

# Hearing Officer Transmittal Checklist

Hearing Date 5/5/15
Agenda Item No. 6

**Project Number:** R2014-03416-(2)  
**Case(s):** Conditional Use Permit Case No. 201400170  
Environmental Assessment Case No. 201400276  
**Planner:** Shaun Temple

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- 2004 Findings & Conditions Approval

Reviewed By: 



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

**PROJECT NUMBER**  
 R2014-03416-(2)

**HEARING DATE**  
 May 5, 2015

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400170  
 Environmental Assessment No. 201400276

**PROJECT SUMMARY**

**OWNER / APPLICANT**

SBS Steel, LLC

**MAP/EXHIBIT DATE**

February 4, 2015

**PROJECT OVERVIEW**

The applicant, SBA Steel, LLC, requests a conditional use permit to authorize the continued operation and maintenance of an existing wireless telecommunications facility consisting of 9 panel antennas and associated equipment on a 63 foot monopole camouflaged as a pine tree.

**LOCATION**

7710 Maie Avenue, Florence-Firestone

**ACCESS**

Maie Avenue

**ASSESSORS PARCEL NUMBER(S)**

6021-018-033

**SITE AREA**

600 Square Foot Lease Area

**GENERAL PLAN / LOCAL PLAN**

General Plan

**ZONED DISTRICT**

Compton-Florence

**LAND USE DESIGNATION**

I-Major Industrial

**ZONE**

M-1 (Light Manufacturing)

**PROPOSED UNITS**

None

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

Florence-Firestone

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.138 (Florence-Firestone CSD requirements)
  - 22.32.080 (M-1 Zone Development Standards)

**CASE PLANNER:**

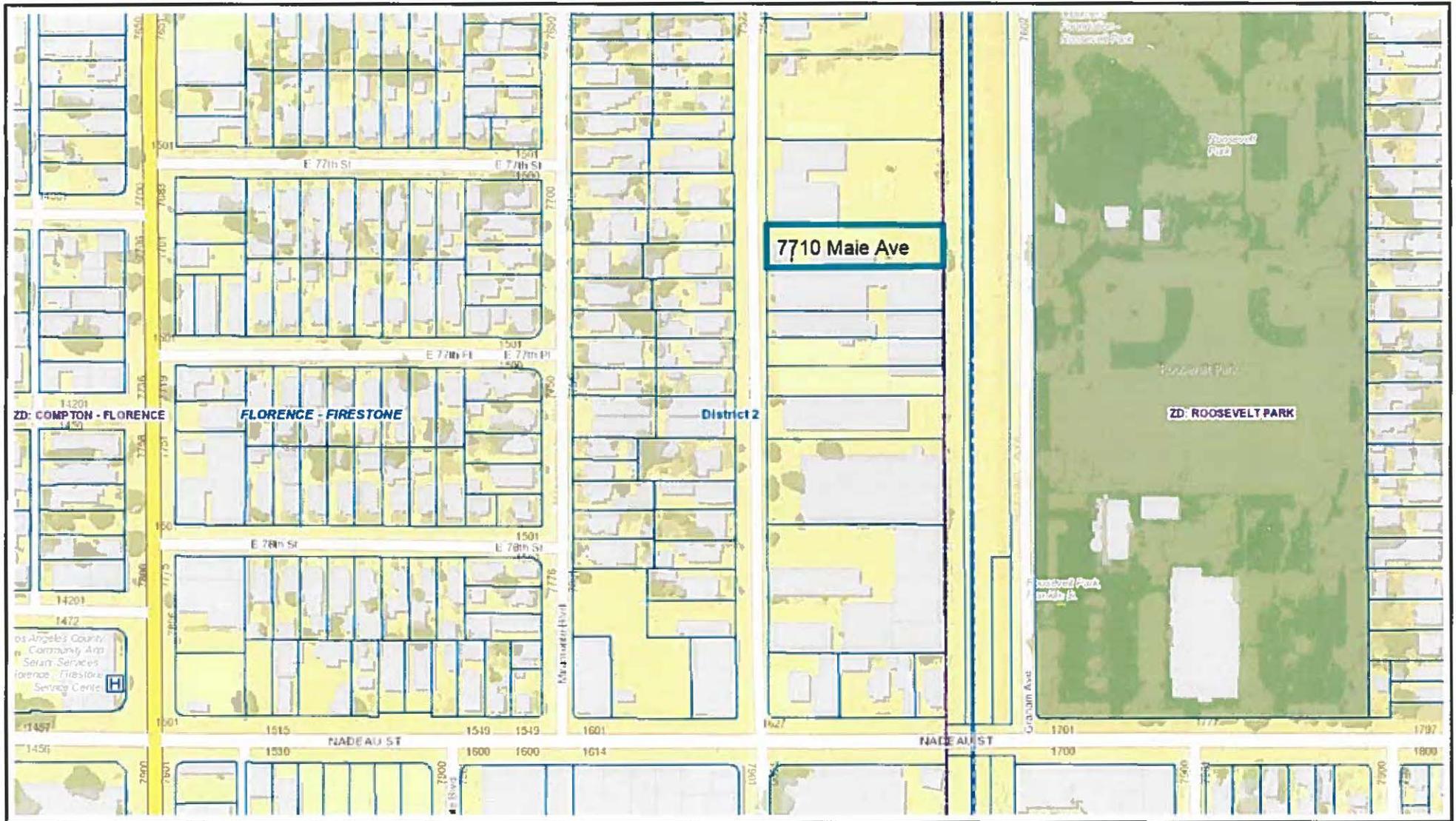
Shaun Temple

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# 7710 Maie Avenue Property Location Map

Printed: Apr 13, 2015



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### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) for the continued operation and maintenance of an existing wireless telecommunications facility in the M-1 (Light Manufacturing) Zone pursuant to County Code Section 22.32.070.

### **PROJECT DESCRIPTION**

The project is a request for a CUP to authorize the continued operation and maintenance of an existing ground mounted wireless telecommunications facility (WTF) camouflaged as a pine tree and consisting of nine panel antennas and associated equipment shelter. The WTF is 63 feet in height and occupies a 600 square foot lease area. The project is located on the same parcel as an auto body paint and repair shop, which is located at 7710 Maie Avenue within the unincorporated community of Florence-Firestone.

### **EXISTING ZONING**

The subject property is zoned M-1 (Light Manufacturing).

Surrounding properties are zoned as follows:

North: M-1 (Light Manufacturing) and C-M (Commercial Manufacturing)

South: M-1

East: R-3 (Limited Multiple Residence) and O-S (Open Space)

West: R-3

### **EXISTING LAND USES**

The subject property is developed with an auto body paint and repair shop with a wireless telecommunication facility in the south east corner.

Surrounding properties are developed as follows:

North: Industrial businesses and single-family residences

South: Industrial warehouses

East: Railroad tracks, Metro Blue Line tracks, Roosevelt Park

West: Single-Family Residential

### **PREVIOUS CASES/ZONING HISTORY**

The WTF was established under CUP 04-043-(2) on October 5, 2004, which expired on October 5, 2014. There has been no history of zoning violations against the WTF.

### **ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the use of an existing wireless telecommunications facility with no proposed changes. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

## STAFF EVALUATION

### General Plan/Community Plan Consistency

The project site is located within the Major Industrial land use category of the County Wide General Plan. This designation is intended for uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The General Plan is silent in regards to wireless telecommunications facilities (WTF) being placed in industrially designated areas. The wireless facility was originally approved through CUP 04-043 in 2004 when a Hearing Officer approved the CUP for a wireless telecommunications facility on a monopole camouflaged as a pine tree. The approval of this CUP to allow the continuation of the existing wireless facility is consistent with the previously approved CUP and is consistent with the practice of permitting WTFs in industrially designated areas.

The following policy of the General Plan is applicable to the proposed project:

- *General Policy 58 – Maintain high quality emergency response services.*  
Cellular service is often used to make emergency calls. The proposed facility will ensure that such service is readily available and useable in the case of an emergency.

### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.32.080 of the County Code, structures in the M-1 Zone are subject to the following development standards:

- There is no outside storage or display associated with the WTF.
- Additional parking on the project site is not required for the WTF. The WTF requires only periodic maintenance and the maintenance vehicle can use the on-site parking provided.
- There are no signs associated with the WTF.

Pursuant to Section 22.44.138 of the County Code, structures in the Florence-Firestone Community Standards District (CSD) are subject to the following development standards:

- There is no graffiti on the WTF.
- Black or other similar dark colors are not used as the primary or base color for the WTF. The WTF is disguised as a pine tree and has a pine tree-like color scheme.

Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, WTFs are subject to the following development guidelines:

- The WTF is 63 feet in height, which is below the maximum of 75 feet allowed for ground-mounted wireless facilities not located on the public right-of-way.
- The WTF is camouflaged as a pine tree to minimize visual impacts and provide appropriate screening. The Exhibit "A" for this project shows an increase in use

of pine branches since the previous approval in order to better camouflage the WTF.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section(s) 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 WTF has been in existence since 2004 and there is no record of public complaints or zoning violations. The facility will continue as constructed with no major change. The applicant will be adding more pine branches in order to increase the camouflage of the facility. The wireless facility provides important communications infrastructure and the facility does not impact the area or neighborhood in which it is located.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

The Los Angeles County Departments of Public Works and Fire have stated that they do not need to review this project.

**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**

Staff has not received any comments at this time.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**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 R2014-03416-(2), Conditional Use Permit Number 201400170, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201400170 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Shaun Temple, Regional Planning Asst. II, Zoning Permits West Section  
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:  
Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan

MKK:SCT  
4/13/15

**DRAFT FINDINGS AND ORDER  
OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-03416-(2)  
CONDITIONAL USE PERMIT NO. 201400170**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400170 ("CUP") on May 5, 2015.
2. The permittee, SBA Steel, LLC ("permittee"), requests the CUP to authorize the continued operation and maintenance of an existing wireless telecommunications facility (WTF) ("Project") on a property located at 7710 Maie Avenue in the unincorporated community of Florence-Firestone ("Project Site") in the M-1 zone pursuant to Los Angeles County Code ("County Code") section 22.32.070.
3. The Project Lease Area of the WTF is approximately 600-square feet and is located on a flat, rectangular parcel which is 18,700-square feet in size. The Project is located on the same parcel as an auto body paint and repair shop.
4. The Project Site is located in the Compton-Florence Zoned District and is currently zoned M-1 (Light Manufacturing).
5. The Project Site is located within the Major Industrial land use category of the General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: M-1 (Light Manufacturing) and C-M (Commercial Manufacturing)
  - South: M-1
  - East: R-3 (Limited Multiple Residence) and O-S (Open Space)
  - West: R-3
7. Surrounding land uses within a 500-foot radius include:
  - North: Industrial businesses and single-family residences
  - South: Industrial warehouses
  - East: Railroad tracks, Metro Blue Line tracks, Roosevelt Park
  - West: Single-Family Residential
8. The existing wireless facility was established under CUP 04-043-(2) on October 5, 2004, which expired on October 5, 2014. There has been no history of zoning violations against the WTF.
9. The Project Site is accessible via Maie Avenue to the West.

10. The wireless facility requires only periodic maintenance and the maintenance vehicle can use the on-site parking provided by the commercial on-site use. Therefore, no additional parking is required to be provided.
11. The Los Angeles County Departments of Public Works (DPW) and Fire were consulted on this permit request. Both DPW and Fire stated that they did not need to review this project. Therefore, there are no comments or recommendations from other County Agencies.
12. Regional Planning staff determined that the Project qualified 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 a request to continue the operation and maintenance of an existing wireless facility.
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 hearings by mail, newspaper, and property posting.
14. Reserved for comments from the Public.
15. Reserved for Hearing Proceedings.
16. The Hearing Officer finds that the General Plan is silent in regards to wireless telecommunications facilities being placed in industrial zones. However, Subdivision & Zoning Ordinance Policy No. 01-2010 states that wireless facilities are a use allowed in all zones with a conditional use permit. Therefore, this project is consistent with the General Plan.
17. The Hearing Officer finds that parking for the maintenance vehicle is provided on site and that no outside storage, signs, or graffiti is associated with the wireless facility. Therefore, this project is consistent with the Zoning Code
18. The Hearing Officer finds that the project is already existing and that its continued operation and maintenance can be accomplished without disrupting or changing the operation or character of the existing area. The proposed facility will be unmanned, so will have no impact on traffic or have any adverse impact on adjacent land uses. Therefore, the requested use at the location proposed 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.
19. The Hearing Officer finds that the existing facility occupies an approximately 600 square foot lease area within an approximately 18,700 square foot parcel and that there has been no significant changes made to the facility since its previous approval. Therefore, 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.

20. The Hearing Officer finds that the facility is already existing and is located within a developed urban area. The operating characteristics of the proposed WTF are that it is unmanned and will not generate additional traffic. Therefore, 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.
21. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 15 years.
22. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Florence-Firestone community. On March 25, 2015, a total of 74 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 2 notices to those on the courtesy mailing list for the Compton-Florence Zoned District and to any additional interested parties.
23. 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 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 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit 201400170, subject to the attached conditions.

**ACTION DATE: May 5, 2015**

MKK:SCT  
May 5, 2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-03416-(2)  
CONDITIONAL USE PERMIT NO. 201400170**

**PROJECT DESCRIPTION**

The project is for the continued operation and maintenance of an existing wireless telecommunications facility, 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 May 5, 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 wireless telecommunications facility 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 **\$1600.00**. 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 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 **July 6, 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 - CONDITIONAL USE PERMIT (WIRELESS)**

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 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 Division of Building and Safety of Public Works 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. 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. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. 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.
27. 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.
28. The maximum height of the facility shall not exceed 65-feet above finished grade.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
30. 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.
31. 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.
32. 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.
33. 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.

34. The facility shall be secured by fencing, gates and/or locks.
35. 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.
36. New equipment added to the facility shall not compromise the stealth design of the facility.
37. 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.



## 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 welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing wireless facility has been in operation for 10 years. The applicant is requesting approval of a CUP to continue its permitted use on the subject property with no additional changes to the current installation. The project site is located within an industrial area, adjacent to a railroad right-of-way and some residential uses nearby. The communication facility will not adversely affect those residing or working in immediate area, nor will generate a negative impact to adjacent uses.

- 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.**

The subject property is approximately 0.44 acres in size developed with a auto repair yard and several metal sided buildings. The subject wireless communication facility is located in the east portion of the property occupying only a small portion of the property. The existing communication tower was developed in compliance to codes and regulations of the County of Los Angeles.

- 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. By other public or private service facilities as are required.

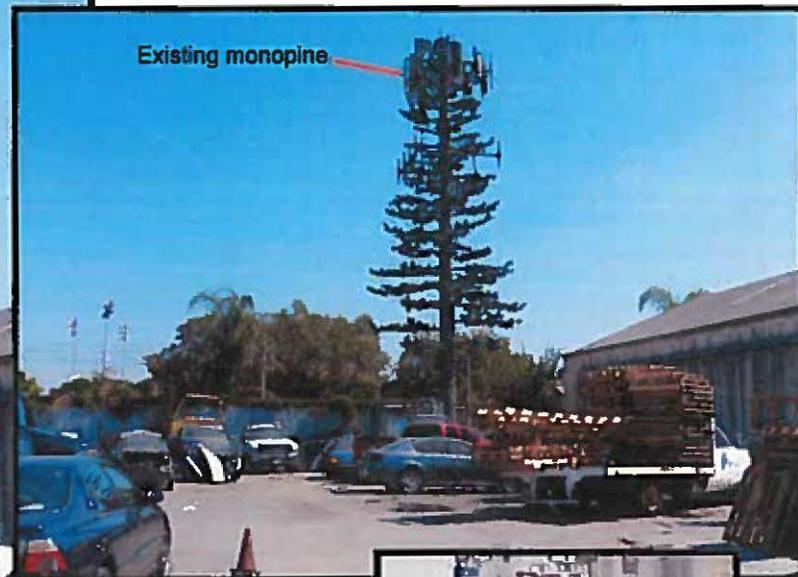
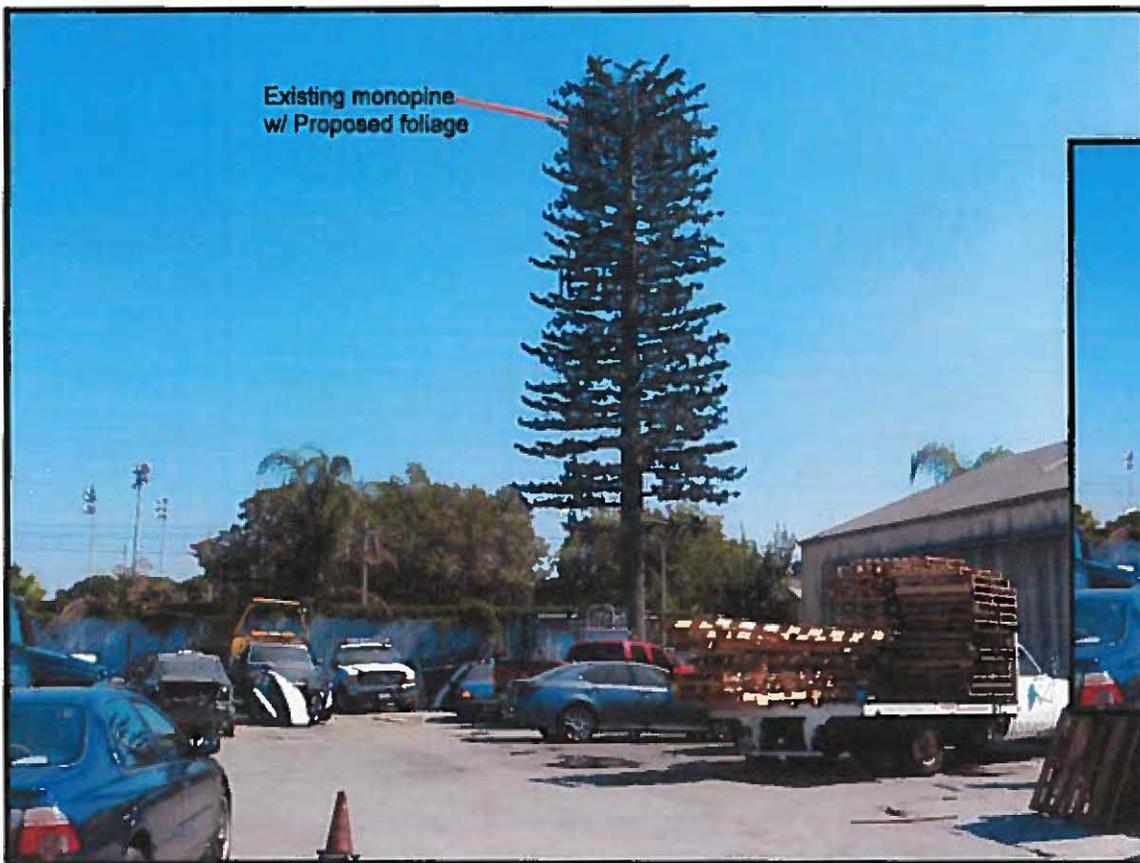
The subject site has a principal access to Maie Avenue which is adequate in shape and size to accommodate existing traffic patterns from the existing uses. The project is an unmanned facility which requires limited trip ends for normal maintenance of electronic equipment. Therefore, the proposed use will not impact existing traffic to the Maie Avenue and other local roads.

# Mitchell 3

7710 Maie Avenue, Los Angeles, CA 90001

## View 1

Issued 02-04-15



Proposed View 1

Existing



BRIAN COOK & ASSOCIATES, INC. Key Map



## Photographic Key Map

Site Name: Mitchell 3  
Site Number: CA45856



# Site Photo Survey

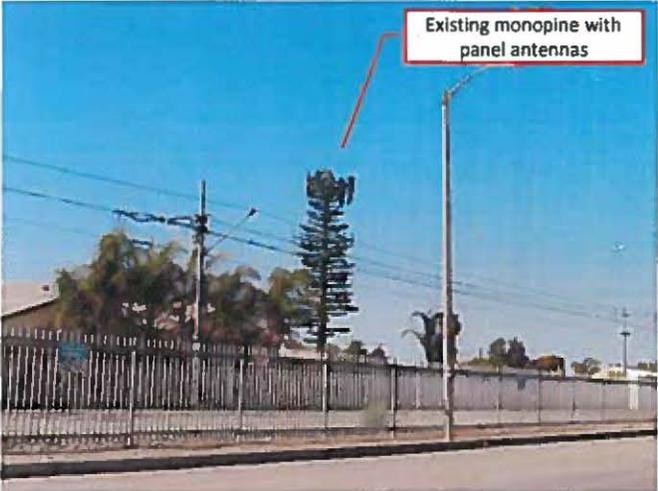
Site Name: Mitchell 3  
Site Number: CA45856



1. View of site facing east Maie Avenue



2. View of site facing south from Graham Avenue



3. View of site facing north west from Graham Avenue



4. View of equipment enclosure



# 7710 Maie Avenue

## Zoning & Land Use

Printed: Apr 13, 2015



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*Los Angeles County*  
*Department of Regional Planning*  
*Director of Planning James E. Harll, AICP*



October 5, 2004

LA 180C

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Celly Adamo  
Delta Groups  
2362 McGaw Avenue  
Irvine, CA 92614-5832

RE: **CONDITIONAL USE PERMIT NO. 04-043-(2)**  
To establish, operate and maintain a wireless telecommunications facility at an auto dismantling yard. The wireless facility will consist of 12 panel antennas mounted on top of a 65' tall monopole disguised as a pine tree, 6 equipment cabinets, and a GPS antenna, all of which will be enclosed by a chain-link fence.

Dear Applicant:

**PLEASE NOTE:** This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 calendar days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

At the end of the appeal period, notarize and hand deliver the attached acceptance form, and submit any required fees or other material to the planner assigned to your case. Please make an appointment with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to this approval, please contact Matilda Larson in the Zoning Permits Section II at (213) 974-6383.

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant is requesting a Conditional Use Permit to establish, operate and maintain a wireless telecommunications facility at an auto dismantling yard. The wireless facility will consist of 12 panel antennas mounted on top of a 65' tall monopole disguised as a pine tree, 6 equipment cabinets, and a GPS antenna, all of which will be enclosed by a chain-link fence.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

October 5, 2004 Public Hearing

A duly noticed public hearing was held on October 5, 2004. The applicant's representative testified that she agreed to the conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and approved the wireless telecommunications facility, subject to the conditions recommended by staff, and directed staff to prepare findings and conditions for approval.

Findings

1. Pursuant to Section 22.56.010 of the Los Angeles County Planning and Zoning Code (Title 22), Sprint PCS is requesting a Conditional Use Permit to establish, operate and maintain a wireless telecommunications facility at an auto dismantling yard. The wireless facility will consist of 12 panel antennas mounted on top of a 65' tall monopole disguised as a pine tree, 6 equipment cabinets, and a GPS antenna, all of which will be enclosed by a chain-link fence.
2. The subject property known as Prestige Auto Truck Dismantling is located at 7710 Maie Avenue, in the unincorporated community of Florence-Firestone, in the Compton-Florence Zoned District.
3. The northern half of the subject property is zoned TOD (Transit Oriented Development), and the southern half is zoned M-2 (Heavy Manufacturing). The wireless facility will be located on the property that is zoned M-2. The property is also located in the Florence-Firestone Community Standards District.
4. The proposed facility will be located in the southeast corner of parcel that is zoned M-2. A wireless telecommunications facility is not a use specified in the Los Angeles County Planning and Zoning Code (Title 22), but may be considered and permitted through a Conditional Use Permit.
5. Surrounding properties are zoned as follows:  
North: M-2, TOD, and C-M (Commercial Manufacturing).  
South: M-2  
East: R-3 (Limited Multiple Residence) and TOD  
West: R-3

6. The subject property is an auto dismantling yard that consists of a 26,209 sq. ft. metal structure, 2 office buildings and 2 metal canopies.
7. Land uses within 500' of the lot consist of the following:  
North: Light manufacturing and single family residences  
South: Light manufacturing and auto sales  
East: Metro blue line and Roosevelt Park  
West: Single family residences, duplex and apartment buildings.
8. Plot Plan No. 46501 to establish an auto repair business on the subject property was approved in January 2000. The case file for this plot plan indicates that the previous use on the lot was a factory. The approved site plan depicted 140 parking spaces and 12,200 sq. ft. (or 12%) of landscaping. A request to authorize vehicle sales on the property was approved in June 2000. A condition of approval limited the display of vehicles to no more than 20 parking spaces on the lot.
9. Conditional Use Permit No. 00-148 to add an auto dismantling yard to the subject property was approved in September 2001. The conditions of approval included planting a minimum of 345 sq. ft. of landscaping along the property frontage on Maie Avenue, installing a permanent watering system to maintain said landscaping, and providing a minimum of 10 parking spaces on the lot.
10. The subject property is designated Major Industrial in the County General Plan. Areas generally appropriate for major industrial uses include manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The telecommunications facility will be minor in nature relative to the auto dismantling yard, which is the primary use on the lot that is consistent with the goals of the Major Industrial land use designation.
11. The site plan depicts 12 panel antennas mounted on top of a 65' tall monopole disguised as a pine tree, a GPS antenna, and 6 equipment cabinets located in the southeast corner of the 2.29 net acre auto yard. The wireless facility will encompass 875 sq. ft. and be enclosed by chain-link fencing. The auto yard consists of a 26,209 sq. ft. metal structure, 2 office buildings, and 2 metal canopies. Forty parking spaces are located on the northern half of the property, and the eastern half of the property is used to store various auto parts. Trees and vegetation line the eastern property line, and 363 sq. ft. of additional landscaping will be planted along the Maie Avenue street frontage.
12. The subject property satisfies Zone M-1 and Florence-Firestone community sign and auto dismantling yard outside storage requirements, and is legally non-conforming due to landscaping setback requirements. The property will be conditioned to satisfy parking, fencing materials and appearance, and graffiti requirements.
13. As a wireless facility that will only occupy 875 sq. ft. of the 2.29 net acre lot, the proposed use will be minor in nature relative to the primary use of the property as an

auto dismantling yard. As such, this project was determined to be categorically exempt (Class 3, New Construction or Conversion of Small Structures) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

14. No public comments were received, indicating that the proposed wireless facility will not adversely affect persons who work or reside in the surrounding area.
15. While the wireless facility will be the tallest structure in the area, its visual impact will be minimized as it will be disguised as a pine tree and will blend in with other mature pine trees located on the lot.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds the project qualifies for a Class 3, New Construction or Conversion of Small Structures Categorical Exemption, and approves the Categorical Exemption.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 04-043-(2) is **APPROVED**, subject to the attached conditions.

BY: Rose Hamilton DATE: 10-5-04  
ROSE HAMILTON, HEARING OFFICER  
Department of Regional Planning  
County of Los Angeles

Attachments: Conditions of Approval, Affidavit of Acceptance of Conditions  
c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the installation, operation and maintenance of a wireless telecommunications facility at an auto dismantling yard. The wireless facility will consist of 12 panel antennas mounted on top of a 65' tall monopole disguised as a pine tree, 6 equipment cabinets, and a GPS antenna, all of which will be enclosed by a chain-link fence. This use is subject to all of the following conditions of approval:
  - a. The auto dismantling yard located on the subject property shall conform to the conditions of approval for Conditional Use Permit No. 00-184;
  - b. Black or other similar dark color shall not be used as the primary or base color for any wall or structure;
  - c. The subject property shall be maintained in substantial conformance with the approved plans marked Exhibit "A." All subsequent revised plot plans must be accompanied by the written authorization of the property owner;
  - d. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
  - e. Said facility shall be removed if in disuse for more than six months. The permittee shall submit an annual maintenance report to the Department of Regional Planning by January 1st of each year verifying the continued operation and maintenance of said facility;
  - f. Insofar as is feasible, the operator 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;
  - g. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will be within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
  - h. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
  - i. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired immediately or as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;

- j. All equipment open to public view shall be painted with an anti-graffiti finish that matches, as closely as possible, the color of the adjacent surfaces, and shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or provide pertinent information about the premises;
  - k. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 72 hours 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; and
  - l. Any areas of property that are publicly visible, including front yards, front sidewalks, and rear alleys, shall remain free of trash and other debris. Storage of inoperable vehicles and household appliances, such as refrigerators, stoves, freezers, and similar products, is prohibited in all yard areas.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
  3. **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 Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant; that the conditions of the grant have been recorded as required by Condition No. 8; and until all required monies have been paid pursuant to Condition No. 10.**
  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 limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
  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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
-

- a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. **This grant shall expire unless used within two (2) years from the date of approval.** Signing and submitting a notarized affidavit of acceptance of conditions shall constitute use of the permit. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. **Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder.** In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the lease area.
9. **This grant will terminate on October 5, 2014,** unless an application for co-location at or below the approved height is received, in which case the grant shall be extended for an additional ten (10) years. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
10. The lease area 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 lease area. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of \$1,950.00.** The deposit shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. **The deposit provides for 2 biannual**

**zoning enforcement inspections for the first 3 years of the grant, and annual inspections thereafter, for a total of 13 inspections. Should an application for co-location be approved, an additional \$750 for 5 biennial inspections shall be deposited into said fund. Inspections shall be unannounced.**

If any inspection discloses that the lease area is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the lease area into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, 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 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.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

Attachments: Conditions of Approval for CUP 00-184

RH:ml  
10/05/04