Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 20, 2015

Jerry Ambrose
3905 State Street, Suite 7-188
Santa Barbara, CA 93105

REGARDING: **PROJECT NO. R2014-02743-(5)**
CONDITIONAL USE PERMIT NO. 201400130
APN: 8661-020-901, SAN DIMAS ZONED DISTRICT

Hearing Officer Alex Garcia, by his action of **October 20, 2015,** has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **November 3, 2015. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits North Section at (213) 974-6443, or by email at kkulczycki@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

Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

RG:KK

CC.060412

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02743-(5)
CONDITIONAL USE PERMIT NO. 201400130

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400130 ("CUP") on September 1, 2015.

2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction, operation, and maintenance of a new unmanned wireless telecommunications facility ("WTF") disguised as a water tower ("Project") on a property located at the southeast corner North San Dimas Canyon Road and East Foothill Boulevard (APN 8661-020-901) in the unincorporated part of San Dimas ("Project Site").

3. The CUP is a request to authorize the construction, operation, and maintenance of a new unmanned WTF in the C-3 Zone. The proposed WTF consists of a new 54' tall support structure disguised as a water tower with twelve (12) 8' tall panel antennas and twelve (12) remote radio units mounted on three (3) arrays located inside of the tower, two (2) equipment cabinets and one (1) standby generator on a 11'-3"W x 4'-6"L concrete pad, and ancillary antenna equipment. The facility will be located within a 44'-6" x 70'-11" lease area with an 8' tall CMU wall measuring 21' x 21' surrounding the WTF.

4. The Project Site is 0.89 acres in size and consists of one legal lot. The Project Site is rectangular in shape and is developed with an existing plant nursery.

5. The Project Site is located in the San Dimas Zoned District and is currently zoned C-3 (Unlimited Commercial).

6. The Project Site is located within the 1 (Low Density Residential – 1-6 dwelling units/acre) land use category of the Los Angeles County General Plan Land Use Policy Map.

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

   North: C-H (City of San Dimas – Commercial Highway)
   South: R-A-7,500
   East: C-3, R-A-7,500
   West: C-H (City of San Dimas – Commercial Highway), SF7500 (City of San Dimas – Single Family with 7,500 Square Foot Minimum Lot Required Area)

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

   North: Multi-tenant commercial including professional services and offices
   South: Single-family residential, nursery

East: Multi-tenant commercial including retail, hair salon, dry cleaning, and restaurant
West: Single-family residential, convenience store

9. A Certificate of Compliance was applied for and approved on July 15, 2015. There are no other previous zoning cases for this property.

10. The site plan for the Project depicts the proposed 44'-6" x 70'-11" lease area located in the northeastern corner of the Project Site with an 8' tall CMU wall measuring 21' x 21' surrounding the WTF. Within the lease area the WTF is located in the southeast corner with two equipment cabinets and a standby generator on a 11'-3"W x 4'-6"L concrete pad sited directly south of the water tower. A non-exclusive 12' wide path of access runs from the northern entrance of the Project Site to the non-exclusive parking stall located north of the equipment building. The antenna plan shows four antennas and four remote radio units mounted on each of the three arrays for a total of twelve antennas and twelve remote ratio units within the water tank. The elevations show the height of the support structure as 54' tall.

11. The Project Site is accessible via East Foothill Boulevard which runs along the northern boundary of the Project Site.

12. The WTF requires only periodic maintenance and the maintenance vehicle can use the non-exclusive parking stall located north of the equipment building within the lease area.

13. Prior to the Hearing Officer's public hearing on the Project, the Department of Regional Planning Staff ("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 2100, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project is small in size and will have a negligible impact on the environment.

14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.

15. Prior to the Hearing Officer's public hearing, Staff received inquiries from the City of San Dimas and the plant nursery owner requesting additional project information.

16. A duly noticed public hearing was held on September 1, 2015. A public hearing was held for the project on September 1, 2015. Staff received an email on August 31, 2015 with a letter dated August 27, 2015 from the City of San Dimas requesting a project redesign to something similar to approved WTF designs within the city. Staff also received an email on August 31, 2015 from the City of La Verne expressing concerns with the design and continued use of the balance of the subject property. The City of La Verne requested that the plant nursery remain in operation in order to mitigate the appearance of the WTF or that additional conditions be included to

require landscape screening and fencing to help screen the WTF. The Hearing Officer continued the public hearing to October 20, 2015, directed the applicant to assess the feasibility of a project redesign, and directed staff to draft a condition regarding vegetation landscaping.

17. A duly noticed public hearing was held on October 20, 2015. Staff presented revised plans depicting a water tower design that was agreed upon by the applicant and the City of San Dimas. The applicant was present for questions from the Hearing Officer. With the proposed redesign and revised conditions, the Hearing Officer closed the public hearing, determined that the project is categorically exempt, and approved the Conditional Use Permit.

18. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan. The General Plan contains policies to ensure compatibility of development with the surrounding area. The following policy of the General Plan is applicable to the proposed project: "*General Plan Public Services Policy 58 – Maintain high quality emergency response services.*" Cellular service is often used to make emergency calls. The proposed facility will improve cell phone service in the area and will ensure that such service is readily available in the area, and useable in the case of an emergency. Engineers for Verizon Wireless have observed that this facility is needed to reduce the cellular coverage gap in order to ensure reliable levels of service. The applicant provided existing and project coverage maps to demonstrate the need for improved service in the area.

19. The Hearing Officer finds that the Project is consistent with the County Code. A wireless telecommunications facility is a use not specified in the County Code. The closest described uses are radio and television towers. Section 22.28.210 of the County Code permits these uses in the C-3 zone, provided a conditional use permit has first been obtained.

20. The Hearing Officer finds that the Project complies with applicable development standards of Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010. At 50' the WTF does not exceed the 75' height limit on ground-mounted wireless facilities. The WTF employs is disguised as a water tower in order to minimize visual impacts and provides screening for the structure mounted equipment.

21. The Hearing Officer finds that the Project satisfies the CUP Burden of Proof findings in Section 22.56.040 of the County Code. The Hearing Officer 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. The Project will operate according to FCC standards. The disguised nature of the facility as a water tower and its location allow the remainder of the property to maintain its current use. No discernible noises, smells, light, glare, or traffic will be produced by the Project. The equipment

will be fully secured by an enclosure and will provide needed voice and data services to the area.

22. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, and other development features as is required in order to integrate the Project into the surrounding area. The Project occupies a 44'-6" x 70'-11" lease area of the 0.89 Project Site. The location on the Project Site is unobtrusive and the water tower design will blend in with the surrounding community character.

23. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. The Project Site is adequate access from East Foothill Boulevard through an existing asphalt driveway. The Project is an unmanned facility and will not generate additional traffic other than occasional maintenance visits. The Project does not require public services such as water, sewer, or waste management. The facility will be adequately served by the existing road and utility infrastructure.

24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use to fifteen (15) years.

25. The Hearing Officer finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on the Department of Regional Planning's website and at the San Dimas Library. On July 27, 2015, a total of 66 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 and those on the courtesy mailing list for the San Dimas Zoned District.

26. The location of the documents and other materials constituting the record of the proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed use with the attached conditions will be consistent with the adopted Los Angeles County 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 HEARING OFFICER:

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

2. Approves Conditional Use Permit 201400130, subject to the attached conditions.

ACTION DATE: October 20, 2015

RG:TH
10/20/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02743-(5)
CONDITIONAL USE PERMIT NO. 201400130

PROJECT DESCRIPTION

The project is a request to authorize the construction, operation, and maintenance of a new unmanned wireless telecommunications facility ("WTF") located at the southeast corner of North San Dimas Canyon Road and East Foothill Boulevard (APN 8661-020-901) in the unincorporated part of San Dimas. The proposed WTF consists of a new 54' tall support structure disguised as a water tower with twelve (12) 8' tall panel antennas and twelve (12) remote radio units mounted on three (3) arrays located inside of the tower, two (2) equipment cabinets and one (1) standby generator on a 11'-3"W x 4'-6"L concrete pad, and ancillary antenna equipment. The facility will be located within a 44'-6" x 70'-11" lease area with an 8' tall CMU wall measuring 21' x 21' surrounding the WTF. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

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

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10, Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

   If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on September 1, 2030**. 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 September 1, 2017, which is two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **November 2, 2015**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

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

20. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.

22. Any proposed WTF that will be co-locating on the facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.

23. All structures shall conform to the requirements of the Department of Public Works Division of Building and Safety or other appropriate agency and obtain an encroachment permit if deemed necessary.

24. If any external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences and open space. Pole-mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

25. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday because the subject property is adjacent to residences. Emergency repairs of the facility may occur at any time.

26. Placement and height of all structure-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.

27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles.

28. The maximum height of the top of the antennas shall not exceed 49 feet above grade level.

29. 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.

30. 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 thirty (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 thirty (30) days of notice.

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

32. Vegetation screening shall be applied to the perimeter of the lease area to provide screening for the equipment building, standby generator, and other ancillary equipment.

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

34. 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.

35. 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.

36. Upon termination of this grant or after 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. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of Regional Planning and any other government agency. In the event the facility is not so removed within ninety (90) days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

PROJECT SITE SPECIFIC CONDITIONS

37. This grant shall authorize the construction, operation, and maintenance of an unmanned WTF and appurtenant equipment as shown on the plans marked Exhibit "A".

38. All development pursuant to this grant shall comply with the requirements contained in the noise control ordinance, Section 12.08.440, during construction and during maintenance work or non-emergency operations of the generator.