



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 22, 2015

JUSTIN BARRY
SBA STEEL INC
4026 Hawk Street, Suite D
San Diego, CA 92103

**REGARDING: PROJECT NO. R2014-03415-(2)
CONDITIONAL USE PERMIT NO. 201400169
20900 NORMANDIE AVENUE, WEST CARSON
APN: 1348-020-011**

Hearing Officer John Calas, by his action of **July 21, 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 **August 4, 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 Josh Huntington of the Zoning Permits West Section at (213) 974-6462, or by email at jhuntington@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner



Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),

c: DPW (Building and Safety); Zoning Enforcement;

MKK:JSH

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03415-(2)
CONDITIONAL USE PERMIT NO. 201400169**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on June 16, 2015, in the matter of Project No. R2014-03415-(2), Conditional Use Permit No. 201400169 ("CUP").
2. The applicant, SBA Steel, LLC ("permittee"), is requesting a Conditional Use Permit ("CUP") to authorize the continued operation and maintenance of a wireless telecommunication facility ("WTF") located at 20900 Normandie Avenue ("Project Site") in the MPD (Manufacturing-Industrial Planned) zone in the unincorporated community of West Carson pursuant to section 22.32.150 of the Los Angeles County Code ("County Code").
3. The Project is an existing WTF that includes a 62-foot tall faux pine tree with panel antennas of various sizes for two wireless carriers, and pad mounted equipment within two concrete masonry enclosures with a combined area of approximately 700 square feet. The WTF was originally approved by CUP 04-096-(2). The WTF is surrounded by a concrete masonry wall that is six to eight feet tall. No changes are proposed to the WTF.
4. The WTF was approved by CUP No. 04-096-(2) on September 7, 2004. CUP No. 04-096 expired on September 21, 2014, and CUP 201400169 (Project R2014-03415-(2)) was filed to continue the operation of the previously authorized WTF.
5. The Project Site is a parcel containing a warehouse located at 20900 Normandie Avenue. It is located on Assessor's Parcel Number ("APN") 7348-020-011, which has an area of 3.62 acres. The topography of the Project Site is flat.
6. The Project Site is located in the Carson Zoned District and is currently zoned MPD.
7. The Project Site is located within the 1 – Low Density Residential (1-6 du/acre) land use category of the Los Angeles County General Plan ("General Plan"). The WTF is consistent with this category, which allows infrastructure and utilities, subject to a CUP.
8. Surrounding Zoning within 500 feet of the Project Site includes:
 - North: MPD
 - South: R-2-DP (Two-Family Residence with a Development Program)
 - East: R-1 (Single-Family Residence)
 - West: MPD; City of Los Angeles (R1-1 and R2-1)
9. Surrounding land uses within a 500-foot radius include:
 - North: Industrial
 - South: Single family residences

East: Single family residences; vacant land
West: Industrial; City of Los Angeles (single family residences)

10. The Project Site is accessible from Normandie Avenue to the east.
11. As the project is an existing facility with no significant changes proposed, no consultations with other County departments are required.
12. Regional Planning staff determined that the Project qualifies for a Class 1 (Existing Facilities) 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 is an existing use and will remain the same.
13. 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.
14. No comments have been received from the public at this time.

15. A duly noticed public hearing was held on July 21, 2015 before the Hearing Officer. The applicant's representative, Justin Barry presented testimony in favor of the request. Jorge Barake was also present to represent the property owner. Mr. Barake did not testify except to say that the owner supported the request. There were no other speakers and no additional questions from the Hearing Officer on the project. There being no further testimony, the Hearing Officer closed the public hearing.
16. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan. The General Plan contains policies to ensure compatibility of development with the surrounding area.
17. The Hearing Officer finds that 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 existing facility will ensure that such service is readily available in the area, and useable in the case of an emergency.
18. The Hearing Officer finds that the Project is allowed in the subject zone category with the approval of a CUP. Further, the Project is consistent with the development standards of the MPD Zone as set forth in section 22.32.150 of the County Code.
19. The Hearing Officer finds that the project is adequately located and designed to minimize visual impacts to the surrounding neighborhood. The mono-pine design helps to disguise the tower, and the collocation of multiple wireless facilities on this one tower further reduces visual impacts in the area by limiting the total number of towers.

The Hearing Officer finds that since this facility does not require staff, the Project will not generate any significant additional activity to the area.

20. The Hearing Officer finds that the Project Site is adequate in size to accommodate all project components. The antenna and associated equipment are contained within the 700-square foot lease area and do not require an expansion of the project site.
21. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to accommodate the kind and quantity of traffic the Project would generate. As an unstaffed facility, the project requires only occasional maintenance visits, and the project was required to provide one designated parking space for the maintenance visits 22.
22. The Hearing Officer finds that the Project is compatible with the surrounding land uses through the location and design of the facility, which is mounted on existing infrastructure and finished so as to blend with its surroundings.
23. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure continued compatibility between the use of the Project Site allowed by this grant and surrounding land uses.
24. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was notified of the public hearing by newspaper, property posting, library posting and DRP website posting. All neighboring property owners within 500 feet of the Project Site were notified by mail, including 209 different owners. Additionally, the case materials were available on Regional Planning's website and at the Carson Library. A total of one Notice of Public Hearing was mailed to those on the courtesy mailing list for the Carson Zoned District.
25. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
2. Approves Conditional Use Permit No. 201400169, subject to the attached conditions.

ACTION DATE: July 21, 2015

MK:JH
July 22, 2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03415-(2)
CONDITIONAL USE PERMIT NO. 201400169**

PROJECT DESCRIPTION

This grant authorizes the continued operation and maintenance of a wireless telecommunication facility ("WTF") located at 20900 Normandie Avenue. This grant 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 July 21, 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 within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
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 biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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 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 **September 21, 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 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

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Department of Public Works Division of Building and Safety or other appropriate agency.

24. All existing lighting shall remain appropriately screened and in good repair. If any new 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. New pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. New antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall remain essentially as depicted in the photographs presented at the public hearing.
26. 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.
27. The maximum height of the facility shall not exceed 65 feet above finished grade.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
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. The finish shall be graffiti-resistant.
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 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
31. 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.
32. 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.
33. The facility shall be secured by fencing, gates and/or locks.
34. 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.

35. New equipment added to the facility shall not compromise the stealth design of the facility.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.
37. Appurtenant equipment boxes shall be screened or camouflaged.