# Hearing Officer Transmittal Checklist

**Hearing Date**
4/21/15
**Agenda Item No.**
5

**Project Number:** R2014-03799-(4)

**Case(s):** Conditional Use Permit Case No. 201400182

**Planner:** Richard Claghorn

- ☒ 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

These are supplemental plans showing the height of the existing monopalm as 65 feet instead of 59'-6". The project summary, staff analysis, findings, and conditions have also been revised with this change.

**Reviewed By:** _____

Supplemental Revised Plans for Project R2014-03799 (4)

Hearing Date: 4/21/15

Agenda Item No. 5

Hearing Officer: John Calas

Note: These are revised plans provided by the applicant showing the existing monopalm height as 65 feet instead of 59'-6". The monopalm height was shown incorrectly on the previous plans. The staff report, findings, conditions, and project summary have also been revised to show the monopalm height as 65 feet.

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

**PROJECT NUMBER**
R2014-03799 - (4)

**HEARING DATE**
April 21, 2015

**REQUESTED ENTITLEMENTS**
Conditional Use Permit No. 201400182
Environmental Assessment No. 201400302

# PROJECT SUMMARY

**OWNER / APPLICANT**
Keyhan Shokouhi / Crown Castle

**MAP/EXHIBIT DATE**
March 31, 2015

**PROJECT OVERVIEW**

The applicant, Crown Castle, is requesting authorization for a Conditional Use Permit ("CUP") for the continued operation of an existing wireless telecommunications facility ("WTF") with a 65 foot high mono-palm tower located behind a shopping center. 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.

**LOCATION**
10078 ¼ Mills Avenue, Whittier

**ACCESS**
Mills Avenue

**ASSESSORS PARCEL NUMBER(S)**
8152-006-004

**SITE AREA**
1.26 Acres

**GENERAL PLAN / LOCAL PLAN**
General Plan

**ZONED DISTRICT**
Southeast Whittier

**LAND USE DESIGNATION**
Low-Density Residential

**ZONE**
C-1 (Restricted Business)

**PROPOSED UNITS**
N/A

**MAX DENSITY/UNITS**
N/A

**COMMUNITY STANDARDS DISTRICT (CSD)**
N/A

**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)
  - 22.28.110 (C-1 Zone Uses Subject to Permit)

**CASE PLANNER:**
Richard Claghorn

**PHONE NUMBER:**
(213) 974 – 6443

**E-MAIL ADDRESS:**
rclaghorn@planning.lacounty.gov

## ENTITLEMENTS REQUESTED

This Conditional Use Permit ("CUP") is for the continued operation of an existing unmanned wireless telecommunications facility ("WTF") with a 65 foot high mono-palm tower located behind a shopping center. 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.

## PROJECT DESCRIPTION

The applicant, Crown Castle ("permittee"), is requesting authorization for the continued operation of an existing unmanned WTF ("Project") in the C-1 Zone. The existing WTF consists of a 65 foot high mono-palm tower and related equipment. The WTF and appurtenant equipment are located behind a small shopping center ("Project Site") located at 10078 Mills Avenue (Assessor's Parcel Number ("APN") 8152-006-004) in the unincorporated area of South Whittier. The shopping center is known as Mills Palm Plaza.

## SITE PLAN DESCRIPTION

The site plan for the Project, which is dated March 31, 2015, depicts the Project Site, a shopping center located on the south side of Mills Avenue east of Broadway. The shopping center includes a total building area of approximately 17,768 square feet, with a main building with multiple tenants and a small restaurant building located on APN 8152-006-004 and another small building on APN 8152-006-039. The two parcels have the same owner and have been approved together as a single shopping center with shared parking. The existing WTF is located at the southerly part of APN 8152-006-004, to the rear of the main commercial building. The WTF 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. A concrete wall separates the WTF from adjacent residences to the southwest of the Project Site. Another WTF site is located immediately to the south on the same parcel. No changes are proposed to the WTF or to the subject property.

## EXISTING ZONING

The Project Site is zoned C-1, except for APN 8152-006-039 and a small triangular area at the northwest corner of APN 8152-006-004 that is 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.

Surrounding properties within 500 feet are zoned as follows:

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

## EXISTING LAND USES

The Project Site is developed with a small shopping center and two separate WTF sites.

Surrounding properties are developed as follows:

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

## PREVIOUS CASES/ZONING HISTORY

The zoning of the site has remained unchanged since 1959, when a portion of the site was rezoned to C-H under Ordinance 7652. The C-1 zone for the project location was adopted in 1952 under Ordinance 6051. The existing main commercial building dates to 1955-1956 according to Assessor's records, although it also includes later additions.

Plot Plan 43679 was approved for expansion of the existing commercial center in 1994. CUP 01-040 was approved for a Nextel WTF on the site on July 24, 2001. The other WTF is located directly to the south of the Project location. Later approvals were also made under Plot Plan 43679, including approval for a restaurant in 2003 and other plot plan approvals and amended approvals between 2002 and 2006 related to various minor changes to the site. A conditional Certificate of Compliance (CC 04-201) was recorded in 2004 for the subject property. A clearance of conditions for CC 04-201 was recorded later in 2004, so CC 04-201 is now unconditional. RPP 200601411 was approved in 2006 for a juice bar/ice cream shop. RPP 200801527 was approved in 2009 for a tortilla bakery. CUP 201100053 was approved on November 15, 2011 to continue the WTF use established by CUP 01-040. There were three carriers using this tower at the time of approval: Sprint, Verizon, and Clearwire. Zoning Conformance Review 201200902 was approved for the conversion of a juice bar to a meat market on October 30, 2012.

The WTF now under review was first approved by CUP 03-379 on May 4, 2004. CUP 03-379 expired on May 4, 2014. CUP 201400182 was filed on December 24, 2014 to continue the use of the WTF. CUP 03-379 authorized a height of 65 feet for the mono-palm and 12 antennas. The current height of the mono-palm is 65 feet and there are 10 antennas.

## ENVIRONMENTAL DETERMINATION

County Staff recommends that this 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. The WTF is an existing facility, and no changes are currently proposed. Minor changes may be made later through a Revised Exhibit "A".

## STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Low-Density Residential land use category of the County of Los Angeles General Plan ("General Plan"). This designation is intended for single-family residences as well as community-serving public facilities. However, due to the nature and scale of the 1980 General Plan land use map, use patterns of less than 50 acres are often not shown on the adopted map. The General Plan acknowledges a variety of existing use types within the Low Density Residential Category, including local commercial uses (Page III-22). The General Plan policies pertaining to local commercial and industrial services (Pages III-34 to III-37) provide guidance for decision making regarding unmapped commercial land uses, including general conditions and standards. The existing commercial use of the Project Site is consistent with these policies regarding use, location, scale, design, access and traffic. This WTF Project will continue to serve communications needs within the surrounding area, is located adjacent to a commercial building and another WTF with a mono-palm, blends in with the surroundings and complies with the County's requirements for wireless facilities. The Project is therefore consistent with the land use plan.

The following policies of the General Plan are 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." (Page III-12)*

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.

- *General Plan Public Services Policy 58: "Maintain high quality emergency response services."*

  Cellular service is often used to make emergency calls. Continued operation of the existing facility will ensure that such service is readily available in the area, and useable in the case of an emergency.

Zoning Ordinance and Development Standards Compliance

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 Zone C-1, provided that a CUP is first obtained.

The Project was established through CUP 03-379, which was approved on May 4, 2004. The height of the WTF exceeds the 35 foot height limit of the C-1 zone. The height limit was modified by the previous CUP to allow a 65 foot high mono-palm tower. The adjacent WTF, approved most recently by CUP 201100053 and originally approved by CUP 01-040, includes a 62 foot high mono-palm tower. Both mono-palms are similar in appearance, but the subject WTF has less equipment and thus is more like a palm tree in appearance. 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.

In addition, the project complies with applicable development standards of Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010, except for the mono-palm height and the chain link and barbed wire fence around the equipment. The existing chain link fence and barbed wire are acceptable because the equipment and fencing are screened from outside view by the shopping center building and by the existing concrete wall facing the adjacent residences. The concrete wall also has barbed wire atop it, but it is only visible from the back yards of the abutting residences and is for safety and security purposes. The adjacent WTF is also enclosed with a chain link fence and concrete walls topped with barbed wire. A locked wrought iron gate is located across the entrance to the enclosure containing the two WTFs, with chain link fencing within around each WTF. The existing WTFs and the chain link fencing around them are screened and hidden behind buildings, and by concrete walls, except for the mono-palms, which are visible above the surrounding buildings. Because of the well-screened location, and because there is already an existing wrought iron gate at the entrance to the two existing WTFs, requiring a new wrought iron fence or removal of the chain link fencing would not serve any useful purpose. The height of the mono-palm is lower than what was originally approved and is lower than the adjacent mono-palm, and the existing height is necessary for the continued operation of the facility.

Site Visit

A site visit was conducted on March 11, 2015 by DRP staff. The Project Site was found to be consistent with the site plan. Staff took photographs of the Project Site.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.090 of the County Code. The Burden of Proof statements with the applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof requirements.

*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 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.

*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.*

- 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.

*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 pedestrian, bicycle, and vehicle traffic such use would generate; and*

*2. By other public or private service 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.

Neighborhood Impact/Land Use Compatibility

The WTF design is appropriate for the site and area. No changes are proposed to the existing WTF, which fits in well with the adjacent WTF on a commercially zoned site.

Although it is visible from the adjacent residential area, the mono-palm appearance helps it to blend in with the surroundings.

The existing WTF has not been and will not be detrimental to the surrounding community. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the site. This WTF will continue to provide improved cell phone service in the area, including the ability for the public to make emergency phone calls. Removal of the existing WTF would negatively impact cell phone service in the surrounding area.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**
Because this WTF is an existing facility and no changes are proposed, the Project was not referred to any other departments for comment, and no comments have been received.

**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. 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.

**PUBLIC COMMENTS**
No comments have been received from the public 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 R2014-03799, Conditional Use Permit Number 201400182, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400182 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Richard Claghorn, Principal Regional Planning Assistant, Zoning Permits North Section
Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs, Aerial Image
Site Plan, Land Use Map

RG:RC
4/13/15

**DRAFT 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. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*

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 13, 2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT 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." 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**

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.

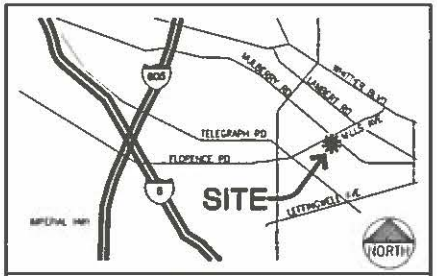
**PROJECT SITE SPECIFIC CONDITIONS**

39. This grant shall authorize the continued operation and maintenance of an unmanned WTF, including a mono-palm tower of up to 60 feet in height and related equipment.

CROWN CASTLE

# MILLS AVENUE
# 827449
## 10078 1/4 MILLS AVENUE
## WHITTIER, CA 90603

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA
Calif. TOLL FREE
811
[illegible]




VICINITY MAP

START OUT FROM VERIZON WIRELESS OFFICES IN IRVINE:

- HEAD NORTHEAST TOWARD BARRANCA PARKWAY
- TURN RIGHT ONTO BARRANCA PARKWAY
- TAKE THE FIRST RIGHT ONTO ADA
- THAT THE FIRST RIGHT ONTO ALTON PARKWAY
- MERGE ONTO THE I-5 HEADED NORTH
- TAKE THE EXIT TOWARD VALLEY VIEW AVENUE/LA MIRADA
- TURN LEFT ONTO FIRESTONE BLVD.
- TAKE THE FIRST RIGHT ONTO VALLEY VIEW AVENUE
- TURN LEFT ONTO TELEGRAPH ROAD
- TURN RIGHT ONTO MILLS AVENUE
- 10078 MILLS AVENUE WILL BE ON THE RIGHT SIDE

DRIVING DIRECTIONS

**PROPERTY OWNER:**
CROWN CASTLE
38 TECHNOLOGY DRIVE, SUITE 250
IRVINE, CA 92618
CONTACT: LORENA FLORES
PHONE: 949 885 4338

**APPLICANT REPRESENTATIVE:**
CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CA 92821
CONTACT: LAUREL PERNER
PHONE: 714 319 1101

**PROPERTY INFORMATION:**

| | |
|---|---|
| JURISDICTION: | COUNTY OF LOS ANGELES |
| CURRENT ZONING: | N/A |
| A.P.N.: | 8152-006-004 |
| CONSTRUCTION TYPE: | V-N |
| BUILDING OCCUPANCY: | U |

PROJECT INFORMATION

**ARCHITECT:**
CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CA 92821
CONTACT: STEVEN RAMON
PHONE: 714 729 8404

CONSULTING TEAM

PROVIDED AS-BUILTS FOR CROWN CASTLE.

PROJECT DESCRIPTION

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- 2013 CALIF. ADMINISTRATIVE CODE (INCL. TITLES 24 & 25)
- 2013 CALIFORNIA BUILDING CODES
- 2013 CALIFORNIA ELECTRICAL CODES
- 2013 CALIFORNIA MECHANICAL CODES
- 2013 CALIFORNIA PLUMBING CODES
- 2013 CALIFORNIA FIRE CODES
- 2013 CALIFORNIA ENERGY CODES
- TIA-222-G STANDARD
- LOCAL BUILDING CODES
- CITY/COUNTY ORDINANCES

CODE COMPLIANCE

**DO NOT SCALE DRAWINGS**

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT AND/OR ENGINEERS IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

CONTRACTOR NOTES



| SHEET | DESCRIPTION |
|---|---|
| T-1 | TITLE SHEET |
| A-1 | SITE PLAN |
| A-2 | ENLARGED SITE PLAN, EQUIPMENT AND ANTENNA PLAN |
| A-3 | ELEVATIONS |



SHEET INDEX

| REV | DATE/BY | DESCRIPTION |
|---|---|---|
| 0 | 12/03/14 BH | PROVIDED AS-BUILTS |
| 1 | 03/31/15 SMP | REVISED PER COMMENTS |

CLIENT

CROWN CASTLE
38 TECHNOLOGY DRIVE, SUITE 250
IRVINE, CA 92618

CONSULTANT

core
DEVELOPMENT SERVICES & A&E SERVICES
2749 Saturn Street
Brea, California 92821
(714)729-8404 (714)233-6661 fax
www.core-ds.com

CONSULTANT

APPROVALS

| APPROVED BY | INITIALS | DATE |
|---|---|---|
| LANDLORD | | |
| SITE ACQ | | |
| ZONING | | |
| RF | | |
| INTERCONNECT | | |
| CALPI | | |
| CONST. | | |
| PROJ. MGR | | |

SITE INFORMATION

SITE NAME:
MILLS AVENUE
827449

SITE ADDRESS:
10078 1/4 MILLS AVENUE
WHITTIER, CA 90603
LOS ANGELES COUNTY

SHEET TITLE

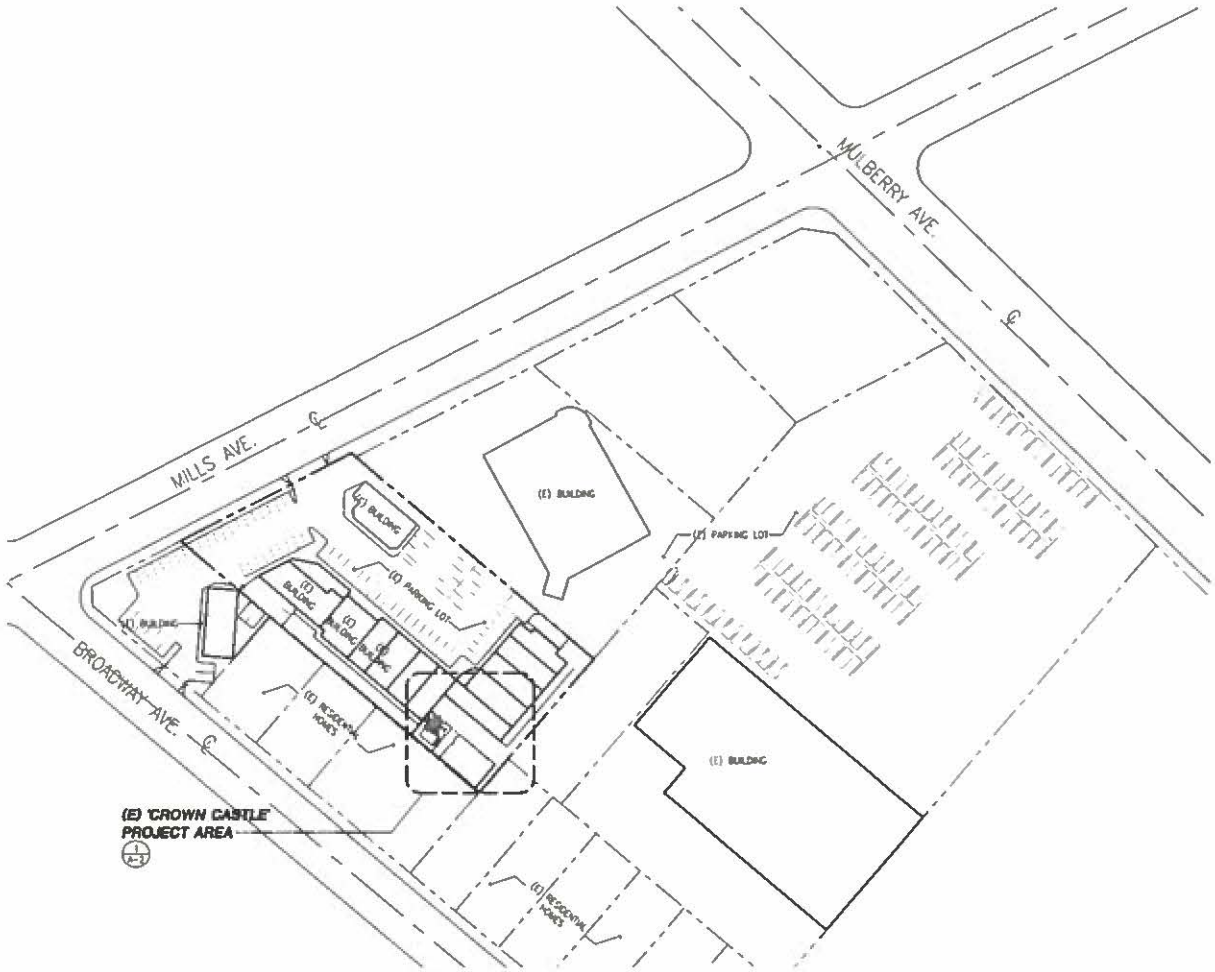
TITLE SHEET

DRAWING INFORMATION

| DRAWN BY | CHECKED BY | ISSUE DATE |
|---|---|---|
| BH | SMP | 12 01 2014 |

SHEET NUMBER

T-1




SITE PLAN

1

| REV | DATE/BY | DESCRIPTION |
|---|---|---|
| 0 | 12/03/14 BH | PROVIDED AS-BUILTS |
| 1 | 03/27/15 SMP | REVISED PER COMMENTS |

CLIENT

CROWN CASTLE

CONSULTANT

core
DEVELOPMENT SERVICES
A&E SERVICES

CONSULTANT

APPROVALS

| APPROVED BY | INITIALS | DATE |
|---|---|---|
| LANDLORD | | |
| SITE ACQ | | |
| ZONING | | |
| RF | | |
| MW/FIBER/MICRO | | |
| UTILITY | | |
| CONSTR | | |
| PROJ MGR | | |

SITE INFORMATION

SITE NAME
MILLS AVENUE
827449

SITE ADDRESS
10078 1/4 MILLS AVENUE
WHITTIER, CA 90603
LOS ANGELES COUNTY

SHEET TITLE

SITE PLAN

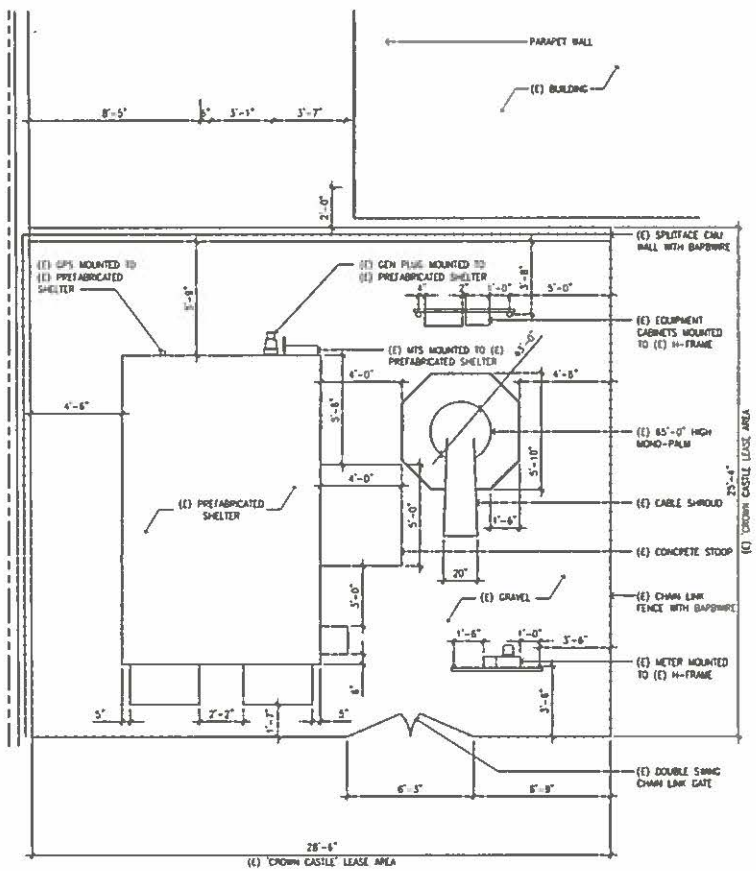
DRAWING INFORMATION

| DRAWN BY | CHECKED BY | ISSUE DATE |
|---|---|---|
| BH | SMP | 12.03.2014 |

SHEET NUMBER

A-1

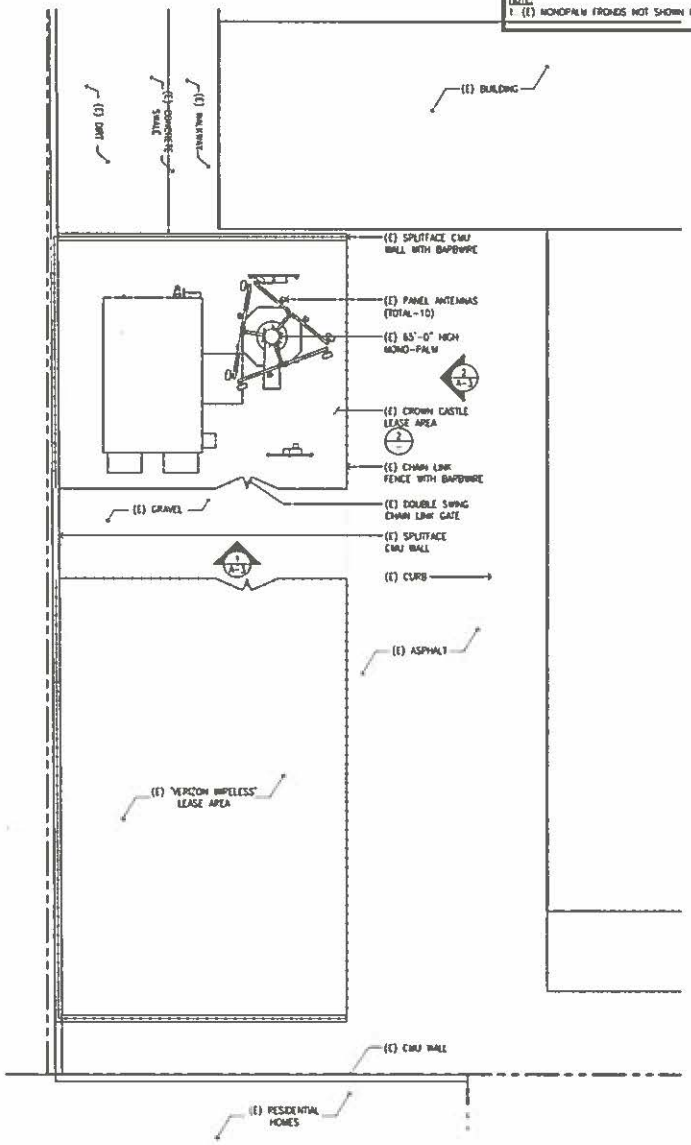
NOTE:
1. ALL (E) ANTENNAS AND EQUIPMENT MOUNTED TO THE (E) NOT SHOWN FOR CLARITY
2. (P) MONO-PALM FRONDS NOT SHOWN FOR CLARITY.




## EQUIPMENT & DIMENSION PLAN

SCALE 3/8"=1'-0" 2

NOTE:
1. (E) MONOPALM FRONDS NOT SHOWN FOR CLARITY




## ENLARGED SITE PLAN

SCALE 3/16"=1'-0" 1

| REV | DATE/BY | DESCRIPTION |
|---|---|---|
| 0 | 12/03/14 BH | PROVIDED AS-BUILTS |
| 1 | 03/31/15 CAP | REVISED PER COMMENTS |

CLIENT

CROWN CASTLE
2000 CORPORATE DRIVE, SUITE 200
WAKE, CA 92618

CONSULTANT

core
DEVELOPMENT SERVICES
AND SERVICES
2760 Saturn Street
Brea, California 92821
(714)579-0404 (714)528-6481 fax
www.core-ds.com

CONSULTANT

APPROVALS

| APPROVED BY | INITIALS | DATE |
|---|---|---|
| LANDLORD | | |
| SITE ACQ | | |
| ZONING | | |
| RF | | |
| INTERCONNECT | | |
| FIELD | | |
| CONST | | |
| PROJ MGR | | |

SITE INFORMATION

SITE NAME:
MILLS AVENUE
827449

SITE ADDRESS:
10078 1/4 MILLS AVENUE
WHITTIER, CA 90603
LOS ANGELES COUNTY

SHEET TITLE

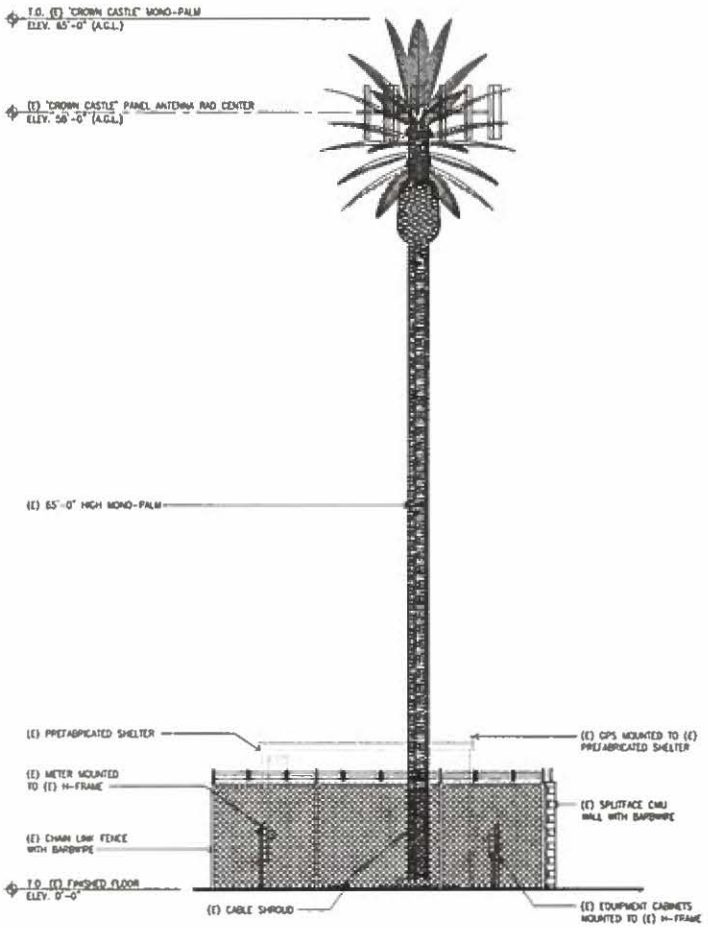
ENLARGED SITE PLAN AND ANTENNA PLAN

DRAWING INFORMATION

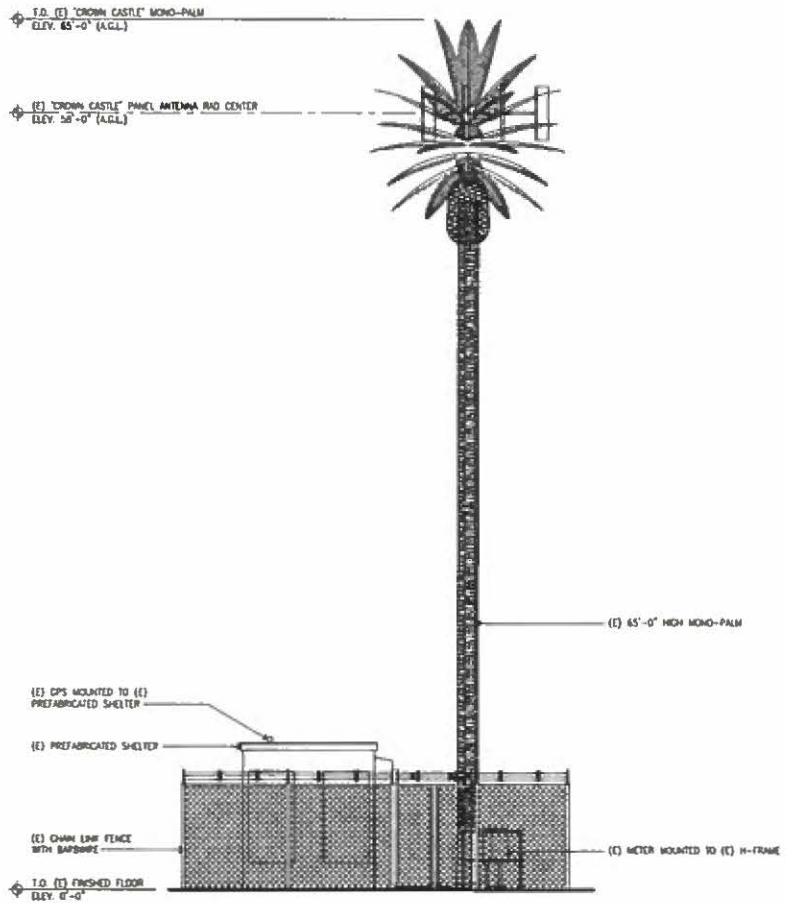
| DRAWN BY | CHECKED BY | ISSUE DATE |
|---|---|---|
| BH | SMR | 12.01.2014 |

SHEET NUMBER

A-2




**NORTHEAST ELEVATION** SCALE 2




**SOUTHEAST ELEVATION** SCALE 1

| REV | DATE/BY | DESCRIPTION |
|---|---|---|
| 0 | 12/03/14 BH | PROVIDED AS-BUILTS |
| 1 | 03/20/15 SMP | REVISED PER COMMENTS |

CLIENT

CROWN CASTLE

CONSULTANT

core
DEVELOPMENT SERVICES
A&E SERVICES

CONSULTANT

APPROVALS

| APPROVED BY | INITIALS | DATE |
|---|---|---|
| LANDLORD | | |
| SITE ACQ | | |
| ZONING | | |
| RF | | |
| INTERCONNECT | | |
| POLITICAL | | |
| CONSTR. | | |
| PROJ. MGR | | |

SITE INFORMATION

SITE NAME
MILLS AVENUE
827449

SITE ADDRESS
10078 1/4 MILLS AVENUE
WHITTIER, CA 90603
LOS ANGELES COUNTY

SHEET TITLE

ELEVATIONS

DRAWING INFORMATION

| DRAWN BY | CHECKED BY | ISSUE DATE |
|---|---|---|
| BH | SMP | 12.01.2014 |

SHEET NUMBER

A-3