



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 26, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Doug Smith, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Anthony Curzi *AC*
Zoning Permits North Section

Project No. R2015-00052-(1) – Conditional Use Permit No. 201500002 – RPC
Meeting: December 9, 2015 – Agenda Item: 5

CASE HISTORY/BACKGROUND

The above-mentioned item is a request for a conditional use permit (CUP) to construct, operate, and maintain a new wireless telecommunication facility (WTF) located on an existing Southern California Edison (SCE) utility pole in the public right-of-way. The project was originally approved by the Los Angeles County ("County") Hearing Officer on May 19, 2015 and was subsequently appealed by a member of the public on June 2, 2015. The WTF would comprise one 2.5-foot antenna and two remote radio units (RRUs) mounted on the existing 34-foot utility pole (for a total height of 36.5 feet above ground level), an underground pull-box, and a 48-inch-tall ground-mounted pedestal located 90 feet away to the north in the parkway.

At your hearing on August 26, 2015, your Commission requested that the applicant conduct a community meeting to discuss the project and to explore if alternate locations for the WTF were possible. Also, as the hearing notice was removed from the project site, and, therefore, was not continuously posted for 30 days, the matter was continued to October 28, 2015. Due to confusion regarding the hearing notice, however, the project was not posted in time for the October 28 meeting. Therefore, the case was continued to December 9, 2015.

COMMUNITY MEETING

The applicant originally scheduled a community meeting at the City Terrace Library, located approximately one mile from the project site on September 23 from 6:00 p.m. to 8:00 p.m. However, this meeting conflicted with another community meeting that was held at the City Terrace Park and also started at 6:00 p.m. To resolve this conflict, the applicant agreed to redirect attendees to the larger community meeting where the discussion regarding the proposed WTF would occur afterwards.

The larger community meeting was attended by approximately 120 people. At the conclusion of this meeting, an announcement was made that the discussion regarding the proposed WTF would take place. Approximately 20 individuals remained for this meeting.

The applicant explained the need for the Small Cell facility, the infeasibility of alternate locations for the facility, and she addressed health and safety concerns.

ALTERNATIVE LOCATIONS FOR PROPOSED WTF

The proposed WTF is a Small Cell facility and, as such, serves a much smaller geographic area than typical WTFs. The range of Small Cell WTFs is a 200- to 500-foot radius, and Small Cell sites do not work by themselves but rather function as a "donor" site with Macro Cell WTFs to improve coverage in high data-volume areas, which increasingly include residential areas as more customers make use of smartphones and other devices.

The Commission requested that the applicant explore the feasibility of locating the facility within the required service area and also requested that the applicant explore the possibility of constructing a larger Macro Cell WTF outside the targeted service area to service the area.

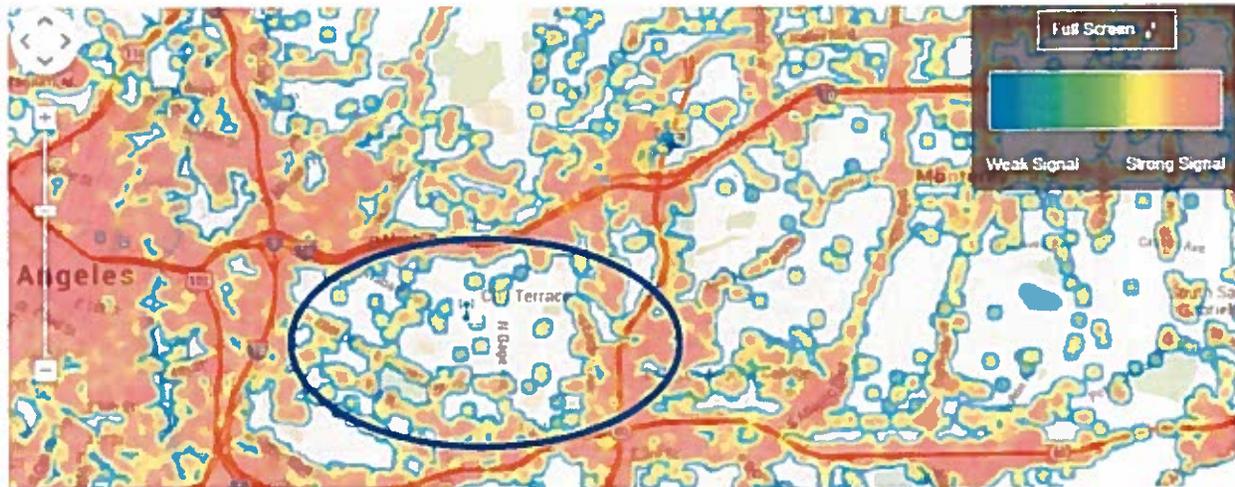
The applicant identified eight locations within the service area to place the Small Cell WTF. These other locations were removed from consideration because of insufficient height of the poles, inability to effectively serve the area, and topographical obstructions. An attached analysis explains the alternative locations in more detail.

Furthermore, it is not possible to construct a larger WTF further away to serve the targeted area, as doing so would not meet the objectives of the Small Cell facility. It cannot handle the increased traffic in a small geographic area. Therefore, this option was also removed from further consideration.

NEED FOR FACILITY AND SATISFACTION OF CONDITIONAL USE PERMIT BURDEN OF PROOF

It is staff's belief that the applicant has demonstrated the need for the facility and has met the burden of proof for a CUP. As more wireless customers make use of data for their smartphones and other devices, backups and dropped calls are more likely. Therefore, a Small Cell facility that works together with more common Macro Cell sites to improve service in a given, small-scale geographic area is an appropriate solution for the area.

The following map shows the lack of signal strength in the City Terrace area:



Source: opensignal.com

The City Terrace area, circled in blue, contains many spots with weak signals. The proposed Small Cell WTF is depicted with the antenna in the upper-middle of the circle.

The proposed WTF is relatively minor in its design, appearance, and operation. As previously mentioned, it would comprise a 2.5-foot antenna on an existing 34-foot-tall SCE utility pole along with two RRUs. The existing utility pole would experience only a slight change in appearance, and the ground-mounted equipment would not cause an obstruction or be unsightly.

Lastly, the proposal to place a Small Cell WTF on an existing SCE utility pole is an efficient way of installing cellular telecommunication infrastructure. It is staff's belief that this approach to use the existing pole could obviate the need to construct a new tower, which could be more intrusive to the community. Therefore, staff supports the approval of the CUP subject to the attached Findings and Conditions.

If you need further information, please contact Anthony Curzi at (213) 974-6443 or acurzi@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:AMC

Attachments: Core Ramona LA G2 – Alternative Analysis, Letter from Appellant, Notice of Community Meeting, Updated Findings and Conditions.

Cc: William Schwartz



28310 Roadside Dr., Ste 220, Agoura Hills, CA 91301
714-319-3170



Background:

The map above shows the approximate 200 foot radius search ring for this site. The search ring centers at the intersection of City Terrace Drive and N. Townsend Ave. This is a small cell site, meaning the technology is limited in its coverage and is mainly intended to assist existing sites with capacity. Verizon Wireless is committed to using existing sites with capacity. Verizon Wireless is committed to using existing substructure by using the existing utility pole, so as not to create further proliferation of Right-of-Way substructure. The antenna itself is minimal in size as seen on the provided photo simulations. Considerations are given to the placement of each site so as to choose the best possible location, taking into consideration the adjacency to residences, window views and working with existing topography and vegetation, in order to locate in the least invasive location.

Alternative Site A & B:

The existing streetlight standard (A) seen in this picture does not have the height needed to propagate an antenna signal do to existing topography in the area. Use of the existing utility pole (B) would result in a GO 95 infraction. Reconfiguration of the utility pole, lines and guy wires being strung from the opposite side of the street would not be in accordance with separation requirements. Additionally, the utility pole site is directly adjacent to a residence. The existing tree does not provide sufficient canopy to obscure the installation from the residence, nor apartments next door.



Alternative Site C, D & E:

The existing streetlight (C) seen in this picture does not have the height needed to propagate an antenna signal due to existing topography in the area. The utility pole (D) seen at a distance behind the streetlight would not meet GO 95 separation requirements as a proposed location with the needed height. The second utility pole (E) to the right of the picture would also not meet GO 95 separation requirements as a proposed location with the needed height. Note both utility poles shown were being replaced at the time the pictures were taken, in order to add power and a transformer to one of the utility poles pushing any possibility of locating here further into GO 95 non-compliance.



Alternative Site F:

The existing streetlights (F) on the North West side of the street as seen in this picture do not have provide the adequate height needed to propagate an antenna signal do to existing topography in the area, and additionally would not meet GO 95 separation from utilities do to their placement in line with the existing utility poles, and lines. The utility poles (F) on the North West side would not meet GO 95 separation requirements as a proposed location with the needed height.



Alternative Site G:

The existing streetlight (G) on the North East side of the street, as seen in this picture does not provide the height needed to propagate an antenna signal due to existing topography. The existing utility pole pictured here is the proposed site, located adjacent to a convenience store and party supply store (commercial uses).



Alternative Site H:

Use of the existing utility pole (H) would result in a GO 95 infraction. Reconfiguration of the utility pole, lines and guy wires being strung from the opposite side of the street would not be in accordance with separation requirements. Additionally, the utility pole site is directly adjacent to two residences.

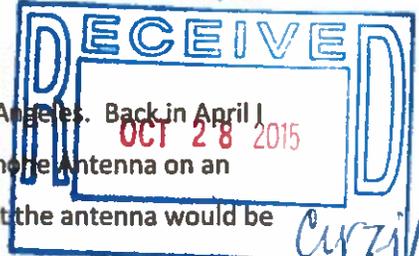




Conclusion:

Verizon Wireless believes the proposed location is the best alternative, as it is located adjacent to Commercial uses and is using existing infrastructure. The antenna is also diminutive and integrated into the existing utility pole, by placement and by painting it to match the utility pole. Existing adjacent equipment, such as the transformer shown in View 1 of the accompanying photo-sims measure a minimum of 34" in height by 20" in diameter, while the antenna proposed is 24" in height with a 15" diameter.

R2015-00052-1



My name is William Schwartz and I own a home in the City Terrace area of Los Angeles. Back in April I received a small yellow card that stated a proposal by Verizon to erect a Cell Phone Antenna on an existing utility pole located approximately 50 feet from my home. The area that the antenna would be servicing is already fully covered for every aspect of cell usage by Verizon. This is something Verizon doesn't dispute, as stated on their coverage locator map. I opposed this proposal at the first hearing on May 19, 2015, citing aesthetic reasons and property value decrease, and improper notification of the community by Verizon, as well as unknown health effects. I gathered a petition with many of my neighbors opposing the project. At that time the planning commissioner approved the project. I then paid \$735 out of my own pocket to appeal the decision. It was after that point that I realized this issue wasn't only about me and my home. I walked around the community and met many of my neighbors who I found just hadn't gotten the message about the proposal and were unanimously opposed to it. I was struck by the solidarity of the community and the willingness of people to lend their time and their voice to this issue. A group of us, including Julian and Marci who have lived 5 ft from the proposed tower and hadn't received any notification about it, attended the appeal and Commissioner Valadez heard our collective voice. Ms Valadez stated that in her experience it was unusual for the community of City Terrace to come together and express ourselves in this way. She proposed, due to the procedural failings of Verizon of improperly posting the site, for the utility pole to be posted consistently for 30 days with a notice, and that she would like a meeting to occur between the community and Verizon to find an alternate location for the site. The other members of the commission approved her proposal. She wanted the meeting to be a conversation between the community and Verizon.

Following the hearing I received a letter stating a two hour meeting would be held on September 23 at City Terrace library from Verizon's third party representative, Korina Arvizu. It happened that on that exact day, at that exact time, at a different location, a City Terrace community meeting was to be held. This meeting was organized well before by members of the community along with Supervisor Solis's office, and had representatives from Public Works, Police, Waste Management, Parking enforcement and all of the very important aspects that make a community run, of which City Terrace needs a lot of attention. It had been over a year since the last community meeting and this was an opportunity for residents to voice concerns about things that affect our everyday lives. I immediately contacted Mr. Curzi from LA Planning and spoke to Bertha Velasquez from Hilda Solis's office, explaining that we so rarely have the opportunity to voice our concerns as a community and to please help us to reschedule the Verizon meeting. Mr Curzi and Ms. Velazquez suggested that Ms Arvizu and I reschedule to another day. Ms Arvizu stated she didn't want to move the meeting and that she would attend the community

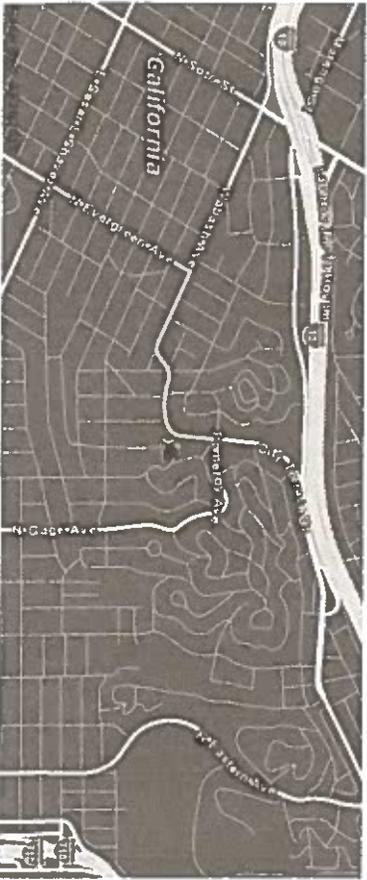
meeting to speak in a time slot that I ended up having to facilitate along with District Director Joseph Martinez from Supervisor Solis's office. Although Mr Martinez generously offered time for Ms. Arvizu, a two hour meeting that was supposed to be a conversation became a 10 minute presentation by Ms. Arvizu tagged on to the end of the Community Meeting. As the time slot came to a close, I got up and suggested that we please reschedule the meeting for another day, and members of community emphatically agreed. As we were unable to accomplish the goal of having a dialogue with Verizon and finding an alternate location together for the site, I suggested we hold another meeting in which this could happen. Ms Arvizu quickly exited the building and I've yet to hear from her again. I had tried to contact her in the following days and got an out of office reply. I contacted Mr. Curzi and also got an out of office reply until Oct. 19. On Oct 20, I reached out to Mr. Curzi, letting him know that I hadn't had any response from Ms. Arvisu. Mr. Curzi responded that as the property was not properly posted for 30 days as required by county code, he would recommend that the case be continued to Dec 9. Again Verizon failed to properly post the proposed site for 30 days in a row. Our community is not on a payroll for this, we are here because we are following procedure and oppose this project. Why should Verizon be rewarded with an extension, when they have continuously failed to follow the outlined procedure from May 2015 to today's hearing. They have not once adhered to a 30 day posting. We the community are following procedure at a great cost. This is our third hearing and at 9am on a Wednesday, we're having to take off work to come here. We would like for this to be settled today and move the proposed site to another area. We implore you to deny this proposal following Verizon's lack of cooperation and the consistent failing to adhere to the procedures set forth by the Planning Commission.

VERIZON COVERAGE LOCATOR

These respective maps show that the proposed site already has full coverage in Verizon's 4G Data Coverage, Prepaid Coverage, 3G Data Coverage, Push to Talk 3G Coverage, and Digital Coverage.
<https://vzwmap.verizonwireless.com/dotcom/coverage/locator>

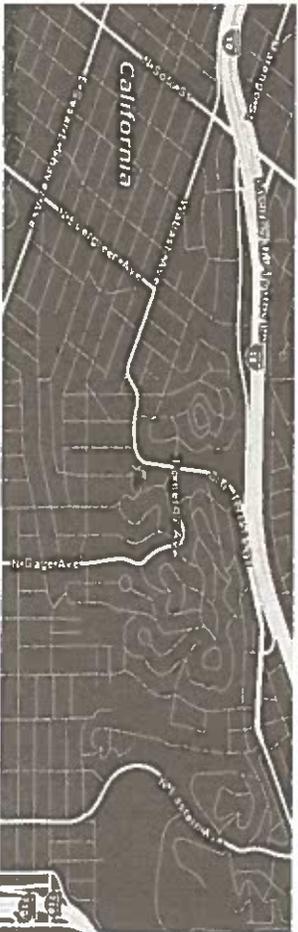
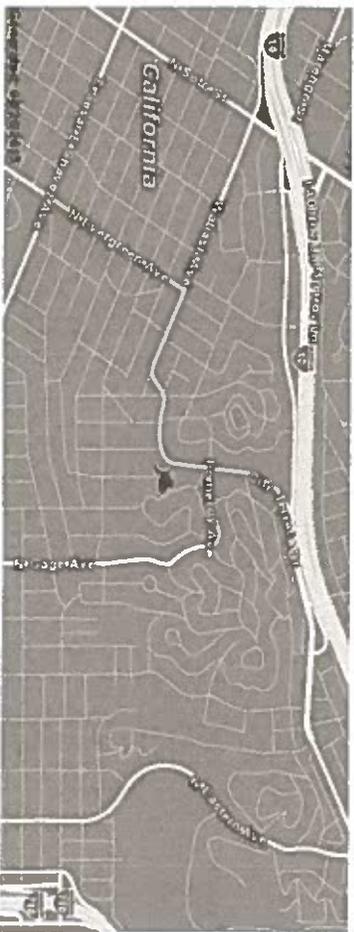
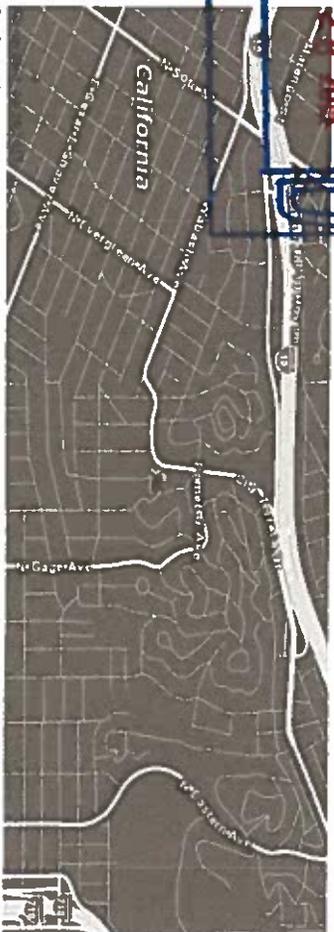
Map Legend
 4G Data Coverage
 3330 1/2 City Terrace Dr
 Los Angeles, CA
 90003-3942

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 4G Data Coverage
 3330 1/2 City Terrace Dr
 Los Angeles, CA
 90003-3942



RECEIVED
 OCT 29 2015

R-72015-00052-1
 C/124/P/RAUZ





Ramichael Monsod <ramichaelcgr@gmail.com>

Fwd: Community Meeting in East Los Angeles on September 23, 2015

1 message

Will <monichee@aol.com>

Tue, Oct 27, 2015 at 6:50 PM

To: Ramichael Monsod <ramichaelcgr@gmail.com>

Sent from my beeper

Begin forwarded message:

From: Korina Arvizu <karvizu@core.us.com>
Date: September 22, 2015 at 1:51:02 PM PDT
To: Anthony Curzi <acurzi@planning.lacounty.gov>
Cc: Will <monichee@aol.com>, Robert Glaser <rglaser@planning.lacounty.gov>, Mitch Glaser <mglaser@planning.lacounty.gov>
Subject: Re: Community Meeting in East Los Angeles on September 23, 2015

Will and all,

I'd rather not re-schedule. In the interest of working with the community I will attend the neighborhood meeting tomorrow. I just wanted to make sure this was acceptable to county. I will attend my own meeting, post a notice of changed location and time, and hang out to wait for any late arrivals. I will follow up with Bertha to verify. See you all tomorrow night, can please verify the address below is the correct, as I will need to make the change of venue notice.

City Terrace Park
Community Room
1126 N Hazard Ave
Los Angeles, CA 90063

Korina Arvizu
Zoning Manager
CORE Development Services
2749 Saturn Street
Brea, CA 92821
714.292.9214 (M)
www.core.us.com

On Tue, Sep 22, 2015 at 1:16 PM, Anthony Curzi <acurzi@planning.lacounty.gov> wrote:

Korina,

Please get in touch with Mr. Schwartz to find an acceptable date and location for the community meeting.

From: Will [mailto:monichee@aol.com]
Sent: Tuesday, September 22, 2015 11:35 AM
To: Anthony Curzi
Cc: Korina Arvizu; Robert Glaser; Mitch Glaser
Subject: Re: Community Meeting in East Los Angeles on September 23, 2015

Hello

I spoke with Ms Solis's office and they are in agreement that holding the meeting at the same time/date in opposition to another City Terrace community meeting is a conflict of interest. If we could please come up with a solution asap together that would be great. At this point it seems too late to reschedule for tomorrow. I believe the best solution is to choose another date and do another mailing.

Thanks

Will Schwartz

Sent from my beeper

On Sep 21, 2015, at 10:26 AM, Anthony Curzi <acurzi@planning.lacounty.gov> wrote:

Good morning Korina,

We are comfortable with keeping the community meeting to discuss the Verizon Small Cell Wireless proposed WTF on September 23, at 6:00 to 8:00 pm and don't see a need for you to reschedule or move to another venue.

Sincerely,

Anthony Curzi

Los Angeles County Department of Regional Planning

320 West Temple Street, Room 1348

Los Angeles, CA 90012

(213) 974-6443 ComLine 264

<image001.png>

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Ramichael Monsod <ramichaelcgr@gmail.com>

Fwd: Project information R2015-00052-(1) WTF in East L.A.

1 message

Will <monichee@aol.com>

Tue, Oct 27, 2015 at 6:51 PM

To: Ramichael Monsod <ramichaelcgr@gmail.com>

Sent from my beeper

Begin forwarded message:

From: Anthony Curzi <acurzi@planning.lacounty.gov>
Date: August 31, 2015 at 8:55:27 AM PDT
To: 'Will' <monichee@aol.com>
Cc: Robert Glaser <rglaser@planning.lacounty.gov>
Subject: RE: Project information R2015-00052-(1) WTF in East L.A.

Good morning Mr. Schwartz,

Yes Commissioner Valadez has instructed Verizon to hold a community meeting to discuss the proposal and to look if alternate locations are feasible. Verizon is in charge of holding the meeting. Commissioners do not attend these meetings.

I will coordinate with Verizon this week to secure a date and time for the meeting.

Sincerely,

ANTHONY

From: Will [<mailto:monichee@aol.com>]
Sent: Friday, August 28, 2015 12:57 PM
To: Anthony Curzi
Subject: Re: Project information R2015-00052-(1) WTF in East L.A.

Hi Mr Curzi

I was wondering what the next step is in the proceedings. Ms Valadez mentioned a meeting with Verizon and members of the community to find an alternate location. Do you know who would

facilitate this and would Ms Valadez be a part of it?

Best

Will Schwartz

818 424 8405

Sent from my beeper

On Apr 14, 2015, at 8:47 AM, Anthony Curzi <acurzi@planning.lacounty.gov> wrote:

Thank you, Will. Your comments will be forwarded to the Hearing Officer for consideration.

From: Will [<mailto:monichee@aol.com>]
Sent: Monday, April 13, 2015 5:53 PM
To: Anthony Curzi
Subject: Re: Project information R2015-00052-(1) WTF in East L.A.

Dear Anthony,

Thank you for sending the information.

I would like to go on record that as a homeowner who resides at 1075 N Rowan Ave, which would be directly affected by the proposed wireless tower with potential adverse health effects and an aesthetic eyesore, I am adamantly opposed to the project. I will pursue every avenue possible including notifying the homeowners association in my area, sending flyers to nearby residences, and having neighbors appear at the public hearing to voice opposition. Please let the appropriate parties know and let me know if you wish to discuss the matter further

Best

Will Schwartz

818 424 8405

Sent from my beeper

On Apr 13, 2015, at 4:53 PM, Anthony Curzi <acurzi@planning.lacounty.gov> wrote:

Please see attachment documents for information on the above-referenced project.

Anthony Curzi

Los Angeles County Department of Regional Planning

320 West Temple Street, Room 1348

Los Angeles, CA 90012

(213) 974-6443 ComLine 264

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<Factual R2015-00052-(1).pdf>

<Supplemental Information.pdf>

<Propagation Map.pdf>



Ramichael Monsod <ramichaelcgr@gmail.com>

Fwd: Community Meeting in East Los Angeles on September 23, 2015

Will <monichee@aol.com>

Tue, Oct 27, 2015 at 11:18 PM

To: Ramichael Monsod <ramichaelcgr@gmail.com>

Sent from my beeper

Begin forwarded message:

From: Anthony Curzi <acurzi@planning.lacounty.gov>
Date: October 20, 2015 at 4:27:51 PM PDT
To: 'Will' <monichee@aol.com>
Cc: Korina Arvizu <karvizu@core.us.com>, Robert Glaser <rglaser@planning.lacounty.gov>, Mitch Glaser <mglaser@planning.lacounty.gov>
Subject: RE: Community Meeting in East Los Angeles on September 23, 2015

As it has been scheduled and agendized, it will be called up, but staff will explain what happened with the posting error and will request a continuance to December.

From: Will [<mailto:monichee@aol.com>]
Sent: Tuesday, October 20, 2015 3:10 PM
To: Anthony Curzi
Cc: Korina Arvizu; Robert Glaser; Mitch Glaser
Subject: Re: Community Meeting in East Los Angeles on September 23, 2015

Is the 28th still happening then or is that postponed?

Sent from my beeper

On Oct 20, 2015, at 1:07 PM, Anthony Curzi <acurzi@planning.lacounty.gov> wrote:

Hello Mr. Schwartz,

As the property was not properly posted for 30 days as required by County Code, we will recommend that the case be continued to December 9, 2015.

Sincerely,

Anthony Curzi

Los Angeles County Department of Regional Planning

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Los Angeles, CA 90012

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From: Will [<mailto:monichee@aol.com>]
Sent: Tuesday, October 20, 2015 11:36 AM
To: Anthony Curzi
Cc: Korina Arvizu; Robert Glaser; Mitch Glaser
Subject: Re: Community Meeting in East Los Angeles on September 23, 2015

Hello

I wanted to touch base to see where we are with this. I've been trying to contact Ms Arvizu as the meeting that was held during the City Terrace community meeting didn't adequately adhere to what was proposed by the Commissioner at the Appeal. The Commissioner proposed that a community meeting was to be held in a discussion format with a Verizon rep to discuss alternative sites for the proposed cell tower. Mr Curzi and Ms Arvizu have been gone for most of the month and the date for the second hearing is coming up on the 28th. It should also be noted that proper notice was not done on the site for a consistent 30 day period as was proposed by the Commissioner. if you can please advise me how to proceed that would be good.

thanks

Will Schwartz

Sent from my beeper

On Sep 22, 2015, at 11:35 AM, Will <monichee@aol.com> wrote:

Hello

I spoke with Ms Solis's office and they are in agreement that holding the meeting at the same time/date in opposition to another City Terrace community meeting is a conflict of interest. If we could please come up with a solution asap together that would be great. At this point it seems too late to reschedule for tomorrow. I believe the best solution is to choose another date and do another mailing.

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Will Schwartz

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<acurzi@planning.lacounty.gov> wrote:

Good morning Korina,

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Sincerely,

Anthony Curzi

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[\(213\) 974-6443](tel:(213)974-6443) ComLine 264

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September 10, 2015

Notice of Public Meeting

On Wednesday, September 23, 2015 from 6pm-8pm Verizon Wireless representatives will be holding a public meeting to discuss the Small Cell Wireless Installation proposed on the existing utility pole in addition to a ground mounted meter pedestal, in the right-of-way located at the intersection of City Terrace Drive and Townsend Ave. Project Number R2015-00052-(1) Conditional Use Permit No. 201500002 and Environmental Assessment No. 201500004.

The meeting will be held at: **City Terrace Library
4025 City Terrace Dr,
Los Angeles, CA 90063**

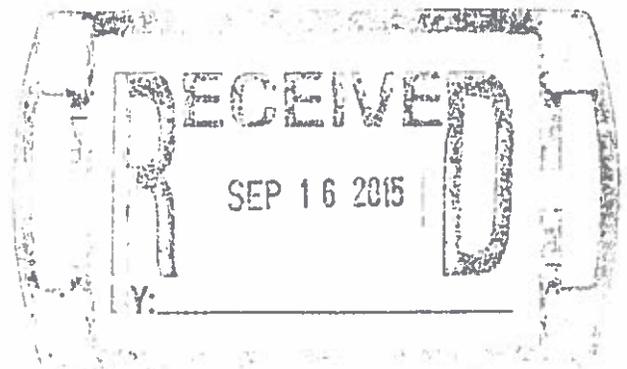
For more information contact Korina Arvizu (714) 292-9214 or karvizu@core.us.com

Aviso de Reunión Pública

El Miércoles, 23 de Septiembre, 2015 de 6pm a 8pm, representantes de Verizon Wireless tendrán una reunión pública para discutir la instalación inalámbrica de una célula pequeña, además de la instalación de un murete para dispositivos principales de medición, propuesta en el poste de utilidad existentes en el derecho de paso ubicado en la intersección de City Terrace Drive y Townsend Ave. Numero de Proyecto R2015-00052-(1) Permiso de Uso Condicional No. 201500002 y Evaluación Ambiental No. 201500004.

La reunión será sostenida en: **City Terrace Library
4025 City Terrace Dr,
Los Angeles, CA 90063**

Para obtener más información, póngase en contacto con Korina Arvizu (714) 292-9214 or karvizu@core.us.com.



**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00052-(1)
CONDITIONAL USE PERMIT NO. 201500002**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500002 ("CUP") on August 26, 2015, October 28, 2015, and December 9, 2015. The County Hearing Officer also conducted a duly-noticed public hearing on the same matter on May 19, 2015. The Hearing Officer's decision was appealed by a member of the public on June 2, 2015.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction, operation, and maintenance of a new wireless telecommunication facility (WTF) on an existing Southern California Edison (SCE) utility pole located in the public right-of-way ("Project") on a property located adjacent to 3330 ½ City Terrace Drive, in the unincorporated community of East Los Angeles ("Project Site") in the C-2 (Neighborhood Business) Zone pursuant to Los Angeles County Code ("County Code") Section 22.28.160.
3. The Project Site is located in the public right-of-way (ROW) and contains an existing 34-foot-tall SCE utility pole.
4. The Project Site is located in the City Terrace Zoned District and is currently zoned C-2.
5. The Project Site is located within the East Los Angeles Community Standards District.
6. The Project Site is located within the CR (Commercial/Residential) land use category of the East Los Angeles Community Plan Land Use Policy Map.
7. Surrounding Zoning within a 500-foot radius includes:
 - North: C-2
 - South: R-2 (Two-Family Residence)
 - East: R-2, R-1 (Single-Family Residence)
 - West: C-2, R-2
8. Surrounding land uses within a 500-foot radius include:
 - North: Single- and multi-family residences, church, auto repair, markets
 - South: Single- and multi-family residences, auto repair, markets, clothing shops
 - East: Single- and multi-family residences
 - West: Single- and multi-family residences, realty, discount store
9. The Project Site was zoned C-2 by Ordinance No. 2022 on December 14, 1931.

10. The site plan for the Project depicts the subject site with the existing utility pole and new, underground pull-box five feet to the south of the pole. Ninety feet to the north of the pole, the above-ground pedestal is located. Elevations depict the 34-foot-tall existing SCE pole with two Remote Radio Units (RRUs) and an antenna mounted on top, rising to 36.5 feet above ground level.
11. The Project Site is accessible via City Terrace Drive.
12. The proposed WTF is located in the public ROW along City Terrace Drive, and there is sufficient parking on the street to accommodate construction and maintenance vehicles.
13. At the request of the Commission, the applicant conducted a community meeting on the proposed project on September 23, 2015 at City Terrace Park. Approximately 20 individuals attended this meeting, and the applicant discussed the project and the infeasibility of alternative locations, as well as health and safety concerns.
14. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval, which are included in the Project's conditions.
15. Prior to the Commission's public hearing on the Project, 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 involved the addition of antennas and ancillary telecommunication on and near and existing utility pole. Such minor additions are permitted under a Class 1 categorical exemption.
16. 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.
17. Prior to the Hearing Officer's public hearing on May 19, 2015, the Department of Regional Planning ("Regional Planning") staff received one e-mail in opposition to the Project. The e-mail cited visual and health impacts from the proposed Project. Furthermore, prior to the August 26, 2015 Commission's public hearing, Regional Planning staff received eight e-mails in opposition to the Project. The e-mails refer to concerns with radiation, visual impacts, and effects upon property values. Staff, at the October 28, 2015 Commission Hearing, received one additional comment letter from the appellant.
18. A duly-noticed public hearing occurred before the Hearing Officer on May 19, 2015. Staff presented the case and recommended approval. The applicant's representative, Korina Arvizu, stated that she agreed with the project findings and

conditions and offered to answer questions regarding the project from the Hearing Officer.

One person, Mr. William Schwartz, spoke in opposition to the project, citing aesthetic and health impacts from the WTF. This individual also raised concerns regarding sufficient noticing of the project in the community, including the fact that postcards noticing the public hearing were mailed only to property owners and not renters; that the postcards were only in English; the effect on lowering property values from WTFs being located adjacent to residences; questions about alternative locations for the WTF; questions regarding whether this project would lead to additional WTFs in the community; and questions regarding whether the neighborhood qualified as an historic district.

After discussion with Staff and the applicant's representative, the Hearing Officer explained that the project was adequately noticed as required by state law, that local jurisdictions cannot deny applications for WTFs based on health concerns as that is a matter that is regulated by the Federal Communication Commission, and that the visual impacts from the project were relatively minor, and were, therefore, unlikely to cause detrimental impacts upon property values.

The Hearing Officer then recommended changes to the findings and conditions, including adding a condition requiring the applicant to submit proof of SCE review and approval of the project prior to the applicant receiving building permits and a condition requiring the applicant to adequately maintain in good condition the two toyon trees to be planted in the parkway. The Hearing Officer then closed the public hearing, determined the Project categorically exempt from CEQA and approved the Project.

The Commission heard the matter on August 26, 2015 on appeal. Staff presented the case, the appellant's concerns, and the reasons for staff's recommendation of approval. The Commission then requested that the applicant look further into examining if alternative locations for the facility were possible and to hold a community meeting to discuss the project. Also, as the hearing notice was removed from the project site, and, therefore, was not continuously posted for 30 days, the matter was continued to October 28, 2015. Due to confusion regarding the hearing notice, however, the project was not posted in time for the October 28 meeting. Therefore, the case was continued to December 9, 2015.

Additional Commission proceedings to be inserted after hearing.

19. The Hearing Officer's approval was appealed on June 2, 2015 by a member of the public, Mr. William Schwartz. Mr. Schwartz cited many of the concerns he raised at the public hearing as reasons for the appeal.
20. The Commission finds that the Project is consistent with the plans and policies of the East Los Angeles Community Plan. The WTF is located on a previously existing utilities infrastructure within the previously disturbed ROW area and is therefore consistent with the permitted uses of the underlying land use category.

21. The Commission finds that the Project is allowed in the subject zone category with the approval of a conditional use permit. Further, the Project is consistent with the development standards of the C-2 Zone as set forth in Section 22.28.170 of the County Code. The Project is also consistent with the Subdivision and Zoning Ordinance Policy No. 01-2010, which regulates development of WTFs, including WTFs in the public ROW. The proposed WTF will place equipment that can be undergrounded under the sidewalk, as required.

22. The use requested (construction, operation, and maintenance of a new WTF on an existing utility pole) will provide a utility-type service to the area, and will allow residents, visitors, and motorists the possibility to make emergency calls if necessary.

Therefore, the Commission finds that the proposed use with the attached conditions will be consistent with the adopted General Plan.

23. The utility pole has existed for many years at the subject site, and the proposed WTF will be well-integrated into the utility pole such that antennas and ancillary equipment are scarcely noticeable.

Therefore, the Commission finds that 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.

24. The proposed project will not require any variations or deviations from development standards. WTF antennas are affixed to the utility tower and ancillary equipment is mostly below grade, with a pedestal above grade. The WTF is in the public ROW and many development standards, including CSD standards, do not apply.

Therefore, the Commission finds 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.

23. The WTF is located in the public ROW on an existing utility pole on City Terrace Drive, a public highway. The WTF will require periodic visits from maintenance personnel, and there is adequate parking on the street to accommodate the service vehicle. The use is not anticipated to generate pedestrian or bicycle trips.

Therefore, the Commission finds that the proposed site is adequately served 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 by other public or private service facilities as are required.

24. The Commission 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.
25. The Commission finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of both the Hearing Officer and Commission public hearings 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 East Los Angeles community. On April 16, 2015, a total of 122 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 for the May 19, 2015 Hearing Officer public hearing, and on July 8, 2015, a total of 122 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 for the Commission public hearing for the appeal.
26. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is 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 REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the East Los Angeles Community Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

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 No. 201500002, subject to the attached conditions.

ACTION DATE: December 9, 2015

RG:AMC
November 24, 2015

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00052-(1)
CONDITIONAL USE PERMIT NO. 201500002**

PROJECT DESCRIPTION

The project is for the construction, operation, and maintenance of a new, unmanned wireless telecommunication facility (WTF) on and around an existing Southern California Edison (SCE) 34-foot-tall utility pole in the public right-of-way, comprised of antennas and Remote Radio Units on the pole, an underground pull-box, and an above-ground pedestal, 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 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 10 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. 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 December 9, 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to

determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56 Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works 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 **March 9, 2016**.
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 TELECOMMUNICATION FACILITY)

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, Building and Safety Division or other appropriate agency.
24. Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be constructed and maintained as depicted in the photo simulations presented at the public hearing.
25. Maintenance vehicles shall not block access to driveways or garages.

26. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
27. 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.
28. 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.
29. The project number, CUP number and leaseholder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
30. Upon termination of this grant or 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. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of Regional Planning and any other government agency. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.
31. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.
32. External lighting, including security lighting, shall be on motion sensors, be of low-intensity, fully shielded and directed away from adjacent residences and open space. Pole-mounted lighting is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration.
33. 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.
34. 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.

35. New equipment added to the facility shall not compromise the stealth design of the facility.
36. Antennas shall be painted or covered to match their background.
37. Prior to the construction of the project, the permittee shall obtain an encroachment permit from Public Works and provide a copy of the permit to the Zoning Enforcement Section of Regional Planning.
38. Ventilation enclosures for the project site, if proposed, shall be mounted to the ground surface with no projection above ground.
39. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition 8, if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee will be required to obtain a new conditional use permit to relocate its facilities or to install a new pole or poles at the present location and continue the use at the same location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
40. The height of the facility shall not exceed 36.5 feet (36 feet, 6 inches).
41. The placement of the facility shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.
42. If Public Works requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner or permittee of the wireless facilities involved.
43. If street parking is prohibited on the street where the facility is located and on nearby side streets, the permittee shall obtain an approved traffic plan for the parking of maintenance vehicles from Public Works.
44. Maintain standard Americans with Disabilities Act clearances around all above-ground wireless telecommunication equipment including poles within the public right-of-way to the satisfaction of Public Works, where applicable.
45. Prior to obtaining building permits for the project, the applicant shall submit documentation to the satisfaction of the Director of Regional Planning that SCE has reviewed and approved the project.

PROJECT SITE-SPECIFIC CONDITIONS

46. This grant shall authorize the construction, operation, and maintenance of a WTF located on and around an existing SCE utility pole in the public right-of-way.

Attachments:

Public Works Department Letter dated April 2, 2015



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 2, 2015

IN REPLY PLEASE
REFER TO FILE: LD-2

TO: Maria Masis
Zoning Permits East Section
Department of Regional Planning

Attention Anthony Curzi

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201500002
PROJECT NO. R2015-00052-(1)
3330 1/2 CITY TERRACE DRIVE
ASSESSOR'S MAP BOOK NO. 5231, PAGE 4, PARCEL NO. 8
UNINCORPORATED COUNTY COMMUNITY OF CITY TERRACE

We reviewed the revised site plan for the installation of a new telecommunication antenna mounted at the top of an existing 34 feet high wood utility pole in the public right of way fronting the property located at 3330 1/2 City of Terrace Drive in the unincorporated County community of City Terrace. The project also includes the construction of a new concrete pad with 200 AMP Myers electric meter pedestal and a new pull box in the vicinity of the existing utility pole.

- Public Works recommends approval of this CUP. However, we recommend the site plans be submitted to Southern California Edison for their review prior to approval of the CUP since the existing utility pole identified as being impacted is owned and maintained by them.
- Public Works does **NOT** recommend approval of this CUP.

Upon approval of the site plan, we recommend the following conditions. Comply with these conditions or as otherwise modified by Public Works:

1. Road

- 1.1 Obtain an encroachment permit from Public Work's Land Development Division, Permit Section, for the installation of the new telecommunication antenna and associated equipment within the road right of way. For additional information and procedures, please contact Lana Radle of Land Development Division's Permit Section, at (626) 458-4958 or lradle@dpw.lacounty.gov.
- 1.2 The placement of the proposed pole and wireless telecommunications facility shall not interfere with the public's unobstructed use of roadways and sidewalks or unobstructed access from private property to roadways and sidewalks.
- 1.3 Where applicable, maintain standard Americans with Disabilities Act clearances around all above-ground wireless telecommunication equipment, including poles, to the satisfaction of Public Works.
- 1.4 If Public Works requires the facility to be relocated due to future street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities, due to such projects, shall be fully borne by the owner, operator, or permittee of the wireless facilities.

For questions regarding the road conditions or if you have any other questions, please contact Teni Mardirosian of Land Development Division at (626) 458-4910 or tmardirosian@dpw.lacounty.gov.

TM:tb