



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 6, 2015

Jamie Hall
Channel Law Group, LLP
8200 Wilshire Boulevard, Suite 300
Beverly Hills, CA 90211

**REGARDING: PROJECT NO. R2015-00340-(4)
CONDITIONAL USE PERMIT NO. 201500016
3021 SOUTH FULLERTON ROAD, ROWLAND HEIGHTS (APN: 8269-003-900)**

The Regional Planning Commission, by its action of **May 6, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 20, 2015**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

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For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner



Robert Glaser, Acting Supervising Regional Planner
Zoning Permits North Section

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

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

RG:AMC

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00340-(4)
CONDITIONAL USE PERMIT NO. 201500016**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500016 ("CUP") on May 6, 2015.
2. The permittee, CCATT LLC ("Crown Castle" or "permittee"), requests the CUP to authorize the continued operation and maintenance of an existing wireless telecommunication facility (WTF) ("Project") on a property located at 3021 South Fullerton Road in the unincorporated community of Rowland Heights ("Project Site") in the A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.100.
3. The Project Site is 6.73 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with gentle-sloping topography and is developed with administrative offices and water tanks of the Rowland Water District and the subject WTF.
4. The Project Site is located in the Puente Zoned District and is currently zoned A-1-5.
5. The Project Site is located within the "O" (Open Space) land use category of the Rowland Heights Community General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1-5, R-1-10,000 (Single Family Residence – 10,000 Square Foot Minimum Required Lot Area) Zone
 - South: O-S (Open Space)
 - East: O-S
 - West: City of La Habra Heights
7. Surrounding land uses within a 500-foot radius include:
 - North: Park, single-family residences
 - South: Vacant land, transmission power lines
 - East: Vacant land, transmission power lines, single-family residences
 - West: Hiking trails, transmission power lines
8. The Project Site was zoned A-1 on May 25, 1948 by Ordinance No. 5122. Conditional Use Permit No. 200400011 established the existing WTF on the subject property on February 15, 2005. Conditional Use Permit No. 200500013 authorized the expansion of the administration office building of the Rowland Water Company on August 24, 2005.

9. The site plan for the Project depicts the irregularly shaped property with three large water tanks and the administrative building of the Rowland Water District along with the subject WTF. The lease area is depicted as a 15-foot, 4-inch-by-40-foot, 9-inch area containing the equipment shelter and the monopine at the southwestern edge of the parcel, near Fullerton Road and Harbor Boulevard. A number of trees are located at the parcel near this intersection. The equipment shelter contains a number of cabinets and other appurtenant equipment. The antenna layout plan depicts 12 8-foot panel antennas (four each on three sectors) and six Tower Mounted Amplifiers (TMAs), two each on three sectors.

Elevations depict the pine tree-disguised tower at 70 feet tall with the panel antennas mounted at 63 feet on the pole. The equipment shelter is also depicted in the elevations

10. The Project Site is accessible via Fullerton Road to the south. Primary access to the Project Site will be via an entrance/exit on Fullerton Road.
11. The Project provides sufficient parking for both employees and visitors to the Rowland Water District as well as for the maintenance vehicle for the WTF.
12. 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 continued operation and maintenance of an existing WTF with negligible or no expansion of use beyond that which was previously existing.
13. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
14. Prior to the Commission's public hearing, the Department of Regional Planning ("Regional Planning") staff received one e-mail in support of the Project and one e-mail inquiring if the Project involved any expansion of facilities.
15. A duly-noticed public hearing occurred before the Commission. Staff presented the case and recommended approval. The applicant's representative, Jamie Hall, testified in favor of the request and offered to answer any questions. The Commission asked if the request included any expansion to the WTF and Mr. Hall responded that the request only included the reauthorization of the WTF, without any expansion or modifications. The Commission closed the public hearing, determined the Project categorically exempt from CEQA and approved the Project.
16. The Commission finds that the Project is consistent with the "O" Open Space land use category of the Rowland Heights Community General Plan. This land use designation is intended for recreational facilities, hiking and equestrian trails,

agricultural uses, scientific study and utility easements. The WTF on the property of the Rowland Water District can be considered a utility-type of use and is therefore consistent with the permitted uses of the underlying land use category. Furthermore, the open space nature of the property with the large number of vegetation and trees and the concealment of the WTF as a pine tree renders the project site compatible with the Open Space classification.

17. The Commission finds that Project is consistent with the County Zoning Code. 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 22.40.430 of the County Code, development of radio and television stations and towers is a permitted use of property in Zone O-S, provided that a CUP is first obtained. The project complies with applicable development standards of Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010. The monopine branches will provide screening of the equipment, and the panel antennas are fitted with green material that further camouflages the facility.

18. The health, peace, comfort, or welfare of persons residing or working in the surrounding area will not be adversely affected by the proposed project. The facility does not generate noise, odor, waste, hazardous materials, and generates only negligible amounts of traffic for the maintenance personnel. The facility will remain as it has been for the past 10 years, will not introduce a new land use to the area, and will remain unobtrusive in its appearance and operation. The WTF has not had any violations.

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

19. The other persons located in the vicinity of the site will not notice any difference from what is currently existing and operating at the site. The proposed project will in no way jeopardize, endanger, or constitute a menace to the public health, safety or general welfare.

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.

20. The site is 6.73 acres and easily accommodates the WTF and the water district's facilities and meets all development standards. The project is well served by all applicable and necessary infrastructure, including roads and electricity.

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.

21. Vehicular access to the property is via Fullerton Road Street, a 100-foot-wide arterial to the east and 64 feet to the south. Sidewalks are present and the subject site and there is a designated bike lane at Fullerton Road.

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.

22. 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.

23. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Rowland Heights community. On March 30, 2015, a total of 32 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

24. 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 at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the Rowland Heights Community 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 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. 201500016, subject to the attached conditions.

ACTION DATE: May 6, 2015

VOTE: 4:0:0:1

Concurring: Valadez, Pincetl, Louie, Pedersen

Dissenting: 0

Abstaining: 0

Absent: Modugno

RG:AMC

May 6, 2015

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00340-(4)
CONDITIONAL USE PERMIT NO. 201500016**

PROJECT DESCRIPTION

The project is for a reauthorization of a conditional use permit to authorize the continued operation and maintenance of an existing wireless telecommunication facility (WTF) comprised of a 70-foot-tall monopine tower within an approximately 625-square-foot lease area with ground compound, 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 Conditions No. 4, 5, 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 6, 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 (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

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

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

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 6, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WTF)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. 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.
21. 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.
22. All structures shall conform to the requirements of Public Works Division of Building and Safety or other appropriate agency.
23. 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.
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 built as depicted in the photo simulations presented at the public hearing.

25. 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.
26. The maximum height of the facility shall not exceed 70 feet above finished grade.
27. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
28. 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.
29. 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.
30. 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.
31. 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.
32. The facility shall be secured by fencing, gates and/or locks.
33. 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.
34. New equipment added to the facility shall not compromise the stealth design of the facility.
35. 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.

PROJECT SITE SPECIFIC CONDITIONS

36. This grant shall authorize the continued operation and maintenance of a WTF comprised of a 70-foot-tall monopine tower and with a ground lease compound.