Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 22, 2015

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

FROM: Jeantine Nazar, Regional Planning Assistant II M. Glass for JN
Land Development Coordinating Center / Site Plan Review Section

PROJECT NO. R2014-02565-(5) – CONDITIONAL USE PERMIT NO. 201400121 – RPC MEETING: OCTOBER 28, 2015 – AGENDA ITEM: 7

Your Commission considered the abovementioned case on September 2, 2015. The staff report and case materials are available online at http://planning.lacounty.gov/case/view/r2014-02565/. Your Commission continued the case to October 28, 2015 and requested that staff provide draft findings for denial of the project. The draft findings are attached and the recommended motion is below.

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing and deny Conditional Use Permit No. 201400121 subject to the attached findings.

Should you have any questions regarding this matter, you may contact me at (213) 974-6470 or via email at jnazar@planning.lacounty.gov.

MWG:mwg

DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02565 - (5)
CONDITOINAL USE PERMIT NO. 201400121

1. The Regional Planning Commission ("Commission") conducted a duly-noticed public hearing regarding the matter of Conditional Use Permit No. 201400121 ("CUP") on September 2, 2015 and October 28, 2015.

2. The permittee, Verizon Wireless ("permittee"), requests a CUP to authorize the construction, operation, and maintenance of a wireless telecommunications facility (WTF) ("Project") on a property located at 4337 N Sunflower Avenue within the unincorporated Los Angeles County community of Charter Oak ("Project Site") in the A-1-10,000 (Light Agricultural – 10,000 Square Feet Minimum Lot Size Required Area) zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100.

3. The Project Site is located in the Charter Oak Zoned District and is currently zoned A-1-10,000 (Light Agricultural with 10,000 Square Feet Minimum Lot Required Area).

4. The Project Site is located within the Low Density Residential land use category of the County General Plan.

5. Surrounding Zoning within a 500-foot radius includes:
   North: A-1-10,000, R-1-8,000, and City of San Dimas
   South: A-1-10,000 and City of San Dimas
   East: City of San Dimas
   West: City of San Dimas

6. Surrounding land uses within a 500-foot radius include:
   North: Water tanks and single-family residences
   South: Single-family-residences
   East: Single-family residences
   West: Single-family residences

7. The Project Site primary access is via Badillo Street through a non-exclusive vehicular path of 12 feet wide. The secondary access to the Project Site is via Sunflower Avenue.

8. The Project Site lease area is 378 square feet in size located on the southwestern portion of the property within a 1.25 acre lot developed with a church. The Project Site is irregular in shape with generally flat topography.

9. The site plan for the Project depicts 12 panel antennas, each eight feet in height, mounted on three arms (four on each arm), 12 Remote Radio Units (four on each arm) mounted behind the antennas, and two parabolic antenna dishes and two

RAYSCAPS (a radio equipment named after its brand name) mounted on the steel frame.

10. The elevation plans depict the height of the antennas at 45 feet at the top camouflaged within a 46-foot high steel trellis frame (27'-6"x15'-0") with a cross design mounted on three posts (3'-0"x2'-7"). The applicant is proposing to install equipment cabinets and a backup generator within a 378 (18'-0"x21'-0") square-foot lease area enclosed in an eight-foot-high concrete masonry unit wall.

11. The Department of Regional Planning ("Regional Planning") does not have any records pertaining to approval for the construction of the church building. However, building permit records from the Department of Public Works ("DPW") include approval for the construction of a one-story church with an occupant load of 200 persons in 1958. The parking requirement for the church at that time was one parking space for 10 persons. Therefore, 20 parking spaces were required at that time.

12. Ordinance No. 10,366, which became effective on November 5, 1971, required a CUP in order to operate a church in the A-1 Zone.

13. CUP 85-152, approved in 1986, allowed the construction, operation and maintenance of a church. This permit does not include an expiration date and indicates that there is one oak tree on the southeast portion of the property. Assessor's records show that a total of more than 88,000 square feet of building improvements were built in 1989.

14. Revised Exhibit "A" 201000132 allowed second floor additions for Sunday school classrooms and included an occupancy load calculation of 390 individuals that was approved by DPW. Required parking for the church included 20 parking spaces for 200 persons (as calculated by the nonconforming parking standard of one space per 10 occupants) and 38 parking spaces for the additional 190 individuals (as calculated by the current parking standard of one space per five occupants). The church required a total of 58 parking spaces.

15. Prior to the public hearings regarding 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 involves the construction of a WTF and includes a lease area of less than 400 square feet in area.

16. Pursuant to the 1996 Telecommunications Act, local jurisdictions are preempted from considering radio frequency emissions when regulating WTF's as long as such facilities comply with FCC regulations.

17. A duly noticed public hearing was held on June 16, 2015 before Hearing Officer Pat Hachiya. Prior to the Hearing Officer's public hearing, the Regional Planning staff

received one email from a concerned citizen regarding the new WTF at this location. The resident was concerned about possible interference between the new WTF and other communication devices, such as broadcast television and cable. The applicant's representative, Ross Miletich presented testimony in favor of the request and agreed to a revision to Condition No. 38 requiring that the generator noise level shall not exceed 60 dBA. The applicant's representative stated that the cell phone tower would not interfere with other communication devices because it is broadcast on a different frequency. The applicant's representative also stated that FCC regulations prevent interference with any other signals. Regional Planning staff presented a comment from an adjacent neighbor, received on the day of the public hearing, requesting that the hearing be scheduled locally. There being no further testimony, the Hearing Officer closed the public hearing and approved the Project with the revision to Condition No. 38 recommended by staff and agreed to by the applicant.

18. After the Hearing Officer's public hearing, staff received a petition with a total of 963 signatures opposing the Project and David Lumiqued appealed the Hearing Officer's decision to the Commission.

19. A duly noticed De Novo public hearing was held on September 2, 2015 before the Commission. The appellant, David Lumiqued, provided testimony in opposition and expressed concerns related to inadequate notification; the aesthetics of the proposed WTF; health concerns due to the proposed WTF's proximity to schools and other sensitive uses; interference with existing services, exposure to radio frequency emissions, and possible future collocation of other WTFs; the site's zoning designation; visibility of the WTF from nearby hiking trails; inadequate parking on the Project site; no evidence of a significant gap in coverage and E911 service standards; and the burden of proof requirements not being met. The appellant also presented a petition with 716 signatures, 18 affidavits from Verizon customers, and 229 letters from the surrounding community opposing the WTF at the Project Site. A total of 26 additional members of the public provided testimony in opposition. The applicant's representatives, Ross Miletich and Michelle Felton, presented testimony in favor of the request. The Commission continued the hearing to October 28, 2015 and instructed staff to prepare denial findings.

20. The 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 libraries located in the vicinity of Charter Oak community. A total of 293 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site on May 5, 2015 and on July 28, 2015. Four notices were mailed to those on the courtesy mailing list for the Charter Oak Zoned District and to any interested parties. The notice of public hearing was published in La Opinion on May 8, 2015 and on July 25, 2015 as well as in the San Gabriel Valley Tribune on May 11, 2015 and on July 28, 2015. Additionally, the applicant has provided Certificate of Postings indicating that the property was posted thirty days prior to the hearing dates on May 15, 2015 and on August 2, 2015.

21. The Commission finds that the Project Site provides 66 parking spaces and the Project will decrease the parking to 64 spaces. Based on the current parking standard of one space per five occupants, the church requires 78 parking spaces for 390 occupants. Therefore, the Project Site does not meet current parking standards and the decrease in parking spaces resulting from the Project would exacerbate this condition.

22. The Commission finds that the appellant and other opponents have provided sufficient written and oral testimony, including photo simulations, to substantiate that the Project will have negative visual and aesthetic impacts on adjacent properties. The WTF is not integrated into the existing church building and would be placed in a separate steel trellis frame. In addition, the 46-foot high steel trellis frame exceeds the height of the existing church building and other surrounding buildings, which are subject to a 35-foot height limit in the A-1 and R-1 Zones. Pursuant to FCC regulations, the height of the WTF could be increased by 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, which would exacerbate this condition.

23. The Commission finds that the existing water tanks in the vicinity of the Project Site have negative visual and aesthetic impacts on adjacent properties and that the addition of the Project would exacerbate these impacts.

24. The Commission finds that the appellant and other opponents have provided sufficient written and oral testimony to substantiate that the Project will have negative impacts on property values and the ability of existing residents to sell their homes. Realtors stated that prospective buyers of homes have terminated purchase agreements when they become aware of a WTF in the immediate vicinity.

25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based 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 at the site will adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. The proposed site is not 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.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

Denies Conditional Use Permit No 201400121.

MG:JN
10/22/2015

c: Zoning Enforcement, Building and Safety