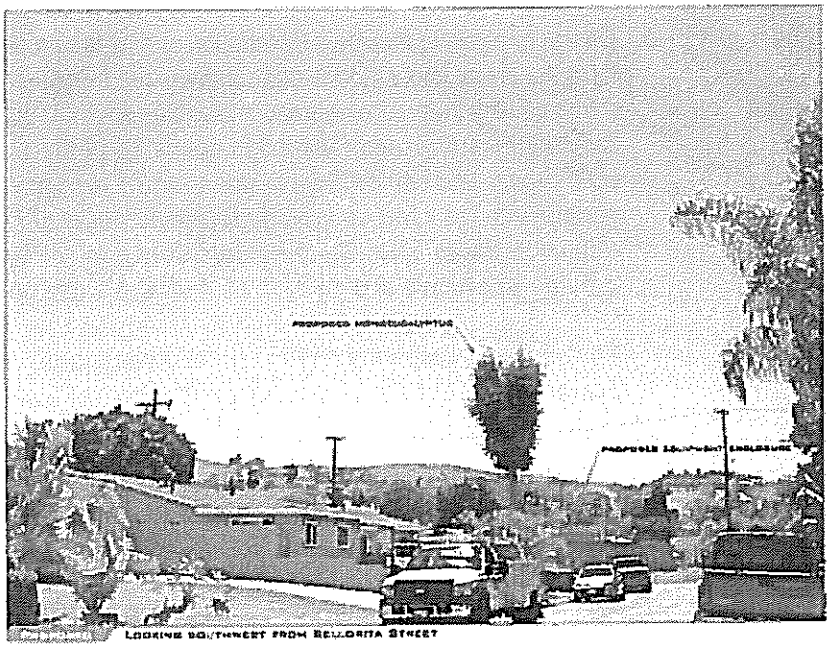
The use of mono-pines, mono-palms or other mono-tree types shall not be considered appropriate camouflage unless integrated into the surrounding landscape with the use of live trees, new or existing structures or other design features.

Color photo simulations: *The photo simulations of the view looking Southwest from Bellorita Street, demonstrates the fact the tower does not 'blend in with existing foliage' and will introduce a negative visual impact for nearby residences.*

The RHCCC rejects the aesthetic appropriateness of using a 50' tall mono-Eucalyptus instead of an architectural and/or other more rural friendly camouflage option, such as hiding the equipment within a water tower to disguise the wireless facility and reflect the rural nature of Fullerton Road. ***This concern was voiced at the April 13, 2015 meeting of the Mr. Miletich and the RHCCC Board. The applicants answer was non-responsive. As previously noted, no alternative design options have been provided.***







D. Project does not conform with the Rowland Heights Community General Plan

Our community plan designates Fullerton Road as a scenic highway. The RHCCC urges the Planning Commission to overturn approval of this project at this location by applying the guidelines found within Policy No. 01-2010 or at the very least by requiring the wireless facility equipment be placed underground.

E. Project does not conform to 22.44.13: D.2.b Community Standards District Requirements

The minimum setbacks(s) from highways or streets for new structures shall be as follows: for lots or parcels of land located along Fullerton Road, Colima Road, Nogales Street, Fairway Drive and Brea Canyon Cut-off Road, 20 feet from the property line adjoining that respecting highway or street. **Applicants' site plan depicts a setback from the property line as 9'10".**

The cell Tower according to my experience is an Antenna / Antenna's that can transmit & record SOUND.

Record means Receiving Sound which they can later put into a tape & play that over again.

I call it Terrorism by Sound!

Call the Federal Communication's Commission (F.C.C.) in long Beach, Cal. and tell them about the Cell Tower

All the above is already happening in the following cities ---

Azusa
Glendora
W. Covina
Baldwin Park
Covina
Irwindale
Duarte
Monrovia
El Monte

Jesus Pardo

626 253-2095
8/12/15

Michele Bush

From: MnJGrant@aol.com
Sent: Tuesday, September 22, 2015 12:27 PM
To: Michele Bush
Subject: Public Hearing Vote

Michele Bush,

I vote NO on Project & Permits: R2014-02389-(4), Conditional Use Permit 201400111. A 50 foot tall wall would be absolutely out of place and dominate, in this neighborhood of single story family dwellings

Thank you !!!.

John Grant

Persons in Opposition of Project RZ014-02389-(1)

Name	Address	Phone number	Signature	Date
Alec Lee	Rowland Hts Resident			6/25/15
Ken Lee	Rowland Hts Resident			6/25/15
Chris Lee	Rowland Heights			6/25/15
Mike Gomez	[illegible]			
Daniel Jun	18276 Gallinata st			6/26/15
Julia Jun	Rowland Hts			6/26/15
Joel Jun	Rowland Hts			6/26/15
Dong S. Jun	Rowland Hts			6/26/15
Cathy Kim	18214 Gallinata		Charles Ed Kim	6/26/15
Henry Mu Mulford	18214 Gallinata		Henry Mu	6/26/15
Lorita Chuang	18214 Gallinata		Lorita Chuang	6/26/15
FELICIANO Ruiz	Residente de Rowland Heights		Feliciano Ruiz	6/26/15
Corey Esquero	Rowland Hts 18208 Gallinata ST		[illegible]	6/27/15
Rosalina Fernandez	18208 Gallinata St Rowland Hts		[illegible]	6/27/15
Anthony Esquero	18208 Gallinata St Rowland Hts		Anthony Esquero	6/27/15
Tim Esquero	18208 Gallinata St Rowland Hts		[illegible]	6/27/15
Rosalio Esquero	18208 Gallinata ST Rowl Hts.		Rosalio Esquero	6-27-15
Gilbert Esquero	18208 Gallinata ST R.H		[illegible]	6-27-15
David Davila	18202 Gallinata St R.H		[illegible]	6-27-15
Francisco Paz	18202 Gallinata St R.H		[illegible]	6-27-2015
Chin Shung Fu	18220 Gallinata St.		Chin Shung Fu	6/27/15
Hui Lu Tang			Hui Lu Tang	
Michelle Wang			Michelle Wang	6/30/15
Eva Nie	Rowland HTS		Eva Nie	6/30/15
[illegible]	Rowland HTS		[illegible]	6/30/15
Bryan Lin	2322 Cantaloupe Ave		[illegible]	6 30 15
Leonel Arriola	18239 Gallinata		[illegible]	6 30 15
Ruben Andrade	18239 Gallinata ST		[illegible]	
AUGUSTO FLORES	2407 FULLERTON RD		[illegible]	7-11-15
Frank Lin	2363 Fullerton Rd		Frank Lin	7-11-15
TILAK MEHRA	2345 Fullerton Rd.		[illegible]	7-11-15
Ernest Robinson	2321 Fullerton Rd		[illegible]	7-11-15
Carlos Robinson	2321 Fullerton Rd		[illegible]	7-11-15
Manny Tenorio	2301 Fullerton Rd		[illegible]	7-11-15
Jesus C Guzman	18242 Bellanita ST	626 7835 47	Jesus C Guzman	7-11-15
JUDITH BARRERA	18242 Bellanita St	(626) 222 8813	Judith Barrera	7-11-15
JERRY TING		(626) 715-3616	[illegible]	
NORBERTO RUEDA	18221 BELLANITA ST	(626) 391-0554	Norberto Rueda	7-15-15
LENA XU	18252 BELLANITA ST	(626) 328 7028	[illegible]	[illegible]

Persons in Opposition of Project R2014-02389-(1)

Name	Address	Phone Number	Signature	Date
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
James Yang	2385 Ridgeview	626-280-7068	[illegible]	7/13/15
[illegible]	[illegible]	[illegible]	[illegible]	7/13/15
[illegible]	[illegible]	[illegible]		[illegible]
Carlos Robinson	2321 Fullerton Rd	626 913-7136	[illegible]	7-13-15
Jim Howland	18005 RH 91748 Galatine 77	626/964-5200	[illegible]	7/13/15
Anne Goerth	18634 Fieldbrook	626 [illegible]	[illegible]	7-13-15
Lorraine Roberson	18645 Fieldbrook	626 965 7392	[illegible]	7/13/15
Carla Sandy	17960 Calle Los Altos RH 626	839 3609	[illegible]	7/13/15
Henry Wong	1757 Pepperdale		[illegible]	7/13/15

See Jowler

Persons in Opposition of Project R2014-02389-(1)

Name	Address	Phone Number	Signature	Date
Ron Galt	19915 Carolyn Pl RH	—	[signature]	7/13/15
Phyllis Muhe	18549 Adivino RH		[signature]	7/13/15
Mary Parshall	1541 Greencastle Ave		Mary Parshall	7-13-15
Kitty Li	1441 Pasoreal Sp C213 RH	626-417-4900	Kitty Li	7-13-15
John Grant	2755 Copperfield RH	909-594-4890	John Grant	"
Fernando Dran	2370 Native Ave	323 314 2774	[signature]	7-13-15
K DeLuhen	2770 Native Ave		[signature]	7/13/15
Geo. Goodsell	2642 Native Ave		Geo Goodsell	"
Beverly Rovelette	2642 Native Ave	626-485-7047		
Karen M Webster	2568 S. Tortosa Av	626-388-0323	[signature]	7/13/15
Debbie Enos	2218 Maystone Pl.		[signature]	7/13/15
Roland Sanchez	17960 Calle Los Arboles R.H.	626-839-3609	[signature]	"
Carlos Sanchez	"	"	[signature]	"

Persons in Opposition of Project R2014-02389-(1)

Name	Address	Phone Number	Signature	Date
COLEEN GARCIA	1635 MORNING SUN AVE	909 964-5433	Coleen M. [illegible]	7-13-15
DeAnn Joyce	19127 Carnelia		[illegible]	7-13-15
David [illegible]	[illegible]	626-833 3444	[illegible]	7-13-15
TERI HALKIA	[illegible]	[illegible]	[illegible]	7/13/15
[illegible]	[illegible]	[illegible]	[illegible]	7-13-15

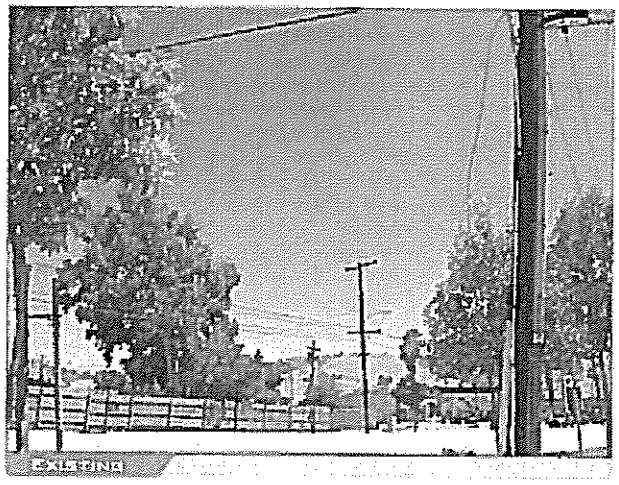
verizon wireless

GALATINA

2356 FULLERTON ROAD ROWLAND HEIGHTS CA 91748

LOCATION

©2014 Google Maps



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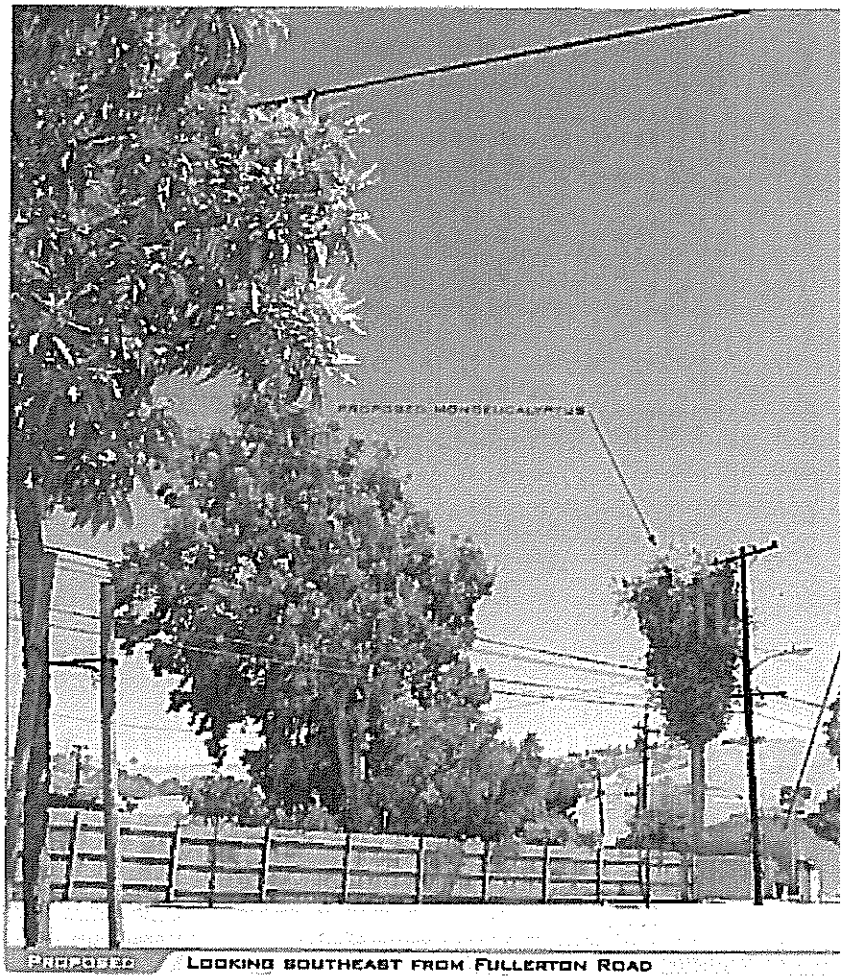


PROPOSED

LOOKING SOUTHEAST FROM FULLERTON ROAD

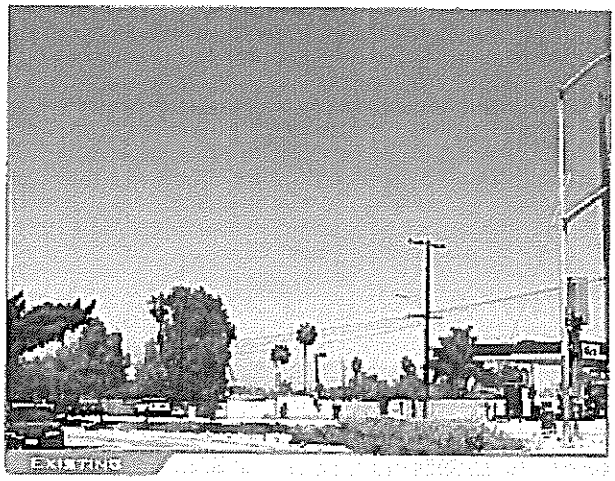
ACCURACY OF PHOTO 8×

verizon wireless

GALATINA

2356 FULLERTON ROAD ROWLAND HEIGHTS CA 91748

LOCATION



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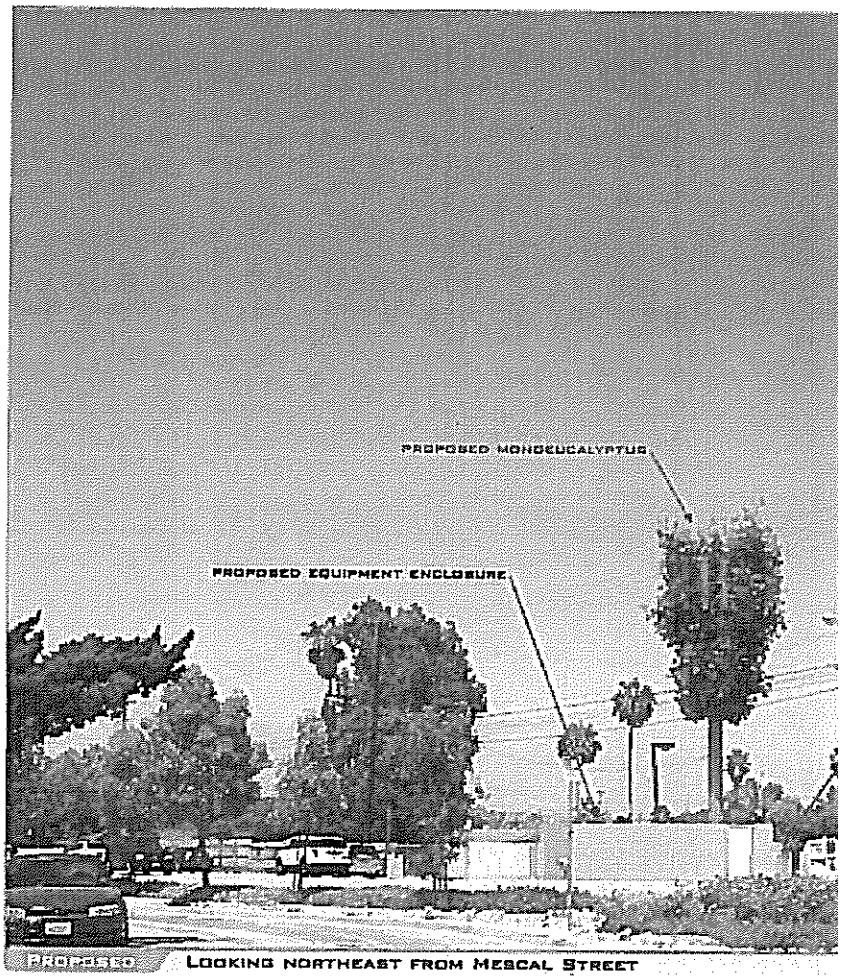


PROPOSED LOOKING NORTHEAST FROM MESCAL STREET

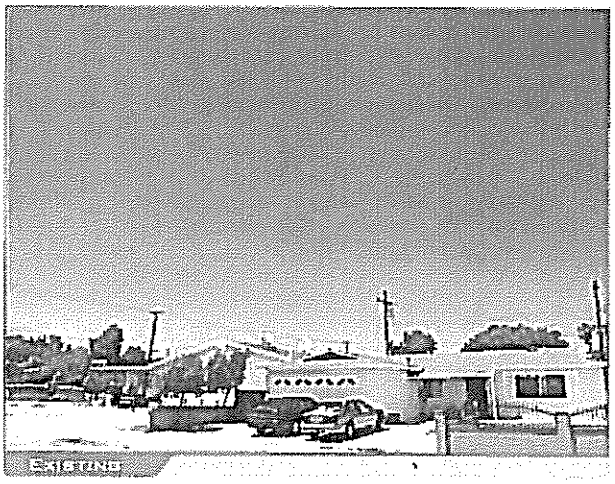
ACCURACY OF PHOTO SIM

verizon wireless

GALATINA

2356 FULLERTON ROAD ROWLAND HEIGHTS CA 91748

LOCATION



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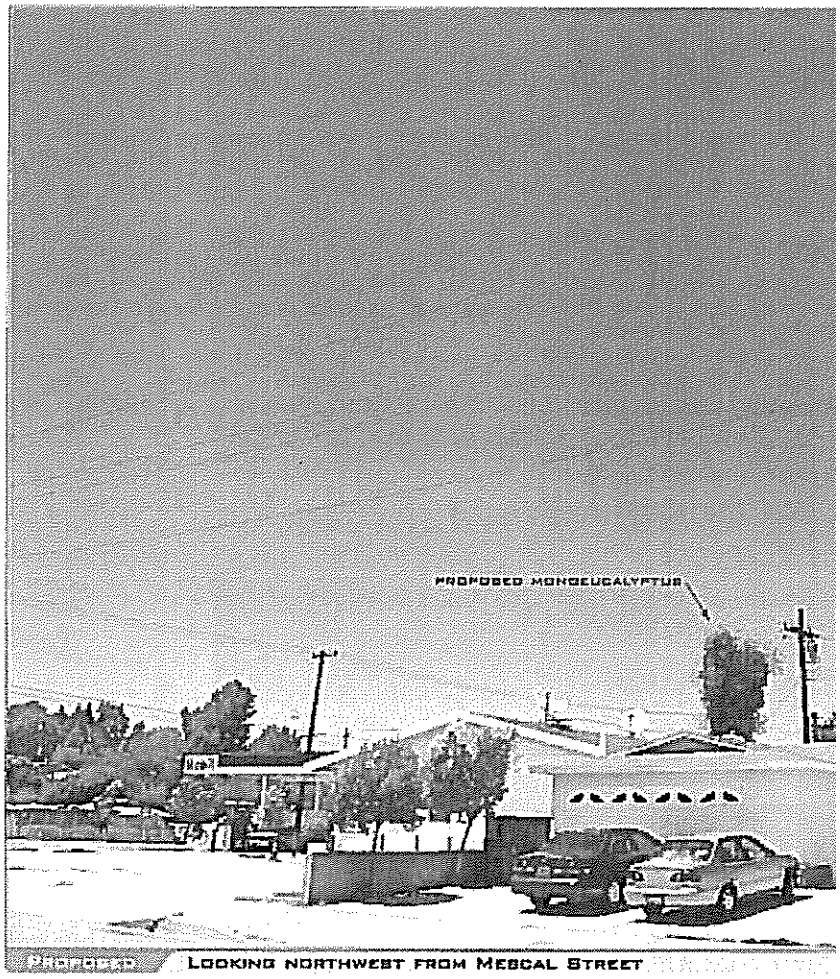


PROPOSED LOOKING NORTHWEST FROM MESCAL STREET

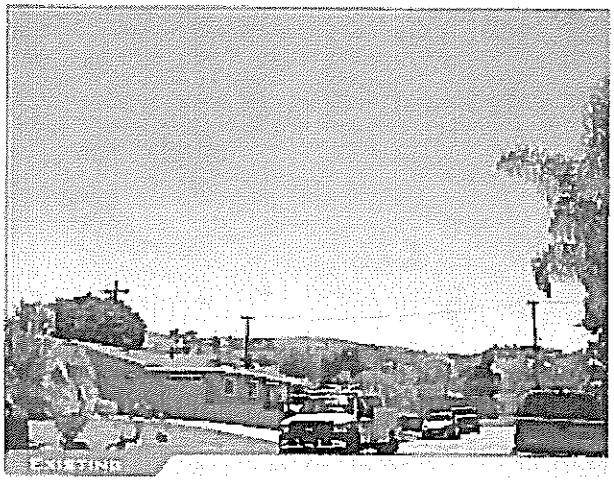
ACCURACY OF PHOTO SI

verizon wireless

GALATINA

2356 FULLERTON ROAD ROWLAND HEIGHTS CA 91748

LOCATION



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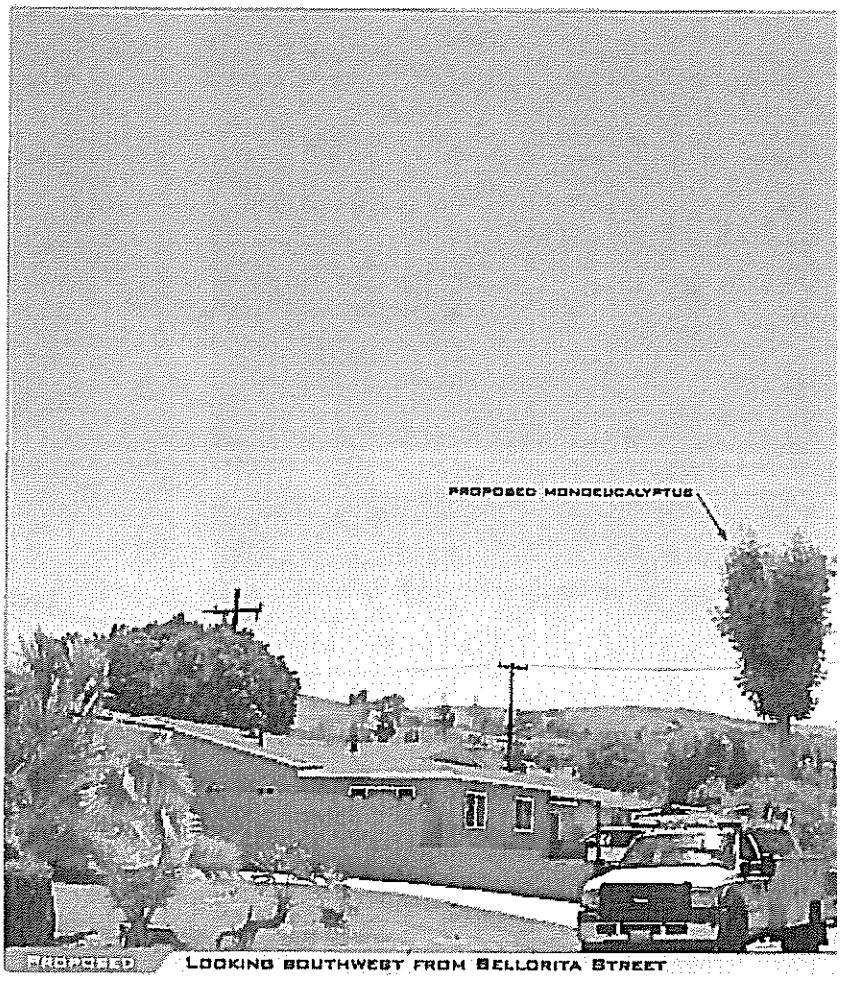


PROPOSED LOOKING SOUTHWEST FROM BELLORITA STREET

ACCURACY OF PHOTO SIM

GALATINA | *Site Photogra*

2356 Fullerton Road,

Rowland Heights, CA 91748

APN: 8268-017-035 & 8268-01

GALATINA PROPERTY MAP KEY

1 - Southwest Property Corner

2 – West Side of Property

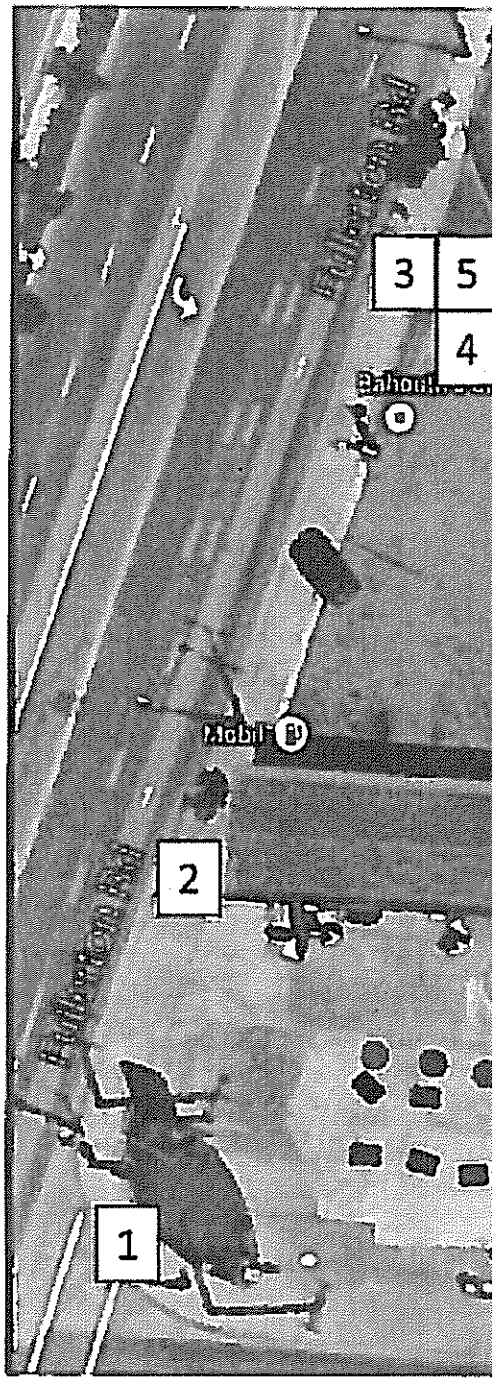
3 - Northwest Property Corner

4 - Closer Look at Northwest Property Corner, location of proposed wireless facility

5 - Closer Look at Northwest Property Corner, location of proposed wireless facility

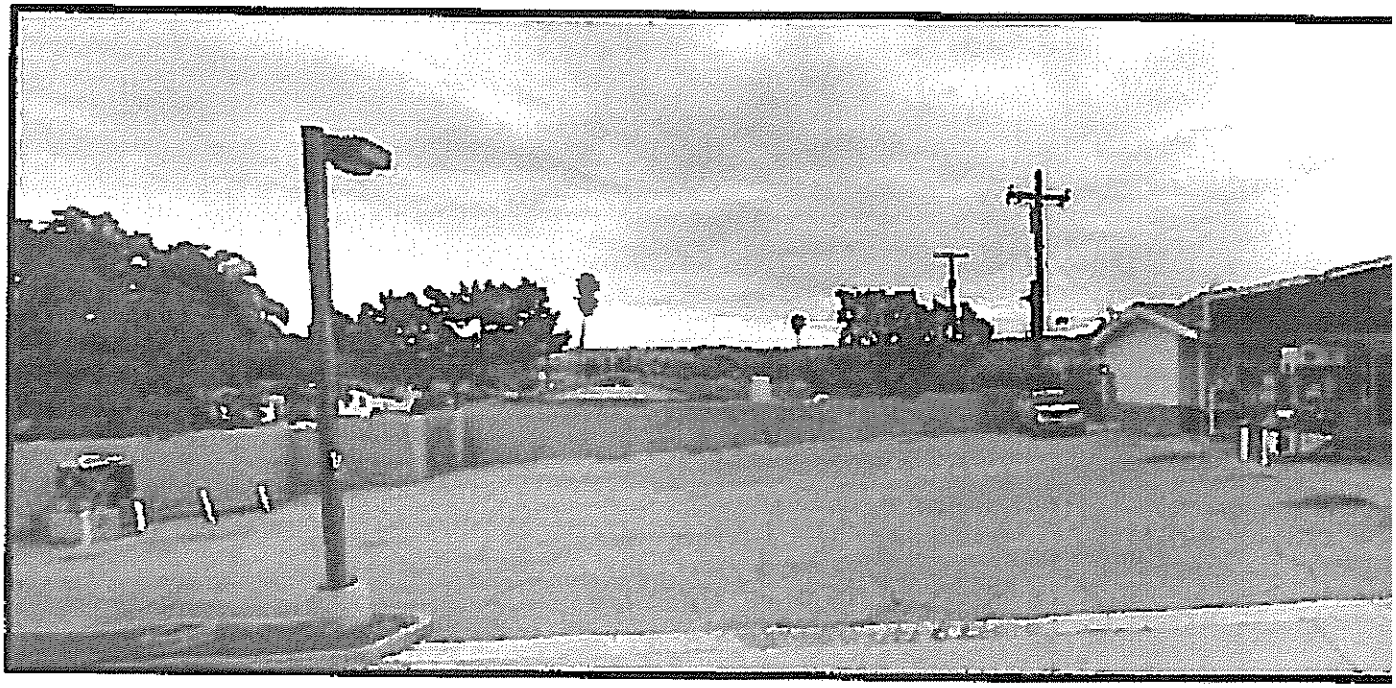
6 - East Side of Property

7 - North of Property, beyond property line

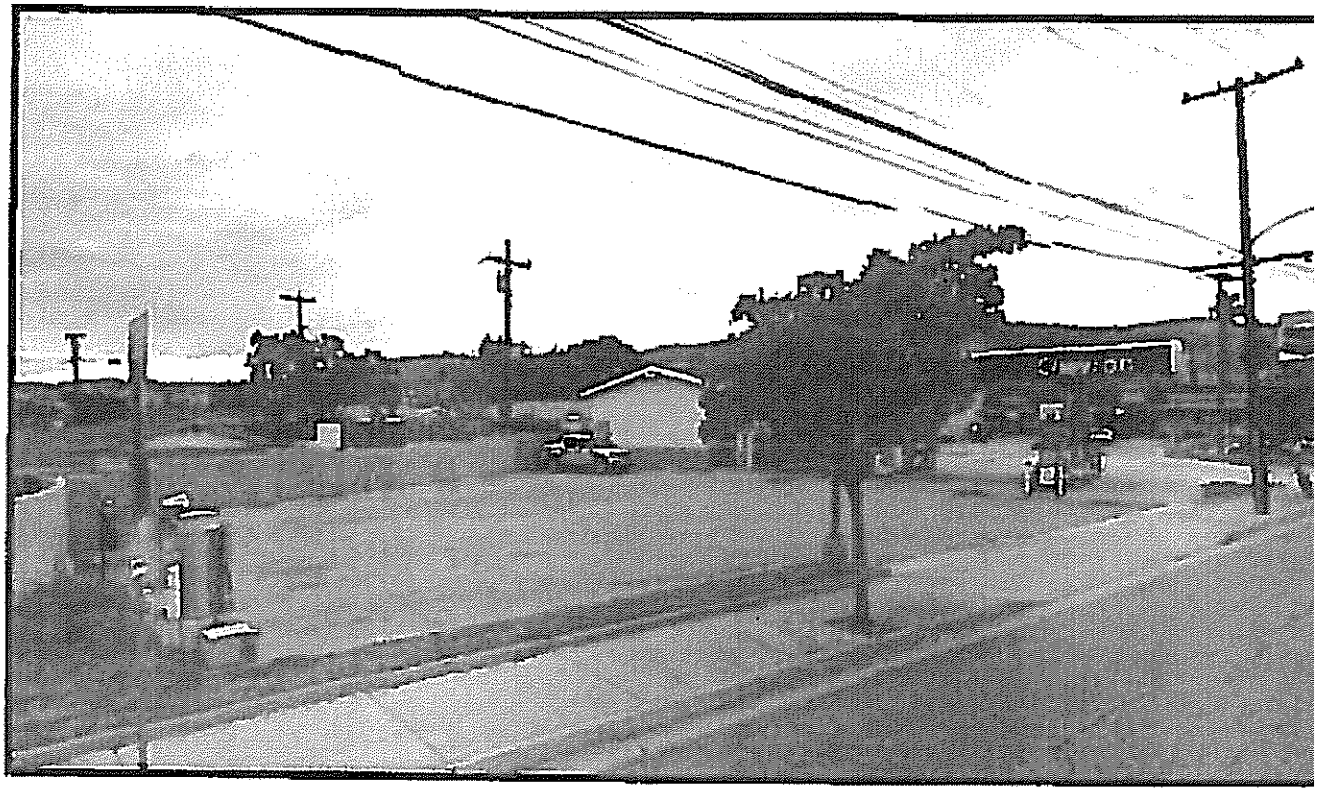


VIEW 1 | Southwest Property C

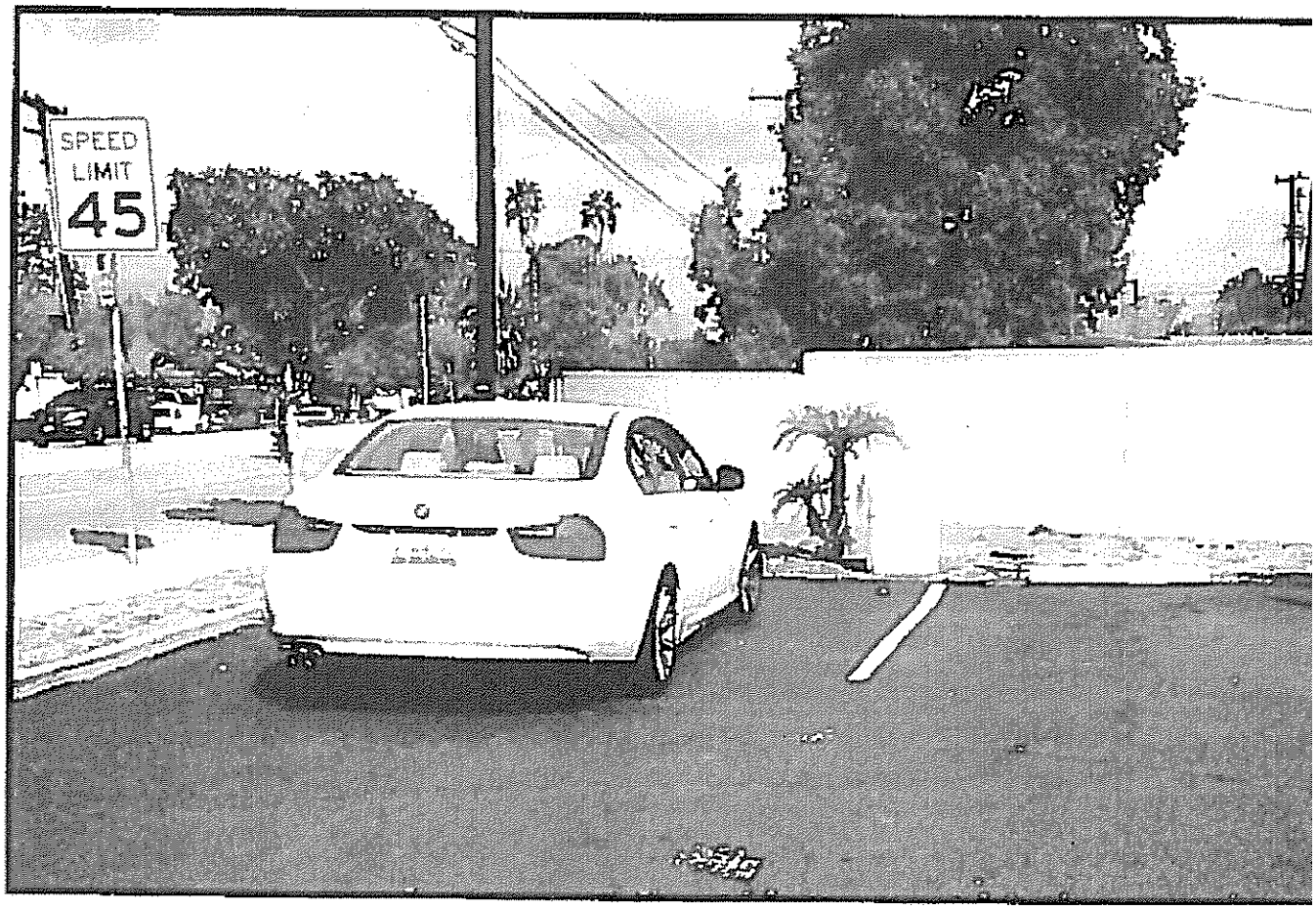
VIEW 2 | West Side of Prope



VIEW 3 | Northwest Property (

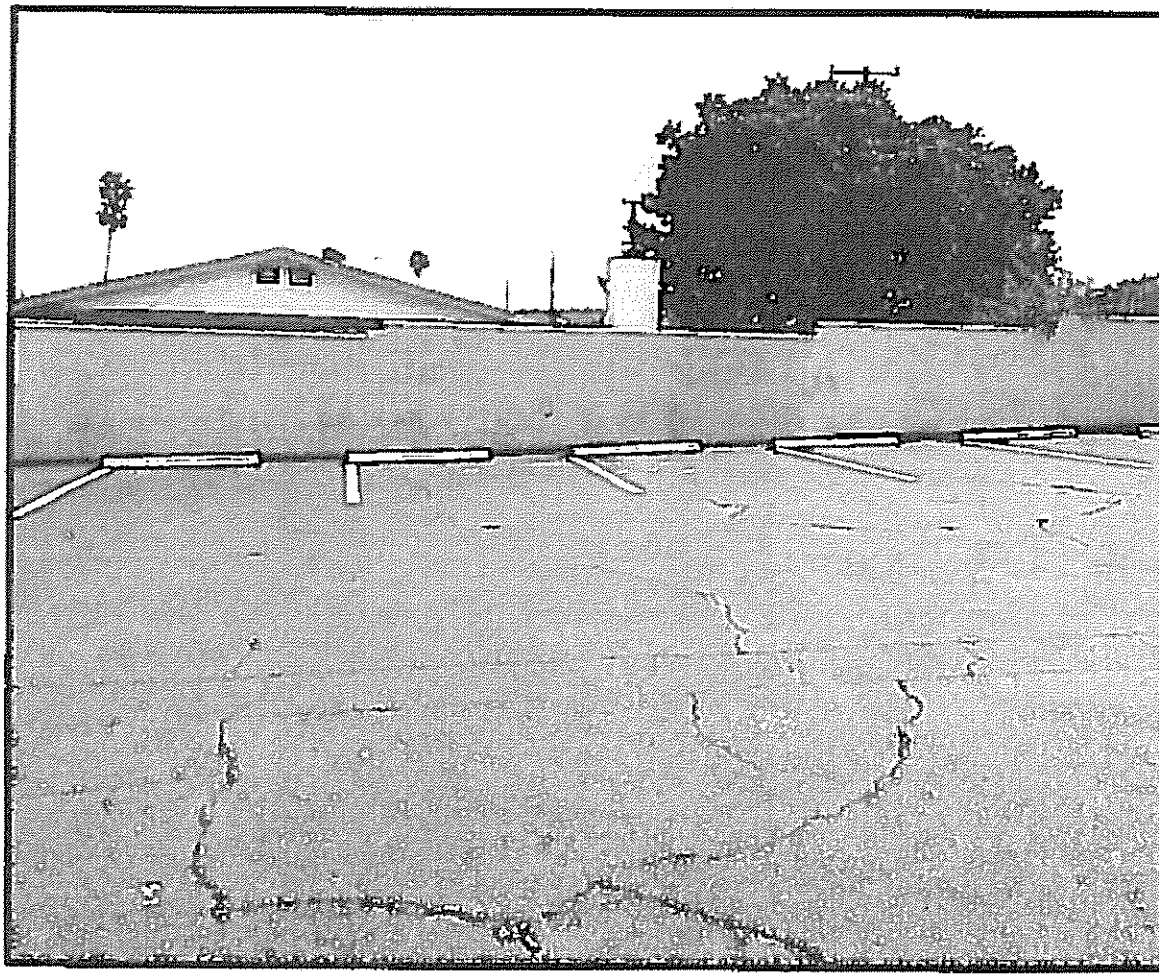


VIEW 4| Proposed Wireless Facilit

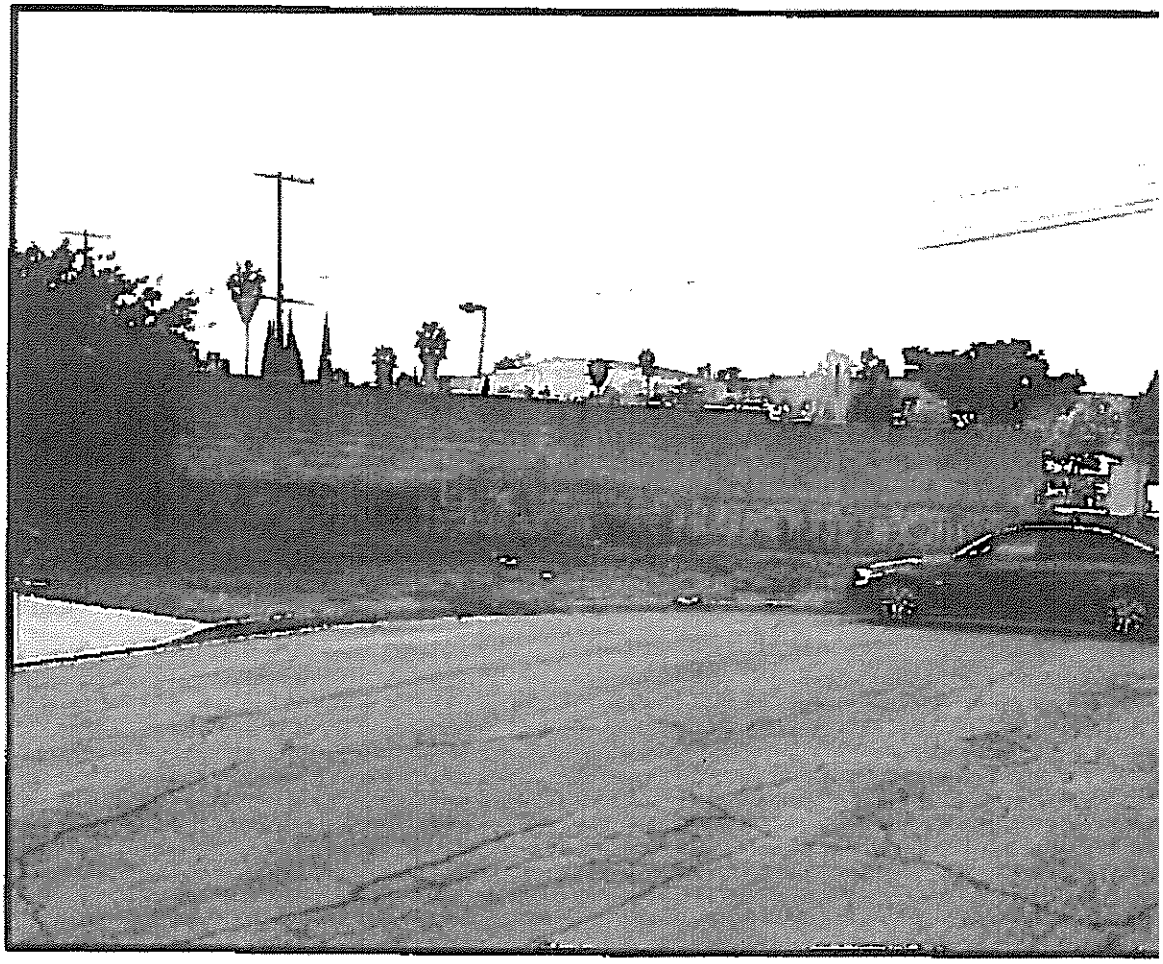


VIEW 5| Close Up of Proposed Wireless Faci

VIEW 6 | Northeast Property



VIEW 7 | Area Just North of Project Pr



COUNTY OF LOS ANGELES

500' RADIUS MAP

"GALATINA"

L.A. MAPPING SERVICE
71 DEER CREEK ROAD
POMONA, CA 91766
(909) 595-0903

LEGEND

○ SINGLE-FAMILY RESIDENCE

ALL OTHER USES ARE AS SHOWN

CASE NO.

DATE: 7 - 15 - 14

SCALE: 1" = 100'

LAND USE MAP

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

January 7, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush MRB
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: January 20, 2016

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

A duly noticed public hearing was held on December 9, 2015 before your Commission. During the hearing Commissioner Pedersen expressed concern with the lack of supporting evidence regarding the cost prohibitive and exorbitant cost of alternative sites. In order to allow the applicant time to provide information identifying the barriers to considering alternative sites, your Commission moved to continue the hearing to January 20, 2016.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

RPC
12/9/15
ITEM #6

Dear Commissioner Chair Pat Modugno,

Re: Project No. R2014-02389-(4)
Conditional Use Permit 201400111

The above mentioned item is a request to authorize the construction and maintenance of a 50-foot high unmanned mono-eucalyptus wireless telecommunications facility at 2356 Fullerton Road, Rowland Heights.

I am writing on behalf of the residents of Rowland Heights and we are in opposition of the proposed construction. We would like to request that the developer construct their tower on an alternate site which is not as close to residential homes as the current conditional use permit would allow. I am the resident who led the outreach to our community and obtained the live signatures presented to staff. I would like to also note the majority of the residents in our neighborhood do not speak English. All but 2 of the signatures I received from residents were aware of the proposed cell tower plans. Every single resident I spoke to was in objection to the planned construction.

On August 3, 2015 Rowland Heights Community Coordinating Council Vice President Deborah Enos and I met with Zoning Manager Ross Miletich to discuss if there was a willingness from Core Development Services to consider alternate locations, to consider co-locating towers, or to consider replacing or improving existing cell towers in the area. The Zoning Manager indicated they would not consider any alternatives regardless of community opposition to the project because they found a somewhat suitable location and the property owner was willing to lease the property. The only objection the Zoning Manager provided as a reason for not considering our alternatives was purely financial in nature and not at all based on what is best for the community.

Zoning Manager explained on August 3rd that the proposed site for the CUP is not the ideal location because it would not provide the best coverage for the need, but Core Development Services was not willing to pay the lease price requested by Carolyn Rosas LA County Park (Candidate 1).

Core was also not willing to consider co-locating antennas or improving/replacing the Monopalm located at (Candidate Site 2) because adding more antennas would make it look less like a palm tree (current CUP provides authenticity mandates per Zoning Manager). Additionally, Verizon is not willing to pay to enhance/replace an already existing cell tower they own with a tower that is more capable of meeting the demands of the surrounding areas because it is more expensive. This tower is across the street from the newly proposed cell tower and owned by Core Development Services.

Candidate 5 Gloria Heer Park: Zoning Manager indicated this site would be ideal but the lease price was much higher than what the gas station is asking and what Core or Verizon is willing to pay.

Candidate 6, This site will place the tower amid single family residences which is the reason for Core's objection to this site. The current proposed site is amid single family residences. The resident of our community do not understand the difference between our residences and the residences located on Batson.

Our area is currently surrounded by cell towers, several of which are owned by Verizon. When looking at the heat map provided by Verizon, there are two towers on either side of the proposed tower which according to the Zoning Manager are outdate and not powerful enough to provide enough reach for the need. We asked if they could enhance, improve or replace those towers and the answer was no. The reason per the Zoning Manager was that it would cost much more money to replace existing towers than to just build a new one. He also reminded us that they didn't need to exhaust other alternatives because they already had located available land and had a willing lessor.

The residents in our neighborhood ask that Regional Planning require Verizon and Core Development Services to locate their cell tower in an area away from residential homes. We request that Verizon and other telecommunications companies be required to improve their existing equipment or co-locate antennas and not be allowed to make decisions purely based on lease rates and how their profit margins are impacted. There are alternative options that come at a slight premium and Verizon (worth 202.5 billion) and their contracted land acquisition company is not interested in being more flexible. Additionally, Verizon has no intentions of removing old and outdated towers according to the Zoning Manager. The residents of Rowland Heights would like an explanation as to why outdated towers aren't being updated or replaced and why it is allowable for telecommunication companies to continue constructing new towers. We respectfully request that staff put a stop to this.

Thank you,

Michelle Nicolaus

Additional Notes:

Page 21 of the Officer Packet States:

GALATINA | *Burden of Proof*

A.

The proposed wireless facility will be designed and meet all health and safety regulations and standards. The Federal Communications Commission (FCC) has set safe operating standards that all wireless carriers must abide by and Verizon Wireless telecommunications facilities always operate well below the allowed levels of emissions. Therefore the community's health will not be at risk due to the operation of the proposed WTF Rather than endangering the community, the wireless project will improve telecommunications in the area and will thus afford Verizon Wireless users improved wireless uses, which is particularly beneficial when residents need to call for help in emergency situations Additionally, the improved wireless coverage and capacity that the project will produce may pose as a draw for residents to live in the area and may thus improve the value of the positively affected properties.

Survey article to claim the contrary:

> A 2014 survey circulated online by the National Institute for Science, Law and Public Policy into public attitudes toward cell towers found that 79 percent of respondents would never purchase or rent a property within a few blocks of a cell tower or antennas. Our homes will be closer than a few blocks from the tower (within 400 feet). 94% of respondents reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. We understand this information is considered subjective but would like to include an objection to Verizon's claim the cell tower will pose as a draw for residents to live in the area.

Michele Bush

From: Debbie Enos RH [debbie.rhccc@gmail.com]
Sent: Wednesday, December 09, 2015 12:53 AM
To: Michele Bush
Cc: Rosie Ruiz; Ted Ebenkamp; Angie Valenzuela; Nicolaus, Michelle
Subject: Re: R2014-02389-(4) RHCCC Appeal Letter

Public Comment for December 9th Planning Commission Meeting; Item 6 to be read and entered into the official meeting record.

Dear Commissioners,

In reviewing the RCP package for the hearing on R2014-02389-(4) (Agenda Item 6, December 9, 2015 meeting) it was very disappointing to see a recommendation for approval despite the insufficiencies of the applicant's submitted documents and the project's inconsistencies with Rowland Heights Community Plan and Standards as objectively detailed in the addendum to RHCCC's opposition letter dated October 21, 2015.

RHCCC understands the Commissioners will independently weigh the provided project documentation and previously submitted opposition letters, emails, and petition and can deny the project based on both the submitted documentation and further testimony given on the day of the hearing. In support of that end, it is requested that this email be read and entered into the formal record of the hearing. RHCCC further respectfully requests the Commissioners give their full consideration to RHCCC's objections raised in the opposition letter and vote to deny the project as currently proposed.

If the Commission, decides against the Community and moves to approve the project as is, then RHCCC respectfully requests the Commission to consider and add, as a condition of approval, mitigation requirements upon the Applicant to bring the project into compliance with the intent of Rowland Heights Community Plan, Standards and the requirements set forth in LA County Policy No. 01-2010 Wireless Telecommunication Facilities by: 1. require the under-grounding of the equipment; 2. require site and climate adaptive landscaping to beautify the public ROW and further conceal/integrate the above ground portion of the WTC into the site; and 3. require Applicant to work with RHCCC and community to identify an acceptable site and community appropriate camouflage treatment other than the proposed visually intrusive mono-eucalyptus shrouding.

RHCCC submits the above would serve the greater good of the community and demonstrate that the CUP process is not unfairly weighted in favor of commercial interests over the interests of our residents and the character of our community. The Community Standards District and Community Plan help guide development of our community in a consistent and aesthetically in-character manner. Both of which have been sadly lacking over the last couple of decades of CUP approvals and inconsistent code enforcement. As a result the character of our community has been negatively impacted. RHCCC seeks to reverse this unfortunate trend by standing for and moving to strengthen our Community Pan and Standards, and the will of our residents when and where appropriate.

RHCCC therefore asks for your support and ruling in favor of our Community Plan, Community Standards and take a positive step toward restoring our Community's character by denying this project as proposed or, at the very least, require the applicant to implement the additional mitigation measures suggested as a requirement of approval.

Thank you in advance for the Commission's thoughtful and thorough consideration of this item and your support for the betterment of Rowland Heights.

Sincerely,
Debbie Enos
First VP, RHCCC

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

January 11, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush MRB
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: January 20, 2016

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

Please find enclosed a letter of opposition from the Rowland Heights Community Coordinating Council. The letter was received subsequent to hearing package submittal to the Regional Planning Commission.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

Enclosure

ROWLAND HEIGHTS
COMMUNITY COORDINATING COUNCIL

"IMPROVING OUR COMMUNITY"

WWW.ROWLAND-HEIGHTS.ORG

P.O. Box 8171
Rowland Heights
California 91748

Email:
rhccc4RH@gmail.com

President
Ted Ebenkamp

First Vice President Programs
Deborah Enos

Second Vice President Membership
Roland Sanchez

Third Vice President Community Improvement
Henry Woo

Recording Secretary
DeAnn Joyce

Corresponding Secretary
David Koo

Treasurer
Carla Sanchez

Historian
Charles Liu

Past President
Kingdon Chew

January 9, 2016

Los Angeles County Regional Planning Commission
320 West Temple Street, 13th Floor
Los Angeles, California 90012
Email: zoningldcc@planning.lacounty.gov

Re: Project No. R2014-02389-(4) CUP 201400111

Dear Commissioners:
Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie
Curt Pedersen
Pat Modugno

Project No. R2014-02389 is a request to authorize the construction and maintenance of a 50-foot high unmanned mono-eucalyptus wireless communications facility (Wireless Facility) at 2356 Fullerton Road, Rowland Heights.

Rowland Heights Community Coordinating Council (RHCCC) joins with a large number of residents, 67 of whom signed an earlier petition against this project, in continuing to oppose the construction of the Wireless facility at this address and respectfully requests L.A. County to continue to stand with the community and deny this request as proposed.

Having had the opportunity to view the December 9th Planning hearing video on this project we were pleased to see that our community's concerns regarding the Verizon Wireless tower were thoughtfully acknowledged by the Commission. And that your Board took proactive and positive action in support of the Community to uncover why the more suitable County Park locations were dismissed by the applicant despite both being viable.

We also thank you for continuing this item until January 20th and requiring the applicant to provide supporting documentation of their ***new claims*** that there are reasons beyond cost as to why they did not choose either of the two County Park locations. It should be noted that at no time did the applicant indicate to us, in all our prior communications, that there was any other reason beyond cost for not choosing one of the County park sites. This is troubling, given our experiences with their lack of transparency to date, that this is now being presented as the case.

Therefore, RHCCC respectfully requests having any supporting documents the applicant provides regarding these new claims be forwarded to RHCCC in a timely enough manner to allow us an opportunity to review and respond, if necessary, prior to the January 20th hearing date.

And while we were pleased by the Commission's questions of the applicant and support of the community's concerns, we were very disappointed by the ***applicant's disingenuous remarks in claiming to want to work with RHCCC and the Community*** but having been turned away this past Fall. For the record, our two previous meetings over the summer with the applicant's representative was, to be perfectly blunt, a waste of time. It was clear, both times, that the applicant's ***only motivation*** to meet with us was to present the project in order ***to check a box that they had met with RHCCC*** and then get on to the public hearing so their project would be approved.

There was no intention shown by them to work with us to find a mutually beneficial solution.

In both meetings, while the applicant listened to our concerns, and answered questions, most of our suggestions and concerns were simply swept aside or responded to in a condescending manner. At the end of both meetings, the message received was clear —— they felt that they did not have to do anything more or different than they already had done in their design or their application in order to get approval.

Specifically, at the August meeting Michelle and I, representing the community and RHCCC respectively, presented a variety of alternatives to the applicant. Including asking them to relook at the two park locations, the cemetery, to co-locating, and even updating their out-dated equipment or under-grounding the system. The return response was that they had found a fairly viable site and already had an agreement in place with the gas station and nothing was going to change their mind because they had no requirement to relook at the other locations. Simply put, they were not going to pay more for the County Park site when they could get the gas station cheaper. And since tree camouflage was acceptable to County there was no reason to do anything more or differently. Essentially that was the end of conversation.

Given the lack of the applicant's past willingness to find a solution, it is our opinion, had RHCCC's agendas not already been full, and another presentation had taken place, the result would have been the same as before.

From the community's perspective, the real problem with finding a compromise on this matter has been the applicants' aversion to expending any more capital than they absolutely have to. They clearly view our community as a place that they do not have to value or invest in more than they minimally have to. We pray that you prove them wrong and rule in favor of protecting the long term potential of our community's character over the short-term profit considerations of the applicant and Verizon Wireless.

The community desires the tower be located in the least intrusive location, which is NOT at the gas station location on Fullerton Road. It was heartening to see that several Commissioners appeared to agree by their comments that the proposed fake tree did not appear to blend in well with the surrounding landscape

and that the gas station was not the only viable location. Additionally, we agree that the community would be better served if revenues from the facility were to go to our County park and be reinvested in our community than enrich a private entity and devalue the Community.

We strongly support that the best way to blend the tower into the landscape and to meet the needs of the community is to place the tower elsewhere. Carolyn Rosa County Park appears to be the most desirable site to both blend the tower into the landscape and to close the identified service gap meeting the intended purpose of the application. Additionally, the lease revenue generated by the facility could be utilized by County parks to help fill the unmet recreational needs of this area of Rowland Heights.

RHCCC and the community continues to ask for your support and strongly urges your votes in favor of our Community Plan, our Community Standards, and in taking a positive step toward restoring our Community's character by denying this project as proposed.

Thank you in advance for your Board's thoughtful and thorough consideration of this item and your support for the betterment of Rowland Heights.

Sincerely,

Debbie Enos
First VP, RHCCC

Michelle Nicolaus
Resident, RHCCC Community Member and Representative

cc: Michele Bush, Principal Regional Planning Assistant

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

January 13, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: January 20, 2016

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

A duly noticed public hearing was held on December 9, 2015 before your Commission. During the hearing Commissioner Pedersen expressed concern with the lack of supporting evidence regarding the cost prohibitive and exorbitant cost of alternative sites. In order to allow the applicant time to provide information identifying the barriers to considering alternative sites, your Commission moved to continue the hearing to January 20, 2016.

To date, the additional information requested during the December 9, 2015 hearing has not been submitted. The applicant has informed staff a presentation including the additional information will be made during the January 20, 2016 public hearing before your Commission.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 11, 2016

TO: Stephanie Pincetl, Chair
Dough Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush
Zoning Permits East Section

PROJECT NO. 2014-02389-(4)- CONDITIONAL USE PERMIT NO. 201400111
RPC MEETING: FEBRUARY 24, 2016
AGENDA ITEM NO. 6

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot high unmanned monoeucalyptus wireless telecommunications facility.

To date the additional information requested during the January 20, 2016 hearing has not been submitted to staff.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6 p.m. The Department is closed on Fridays.

MM:MRB

Agenda Item #

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 18, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush MRB
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: February 24, 2016

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

Please find enclosed a letter of response from the County of Los Angeles Department of Parks and Recreation. The letter was received subsequent to hearing package submittal to the Regional Planning Commission.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

Enclosure

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Parks Make Life Better!"
John Wicker, Acting Director

February 18, 2016

Regional Planning Commission
150 Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Dear Honorable Commissioners:

PROJECT NUMBER R2014-02389-(4)
CONDITIONAL USE PERMIT NUMBER 201400111

The County of Los Angeles Department of Parks and Recreation (Department) has reviewed the attached January 20, 2016, correspondence from Core Development Services (Core Letter) to the Los Angeles County Regional Planning Commission. This letter is meant to address several inaccuracies in the Core Letter based on the policies and practices of the Department.

To date, the Department has not had any substantive negotiations with Core Development Services or Verizon Wireless regarding any proposed Cell Tower at either Carolyn Rosas Park or Gloria Heer Park. An initial inquiry was made, which was responded to by outlining the Department's minimum requirements. These are: 1) A one-time contract development/processing fee of $5,000; 2) Minimum rent of no less than $5,000 per month; 3) Annual rent escalation of no less than 3.5 percent; and 4) Subletting/sublicensing/use of tower by another provider requires 50 percent of any consideration received to be forwarded to the Department.

Some of the contract provisions referenced in the Core Letter refer to site specific clauses, taken from a draft agreement, currently being negotiated regarding the cell tower at the John Anson Ford Amphitheatre (Ford). Specifically, the contract provisions concerning the relocation of the tower and the artwork project are specific to the Ford, due to a multi-million dollar expansion and are <u>not standard</u> cell tower provisions. Verizon is well aware of this fact. The contract provisions addressing the acceptance of the premises "as-is," indemnification, security deposit, entering the premises for inspection and a point person for the agreement are standard Department contracting provisions. The contract provisions regarding assignment, term and termination, as well as other provisions may be negotiated. However, as stated above, beyond an initial inquiry, there have been no discussions or negotiations where these provisions could have been discussed.

Should you have any questions, please feel free to contact me at (213) 738-2953 or Christopher W. Kinney, Administrative Services Manager II at (626) 821-4603 or by email at CKinney@parks.lacounty.gov.

Sincerely,

John Wicker
Acting Director

JW:RAM:KEH
CK:rc

Attachment

c: Christopher W. Kinney, DPR
File (2)

January 20, 2016

Los Angeles County Regional Planning Commission
320 W. Temple Street, Room 1350
Los Angeles, CA 90012

RE: **Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111 (RPC Meeting: January 20, 2016)**

Dear Commissioners:

Per your request at the Planning Commission hearing on December 9th, 2015, below is a list of terms in the current Los Angeles County Parks and Recreation license agreement to which the parties, Verizon Wireless and County of Los Angeles Parks and Recreation, cannot agree. As stated at the December 9th hearing, while the monthly rent amount is exorbitantly high and a significant issue for Verizon, it is the cumulative impact of all of these lease terms that make entering into a lease agreement with Los Angeles County at either Carolyn Rosas Park or Gloria Heer Park unacceptable from a business standpoint.

- Rent is $5,000 per month/$60,000 per year. With the yearly escalation the County requires, rent will be $9,948 by year 20.
- The County has the right to require Verizon to relocate its facilities at its sole discretion at any time at Verizon's cost (no notice period even specified).
- The County may terminate the agreement at any time following the initial 5-year term if the County deems termination is in its best interest. Verizon is provided only 180 days to vacate.
- If the County "causes construction" within the Premises, the County may relocate Verizon on one occasion after the 10th annual anniversary of the commencement date upon 6 months' notice. It will be at Verizon's cost.
- Verizon will take the Premises in its AS-IS condition
- The agreement provides for one-way indemnification only in favor of the County.
- Verizon many terminate the agreement at any time following the initial 5-year term provided that Verizon pay a 12-month termination fee or during the initial 5-year term if Verizon determines that the Premises is inappropriate or unnecessary for their

operations but VZW must also pay the 12-month termination fee. At a minimum of year 6, said termination fee is $71,256.

- The term of the lease is a 10 year term with one (1) 10-year renewal.
- Verizon must pay the County 50% of any sublease revenues.
- Verizon must pay a $10,000 security deposit.
- The County may enter the Premises at any time upon 24 hours prior notice in the presence of a Verizon employee.
- The County's lease contains a non-standard Assignment provision. Should Verizon assign or transfer their agreement, they must pay a $25,000 transfer fee or 50% of the gross sale price. If Verizon assigns, transfers or subleases in violation of the agreement, they must pay liquidated damages equal to 12-months of the then-current rent.
- Verizon must designate an employee as an "Operations Manager" with whom the County my deal within a daily basis.
- Unknown park improvements. Ex. In the Hollywood Bowl License Agreement, to which Verizon and the County of Los Angeles Parks and Recreation were working to come to renewal terms, the County is requiring Verizon to pay for an artwork project in the amount NO LESS THAN $290,500 and up to $350,000.

It is clear that when evaluated as a whole these lease terms present an unsustainable business plan for Verizon Wireless. As staff previously reported, the proposed facility at its current location complies with the County's Zoning Ordinance and is consistent with the County's General Plan and Rowland Heights Community Plan. Further, staff is of the opinion that the Burden of Proof has been met and all facts identified by Section 22.56.040 of the County Code have been substantiated. All other viable candidates have been thoroughly exhausted as previously documented and presented at the December 9th, 2015 hearing. On behalf of Verizon Wireless, I respectfully request your approval of this Conditional Use Permit.

Sincerely,

Maree Hoeger
Zoning Manager
Agent for Verizon Wireless

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 22, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush MRB
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: February 24, 2016
Agenda Item #6

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

Please find enclosed a letter of opposition from the Rowland Heights Community Coordinating Council (RHCCC). The letter was received subsequent to hearing package submittal to the Regional Planning Commission.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

Enclosure

Michele Bush

From:	Ted Ebenkamp [te44444@hotmail.com]
Sent:	Monday, February 22, 2016 3:50 PM
To:	DRP LDCC
Cc:	Debbie Enos; michelle.nicolaus@disney.com; Michele Bush
Subject:	Project No. R2014-02389-(4) CUP 201400111

February 22, 2016

Los Angeles County Regional Planning Commission
Via **Email:** zoningldcc@planning.lacounty.gov

Honorable Commissioners,

Re: Project No. R2014-02389-(4) CUP 201400111 (50-foot high mono-eucalyptus wireless communications facility at 2356 Fullerton Road, Rowland Heights)

Your deliberative approach to the consideration of this proposed project is appreciated. Our community understands the need for wireless facilities and does not oppose them without due cause. In fact, in my fifteen years as an active board member of the Rowland Heights Community Coordinating Council (RHCCC) I can not recall an instance where we have opposed a cell tower project at the Regional Planning hearing level. In all instances where we have had concerns we have been able to meet with the applicant to find a win-win solution that was acceptable to all. This project has been different.

At meetings between the representatives from Core and the RHCCC the Applicant showed no indication of being willing to search for a solution that would meet its coverage needs in a way that would be acceptable to the community. The attitude of their representative was the proposed site worked for them, the price was right, and he was confident it would be approved as submitted. He showed no concern regarding the impact the fake tree would have on the property values of residents living in the vicinity or the visual impact it would have on a major community thoroughfare. His attitude left us no choice but to oppose.

Our community wants good cell phone coverage, but not at a price that harms our residents or the community. We should not have to make such a choice. I urge your Commission to require the Applicant to meet with representatives from the RHCCC, Regional Planning, Los Angeles County Parks and the Los Angeles County Board of Supervisors to find a solution that is acceptable to all.

Sincerely,
Ted Ebenkamp
President, Rowland heights Community Coordinating Council

cc: Michelle Bush, Debbie Enos, Michele Nicolaus

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 22, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Michele Bush MRB
Zoning Permits East Section

Project No. R2014-02389-(4) – Conditional Use Permit No. 201400111
RPC Meeting: February 24, 2016
Agenda Item #6

The above-mentioned item is a request to authorize the construction and maintenance of a 50-foot-high unmanned monoeucalyptus wireless telecommunications facility.

Please find enclosed a letter of response from the Rowland Heights Community Coordinating Council (RHCCC). The RHCCC is responding to the County of Los Angeles Department of Parks and Recreation's letter dated February 18, 2016. The letter was received subsequent to hearing package submittal to the Regional Planning Commission.

If you need further information, please contact Michele Bush at (213) 974-6435 or mbush@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:MRB

Enclosure

ROWLAND HEIGHTS
COMMUNITY COORDINATING COUNCIL

"IMPROVING OUR COMMUNITY"

WWW.ROWLAND-HEIGHTS.ORG

P.O. Box 8171
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California 91748

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Henry Woo

Recording Secretary
DeAnn Joyce

Corresponding Secretary
David Koo

Treasurer
Carla Sanchez

Historian
Charles Liu

Past President
Kingdon Chew

February 18, 2016

Los Angeles County Regional Planning Commission
320 West Temple Street, 13th Floor
Los Angeles, California 90012
Email: zoningldcc@planning.lacounty.gov

Re: Project No. R2014-02389-(4) CUP 201400111

Dear Chair Stephanie Pincetl,

Project No. R2014-02389 is a request to authorize the construction and maintenance of a 50-foot high unmanned mono-eucalyptus wireless communications facility (Wireless Facility) at 2356 Fullerton Road, Rowland Heights.

The Rowland Heights Community Coordinating Council (RHCCC) continues to join with a large number of residents opposing the construction of the wireless facility as designed and as located at the above address and respectfully requests L.A. County to stand with the Community and deny the request as proposed.

Having had the opportunity to view the January 20th hearing video, it was of great relief that your Commission voted to continue this matter to February 24th in order to allow time for both County and RHCCC to confirm and respond to the Applicant's unsubstantiated claims made at the hearing that day. It was troubling however that the Applicant felt it was alright to provide their version of 'facts' on the morning of the hearing without providing any time for independent review. This continues a pattern of not being transparent and also serves as one more example of the Applicant being disingenuous in both their claims regarding this project and in actually wanting to work with the Community to find a mutually agreeable conclusion to this matter.

The February 18, 2016 response letter from County Parks, clearly shows that Applicant, despite the hyperbole of their testimony on January 20th, did not engage County Parks in any negotiations and instead knowingly implied that non-standard terms from the high value, iconic John Ford Theater site could apply to the Rowland Heights Park locations. County Park's is clear in their letter that the Applicant was well aware of this fact.

By knowingly cherry picking inflammatory clauses from this unrelated negotiation and non-standard terms the applicant is calling into question all of their 'findings and facts' in their original application package for this project. As such, RHCCC continues to contend that this project has not met the burden of proof required that the site chosen is the least intrusive feasible site and that both the park facilities remain suitable and feasible. By extension, perhaps even the cemetery, if offered a steeple or cross as the tower camouflage instead of a fake tree may too have been responsive to locating the tower on their property. Since it is clear that the Applicant chose the path of least resistance as a means to their end the community has not been served by their process.

As a reminder, when RHCCC met with the Applicant, they declined all of our overtures to work with them to revisit the other locations, stating simply that they had found a site that met their needs for a price they wanted to pay so they 'did not have to'. Based on the Applicant's presentations and conduct to date, the Applicant, appears to still believe that 'they don't have to".

Nevertheless, RHCCC and the Community remains open and committed to working with the Applicant if they are willing re-examine the alternative locations and other architectural design options for any of the sites, including the under grounding of their equipment and the inclusion of more extensive landscaping in order both of us to find a win, win solution.

RHCCC would further welcome the aid of Regional Planning, County Parks, and/or LACBOS staff to facilitate a cooperative and transparent working process with the Applicant to find a win, win solution that is not simply 'checking the box' or 'going through the motions' with the Community.

In summary, the disingenuous actions and questionable tactics of the Applicant to date has tainted the findings of their application and their claims. RHCCC continues to ask for your Commission's support and ruling in favor of our Community Plan, Community Standards and take a positive step toward restoring our Community's character by denying this project as proposed.

Thank you in advance for the Commission's thoughtful and thorough consideration of this item and your support for the betterment of Rowland Heights.

Sincerely,

Debbie Enos
First VP, RHCCC

Michelle Nicolaus
Resident, RHCCC Member

Cc: Michelle Bush