



Los Angeles County  
Department of Regional Planning



April 21, 2015

Lindsay Ortega  
2749 Saturn Street  
Brea, CA 92821

Richard J. Bruckner  
Director

**REGARDING: PROJECT NO. R2014-03799-(4)  
CONDITIONAL USE PERMIT NO. 201400182  
10078 ¼ MILLS AVENUE (APN 8152-006-004)**

Hearing Officer John Calas, by his action of **April 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 **May 5, 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 Richard Claghorn of the Zoning Permits North Section at (213) 974-6443, or by email at [rclaghorn@planning.lacounty.gov](mailto:rclaghorn@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, Acting 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; Keyhan Shokouhi

RG:RC

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-03799-(4)  
CONDITIONAL USE PERMIT NO. 201400182**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on April 21, 2015, in the matter of Project No. R2014-03799-(4), Conditional Use Permit No. 201400182 ("CUP").
2. The applicant, Crown Castle ("permittee"), is requesting a Conditional Use Permit to authorize the continued operation of an existing unmanned wireless telecommunications facility ("WTF") ("Project") with a 65 foot high mono-palm tower located behind a shopping center at 10078 Mills Avenue in the unincorporated area of South Whittier ("Project Site"). A CUP is required in the C-1 (Restricted Business) Zone for radio towers, including WTFs, pursuant to Section 22.28.110 of the Los Angeles County Code.
3. The Project is an existing WTF that includes a 65 foot high mono-palm with 10 panel antennas, an equipment shelter, equipment cabinets and a meter surrounded by a chain link fence with barbed wire. The lease area is 28'-6" by 25'-4" in size, and is located to the rear of a commercial building. No changes are proposed to the WTF.
4. The WTF was approved by CUP 03-379 on May 4, 2004. CUP 03-379 expired on May 4, 2014, and CUP 201400182 (Project R2014-03799) was filed to continue the operation of the previously authorized WTF.
5. The Project is located directly north of another WTF with a 62 foot high mono-palm, which was approved by CUP 01-040 and CUP 201100053, and which is also located on the same parcel.
6. The Project Site is a shopping center located at 10064-10078 Mills Avenue. It is located on Assessor's Parcel Number ("APN") 8152-006-004, which has an area of 1.26 acres. The topography of the Project Site is flat.
7. The Project Site is located in the Southeast Whittier Zoned District and is currently zoned C-1, except for APN 8152-006-039 and a small triangular area at the northwest corner of APN 8152-006-004 that are zoned C-H (Commercial Highway), and an area of APN 8152-006-004 along Mills Avenue that is approximately 80 feet wide and is zoned C-1-P (Restricted Business-Parking). The Project is in the C-1 zone.
8. The Project Site is located within the Low-Density Residential category of the County of Los Angeles General Plan ("General Plan") Land Use Policy Map. The WTF is consistent with this category, which allows community-serving public facilities.
9. Surrounding Zoning within 500 feet of the Project Site includes:

North: C-1, C-1-P, C-3-DP (Unlimited Commercial-Development Program), R-3 (Limited Multiple Residence)  
South: R-2 (Two-Family Residence), C-H, R-1 (Single-Family Residence), R-A-6000 (Residential Agricultural-6,000 Square Foot Minimum Required Lot Area)  
East: C-1, R-3-P (Limited Multiple Residence-Parking)  
West: C-H, R-A-6000

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

North: pharmacy, gas station, fast food, mini-marts, retail, apartments  
South: single-family residences, two-family and multi-family residences  
East: supermarket, apartments  
West: retail, office, single-family residences

11. The Project Site is accessible from Mills Avenue.

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 existing 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 April 21, 2015 before the Hearing Officer. After a presentation by staff, the Hearing Officer asked Lindsay Ortega, the permittee representative, whether she had read and accepted the draft findings and conditions for the Project. The permittee answered in the affirmative and agreed to the conditions. There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the conditions.

16. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("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 Land Use Element Policy 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls."* The existing commercial uses on the site are consistent with the applicable General Plan policies pertaining to local commercial and industrial services. The commercial use complements the community character by providing local serving goods and services, and is consistent with General Plan requirements

for unmapped local commercial uses. The WTF enhances services in the area by providing communications service to the area at an appropriate scale.

18. 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.
19. The Hearing Officer finds that the proposed use is consistent with the C-1 zoning classification. Although Title 22 of the County Code does not explicitly specify 'WTF' as a use, the use most consistent with a WTF specified in the County Code is 'radio or television stations and towers'. Pursuant to Section 22.28.110 of the County Code, development of radio and television stations and towers is a permitted use of property in C-1, provided that a CUP is first obtained.
20. The Hearing Officer finds that the C-1 zone has a height limit of 35 feet, except for chimneys, rooftop antennas, and some signs, pursuant to Section 22.28.120. CUP 03-379 was approved for a height of 65 feet for the mono-palm WTF, modifying the C-1 zone height restriction. A 62 foot high mono-palm WTF was approved by CUP 01-040 and CUP 201100053 for the adjacent facility on the Project Site.
21. 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 ("WTF Policy Memo"), with the exception of the height and the chain link fence and barbed wire around the equipment. The policy allows a height of up to 75 feet for ground-mounted towers, except where the zone has a more restrictive height limit. Due to the existing height of the WTF and the adjacent WTF, and the need for the existing height to maintain the same level of service, the existing height of 65 feet is found to be appropriate for this WTF at this location. The existing chain link fence is adequate because the equipment and fence are screened from view by the shopping center building and by the existing concrete wall facing the adjacent residences, and the existing barbed wire is needed for safety and security.
22. The Hearing Officer finds that the Project satisfies the Conditional Use Permit 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 existing WTF has been in operation since 2004 and the adjacent WTF has been in operation since 2001, and these uses have not negatively affected the neighbors or properties in the surrounding area. There is no record of any violations or complaints for either of the WTFs on the property. The WTF operates well within FCC guidelines and does not generate hazardous materials, waste, odor, light or glare. The facility is not detrimental to the surrounding area or the residents of the

area. This WTF provides a benefit to the community by providing communication services, including emergency communications. The WTF shall comply with all applicable FCC regulations and CUP conditions.

23. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The shopping center has adequate parking to meet the current uses on the site. The number of parking spaces required is 79 based on current uses, and 80 spaces are provided. No changes are proposed in the existing WTF. The facility will remain unmanned and will not generate additional traffic or require parking or loading facilities. The subject site is adequate in size and shape to accommodate the use, and is integrated with the uses in the surrounding area. Parking for monthly visits for maintenance can be provided on the site, where excess parking is available.
24. 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 existing facility has adequate access from Mills Avenue. The WTF does not generate additional traffic, and traffic for the WTF will continue to be limited to a monthly site visit for maintenance. The WTF 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.
25. 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.
26. 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 89 different owners. Additionally, the case materials were available on Regional Planning's website and at the South Whittier Library. A total of two Notices of Public Hearing were mailed to those on the courtesy mailing list for the Southeast Whittier Zoned District.
27. 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 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 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. 201400182, subject to the attached conditions.

**ACTION DATE: April 21, 2015**

RG:RC  
April 21, 2015

c: Hearing Officer, Zoning Enforcement, Building and Safety, Keyhan Shokouhi

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-03799-(4)  
CONDITIONAL USE PERMIT NO. 201400182**

**PROJECT DESCRIPTION**

This grant authorizes the continued operation and maintenance of an unmanned wireless telecommunications facility ("WTF") located at 10078 ¼ Mills Avenue, Whittier. 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 April 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."
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. 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. Because the subject property is adjacent to residences, any 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 remain essentially 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. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
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.
38. Appurtenant equipment boxes shall be screened or camouflaged.

**PROJECT SITE SPECIFIC CONDITIONS**

39. This grant shall authorize the continued operation and maintenance of an unmanned WTF, including a mono-palm tower of up to 65 feet in height and related equipment.