

Hearing Officer Transmittal Checklist

Hearing Date
July 21, 2015

Agenda Item No.
9

Project Number: R2015-01051-(2)
Case(s): Conditional Use Permit Case No.201500047
Planner: Travis Seawards

- 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)
- Previous CUP Conditions
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- GIS Layers Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: _____



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

PROJECT NUMBER
 R2015-01051-(2)

HEARING DATE
 July 21, 2015

PROJECT SUMMARY

REQUESTED ENTITLEMENTS
 Conditional Use Permit No. 201500047
 Environmental Assessment No. 201500080

OWNER / APPLICANT
 Verizon Wireless

MAP/EXHIBIT DATE
 April 11, 2014

PROJECT OVERVIEW

The project is a request for a conditional use permit to authorize the continued operation of a wireless telecommunications facility in the Heavy Manufacturing Zone (M-2) in the unincorporated community of West Carson. The wireless facility is roof-mounted on an office building and has two previous CUP approvals. The project proposes the following minor changes to the facility:

- Replacement of six (6) antennas with new antennas;
- Replacement and installation of associated wireless equipment within the lease area;
- Increase the height of the existing concealment screen from 4.5 feet to 8.8 feet tall to screen the facility and new equipment in the lease area.

LOCATION
 24404 Vermont Ave., West Carson

ACCESS
 Driveway off of Vermont Ave.

ASSESSORS PARCEL NUMBER(S)
 7409-020-011

SITE AREA
 0.42 Acres

GENERAL PLAN / LOCAL PLAN
 Los Angeles County General Plan

ZONED DISTRICT
 Harbor City

LAND USE DESIGNATION
 Major Industrial (I)

ZONE
 Heavy Manufacturing (M-2)

PROPOSED UNITS **MAX DENSITY/UNITS**
 N/A N/A

COMMUNITY STANDARDS DISTRICT
 N/A

ENVIRONMENTAL DETERMINATION (CEQA)
 Class 1 Categorical Exemption – Existing Facilities

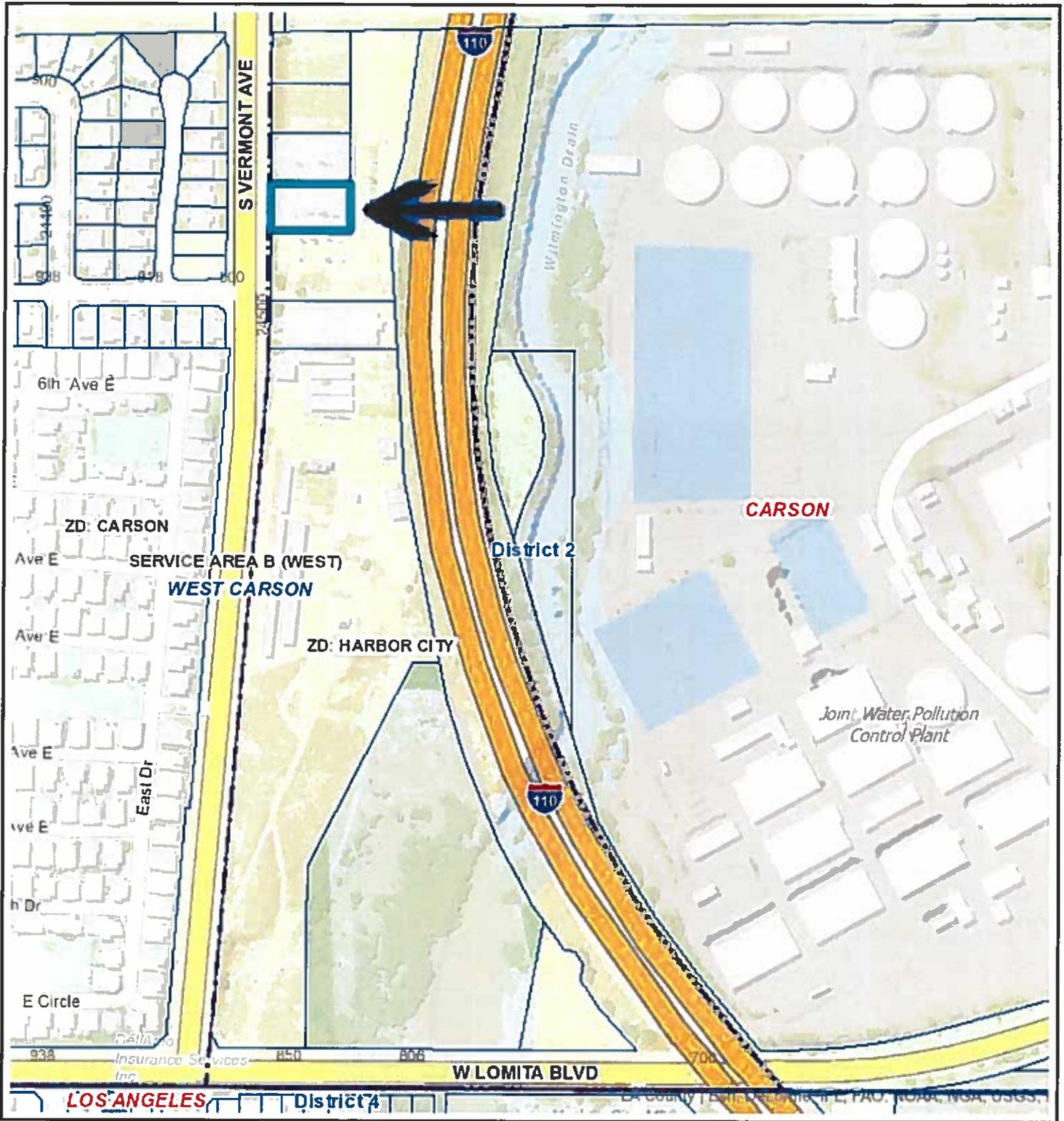
KEY ISSUES

- 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)
 - 22.32.200 (M-2 Zone Development Standards)

CASE PLANNER:
 Travis Seawards

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 TSeawards@planning.lacounty.gov



R2015-01051-(2) / CUP 201500047

Property Location Map

Printed: Jul 09, 2015



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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation of a wireless telecommunications facility in the M-2 (Heavy Manufacturing) Zone pursuant to County Code Section 22.32.190. Title 22 of the County Code does not specify wireless telecommunications facilities as a use. The most similar use is a radio or television tower, which in the M-2 Zone requires a CUP.

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the continued operation of a wireless telecommunications facility in the Heavy Manufacturing Zone (M-2) in the unincorporated community of West Carson. The wireless facility is roof-mounted on an office building and has two previous CUP approvals. The project proposes the following minor changes to the facility:

- Replacement of six (6) antennas with new antennas;
- Replacement and installation of associated wireless equipment within the lease area;
- Increase the height of the existing concealment screen from 4.5 feet to 8.8 feet tall to screen the facility and new equipment in the lease area.

EXISTING ZONING

The subject property is zoned M-2.

Surrounding properties are zoned as follows:

North: M-2

South: M-2

East: Interstate 110 and City of Carson - industrial uses

West: R-1 (Single-Family Residence)

EXISTING LAND USES

The subject property is developed with an office building and a rooftop wireless telecommunications facility.

Surrounding properties are developed as follows:

North: Office building, undeveloped land, oil well

South: Church, nursery

East: Parking lot, Interstate 110, and City of Carson - industrial uses

West: Single-family residences

PREVIOUS CASES/ZONING HISTORY

The wireless telecommunications facility has two previous CUP permit approvals.

- CUP No. 95-028 approved the rooftop wireless facility on September 5, 1995. The CUP expired on September 5, 2005.

- CUP No. 200500157 continued the operation of the rooftop wireless facility and was approved on November 15, 2005. The CUP expires on November 15, 2015.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the operation of a wireless telecommunications facility that is located in a heavily urbanized area with no sensitive environmental resources, and with only minor changes to the facility. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Major Industrial (I) land use category of the Los Angeles County General Plan. This designation is intended for major industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The existing rooftop wireless facility is a secondary use to the office building. The facility provides telecommunications and data network capacity for businesses and residences in the area and is therefore consistent with the intent of the underlying land use category.

Zoning Ordinance and Development Standards Compliance

The wireless telecommunications facility is subject to the provisions and standards of the M-2 Zone, and the Department of Regional Planning development guidelines for wireless facilities.

Pursuant to Section 22.32.200 of the County Code, establishments in the M-2 Zone are subject to the following development standards:

- Outside storage or display (Section 22.32.200.A)
The existing wireless facility is located on a rooftop within a lease area that is entirely screened, and the lease area is not used for storage or display of raw materials or finished products. Therefore the project complies with this requirement.
- Parking requirements (Section 22.32.200.B)
Parking requirements for wireless telecommunications facilities are not listed in Part 11 of Chapter 22.52, and therefore the Director can establish the appropriate amount of parking that is needed to ensure that the use is served with adequate parking and prevents traffic congestion and excessive on-street parking. The wireless telecommunications facility is unmanned and requires only periodic, monthly, maintenance visits. The appropriate parking for periodic maintenance visits is one space, as determined in previous CUP approvals. The existing office building has a large parking lot with ample parking spaces to

accommodate the maintenance vehicle, and therefore the project complies with this requirement.

- Signage (22.32.200.C)
The project is a wireless telecommunications facility with no existing or proposed signage. Therefore the project complies with this requirement.

The wireless facility is in compliance with the policy memorandum that relates to wireless telecommunications facilities (Subdivision & Zoning Ordinance Policy No. 01-2010 regarding Wireless Telecommunications Facilities dated July 26, 2010). The following standards from the memo are applicable to the project.

- Height
The project includes minor changes to the previously approved facility, including the replacement of six antennas with new antennas, and the addition of some associated wireless equipment within the previously approved lease area. Some of the new antennas are slightly larger than previous models, so the project also includes the increase in height of the concealment screen from 4.5 feet to 8.8 feet tall. The top of the proposed antenna screen will be 57 feet, 8 inches. There is no height limit in the M-2 Zone, but the project is less than the 75-foot height maximum from the wireless policy memo.
- Design
All wireless facilities are required to use camouflage techniques to minimize visual impacts. The existing rooftop facility is entirely enclosed by a concealment screen, and the antennas and associated equipment are not visible from the street level. The project includes minor changes to the previously approved facility, including the replacement of six antennas with new antennas, and the addition of some associated wireless equipment within the previously approved lease area. Some of the new antennas are slightly larger than previous models, so the project also includes the increase in height of the concealment screen from 4.5 feet to 8.8 feet tall, and the facility will remain fully screened. The screen surface is a beige/brown color that also matches the color palette of the existing office building for further camouflaging.

Neighborhood Impact/Land Use Compatibility

The existing wireless facility has been operating at the project site since 1995 and there is no record of complaints or history of zoning violations associated with the use. The project proposes only minor changes and will remain fully screened from street level view. As such, the facility complies with all of the development standards and policies for wireless facilities and has not had any negative impacts on the neighborhood or surrounding area.

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 with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County Departments of Public Works (DPW) and Fire have requested that rooftop wireless facilities be reviewed by their respective departments. Both Fire and DPW reviewed and cleared the project for public hearing.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-01051-(2), Conditional Use Permit Number 201500047, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500047, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Travis Seawards, Senior Regional Planner, Zoning Permits West Section
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

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

PROJECT NO. R2015-01051-(2)
CONDITIONAL USE PERMIT NO. 201500047

STAFF ANALYSIS
PAGE 5 OF 5

Correspondence
Site Photographs,
Photo Simulations
Site Plan

MKK:TSS
6/6/15

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-01051-(2)
CONDITIONAL USE PERMIT NO. 201500047**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500047 ("CUP") on July 21, 2015.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the continued operation of a wireless telecommunications facility ("Project") on a property located at 24404 S. Vermont Avenue in the unincorporated community of West Carson ("Project Site") in the Heavy Manufacturing Zone (M-2) pursuant to Los Angeles County Code ("County Code") Section 22.32.190.
3. The Project Site is 0.42 gross acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with an office building and rooftop wireless facility.
4. The Project Site is located in the Harbor City Zoned District and is currently zoned M-2.
5. Project Site is located within the Major Industrial (I) land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: M-2
 - South: M-2
 - East: Interstate 110 and City of Carson - industrial uses
 - West: R-1 (Single-Family Residence)
7. Surrounding land uses within a 500-foot radius include:
 - North: Office building, undeveloped land, oil well
 - South: Church, nursery
 - East: Parking lot, Interstate 110, and City of Carson – industrial uses
 - West: Single-family residences
8. The wireless telecommunications facility has two previous CUP permit approvals.
 - CUP No. 95-028 approved the rooftop wireless facility on September 5, 1995. The CUP expired on September 5, 2005.
 - CUP No. 200500157 continued the operation of the rooftop wireless facility and was approved on November 15, 2005. The CUP expires on November 15, 2015.

9. The site plan for the Project depicts the 0.42-acre parcel that is developed with an office building and ground-level parking lot. The wireless facility is located on the roof of the office building in a 1,040-square-foot lease space. Within the lease area, the wireless facility has 21 panel antennas, three omni antennas, one GPS antenna and microwave antenna, and associated equipment cabinets. The entire wireless project is enclosed by a 4.5 foot concealment screen. The site plan depicts the following proposed changes to the wireless facility:
- Replacement of six (6) antennas with new antennas;
 - Replacement and installation of associated wireless equipment within the lease area;
 - Increase the height of the existing concealment screen from 4.5 feet to 8.8 feet tall to screen the facility and new equipment in the lease area.
10. The Project Site is accessible via Vermont Avenue to the east. Primary access to the Project Site will be via an entrance/exit on Vermont Avenue.
11. The County Departments of Fire and Public Works reviewed and cleared the Project. The Fire Department had no comment, and the Department of Public Works is requiring that the permittee submit engineering calculations to the Building & Safety Division to justify the existing office building and the new rooftop equipment.
12. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1 Categorical Exemption (Existing Facilities) 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 involves the continued operation of a wireless telecommunications facility, with only minor changes, that is located in a heavily urbanized area with no sensitive environmental resources.
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. Staff has not received any correspondence regarding the Project.
15. The Hearing Officer finds that the Project is consistent with the General Plan and underlying land use designation. The project site is designated Major Industrial (I) by the Los Angeles County General Plan, which is intended for major industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The existing rooftop wireless facility is a secondary use to the office building, and the facility provides telecommunications and data network capacity for businesses and residences in the area.
16. The Hearing Officer finds that the Project is consistent with the development standards for the M-2 Zone regarding outside storage and display and signage. The

existing wireless facility is located on a rooftop within a lease area that is entirely screened, and the lease area is not used for storage or display of raw materials or finished products, and the facility has no signage.

17. The Hearing Officer finds that the Project is consistent with the development standard for required parking. Parking requirements for wireless telecommunications facilities are not listed in Part 11 of Chapter 22.52, and therefore the Director can establish the appropriate amount of parking that is needed to ensure that the use is served with adequate parking and prevents traffic congestion and excessive on-street parking. The wireless telecommunications facility is unmanned and requires only periodic, monthly, maintenance visits. The appropriate parking for periodic maintenance visits is one space, as determined in previous CUP approvals. The existing office building has a large parking lot with ample parking spaces to accommodate the maintenance vehicle.
18. The Hearing Officer finds that the Project is compliant with the development policies for height and design per the policy memorandum that relates to wireless telecommunications facilities (Subdivision & Zoning Ordinance Policy No. 01-2010 regarding Wireless Telecommunications Facilities dated July 26, 2010.) In addition to the minor changes to the wireless facility, the project also includes the increase in height of the concealment screen from 4.5 feet to 8.8 feet tall. The top of the proposed antenna screen will be 57 feet 8 inches. There is no height limit in the M-2 Zone, but the project is less still than the 75-foot height maximum limit in the wireless policy memo. In addition, all wireless facilities are required to use camouflage techniques to minimize visual impacts, and the existing rooftop facility is entirely enclosed by a concealment screen, and the antennas and associated equipment are not visible from the street level, and the screen surface is also a beige/brown color, which matches the color palette of the office building.
19. The Hearing Officer finds that the Project does not negatively affect the health, peace, comfort or welfare of persons residing or working in the area, and is not materially detrimental to the use, enjoyment, or valuation of property in the area. The rooftop wireless facility has been operating since 1995 with no record of public complaints and no history or zoning violations. The facility provides communications and data network capabilities to the businesses and residences in the area, and the facility is well-screened and camouflaged so any potential visual impacts are mitigated.
20. The Hearing Officer finds that the Project meets all required development standards for the M-2 Zone, and for rooftop facilities per the Department's guidelines for wireless facilities. The Project Site provides adequate parking for the facility, the wireless facility is below the allowed 75-foot maximum height limit, and the facility is well-screened and camouflaged to reduce visual impacts to the area.
21. The Hearing Officer finds that the Project does not require the need for street improvements or the need for additional public utility services. The rooftop wireless facility has been operating since 1995. The Project includes only minor modification

to the existing facility and thus no new infrastructure is needed to continue to operate the wireless facility.

22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to fifteen (15) years.
23. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of West Carson. On June 6, 2015, a total of 45 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. There are no names or interested parties on the courtesy list for the Harbor City Zoned District.
24. 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 West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

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

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201500047, subject to the attached conditions.

ACTION DATE: July 21, 2015

MKK:TSS
6/7/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-01051-(2)
CONDITIONAL USE PERMIT NO. 201500047**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the continued operation of a rooftop wireless telecommunications facility, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on July 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 rooftop wireless facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$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 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 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 **September 21, 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 – WIRELESS TELECOMMUNICATIONS FACILITIES

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 Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

24. If any external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. 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. The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
29. 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 and shall have a color that blends in with the immediately surrounding environment, as depicted in the photo simulations presented at public hearing.
30. 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.
31. 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.
32. Upon termination of this grant, 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.
33. New equipment added to the facility shall not compromise the stealth design of the facility.

PROJECT SITE SPECIFIC CONDITIONS

34. This grant shall authorize the continued operation of a rooftop wireless telecommunications facility, with the following minor changes:
- Replacement of six (6) antennas with new antennas; Per CUP No. 95-028, a total of 27 antennas are allowed on the facility.
 - Replacement and installation of associated wireless equipment within the existing lease area;
 - Increase the height of the existing concealment screen from 4.5 feet to 8.8 feet tall to screen the facility and new equipment in the lease area.
35. 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.
36. The maximum height of the facility shall not exceed 57 feet, 8 inches above grade.
37. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated May 27, 2015.

Attachments:

Public Works Department Letter dated May 27, 2015



Burden of Proof Statement for proposed extension of CUP No. 200500157-(2) and request for modification of Project No. R2005-02785-(2)

CRITERIA A: That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

Applicant's response: The requested extension of the existing Conditional Use Permit (CUP) is justified in that there is a continuing need for the existing Verizon Wireless services beyond the current expiration date. The facility will continue to operate in full compliance with applicable federal, state and local rules and regulations. The proposed modification to this existing wireless telecom facility will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Rather, this modification will enhance the quality of service to Verizon Wireless subscribers in the surrounding area.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

Applicant's response: The requested extension of the existing CUP is justified in that the facility is a passive use that has not, to the best of the applicant's knowledge, generated any effects that have been detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The proposed modifications to this passive use will also have no significant material negative impact on the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The proposed extension of the antenna screen height to accommodate new antennas will be integrated with the existing structure and painted to match.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Applicant's response: The requested extension of the existing CUP is justified by its previous safe operation in compliance with the applicable federal, state and local rules and regulations. The proposed modification of this existing use will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. As the existing use must meet all applicable federal, state and local rules and regulations, the proposed modification to the design of the current use will also be consistent with these rules and regulations.



CRITERIA B: That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Applicant's response: The existing site continues to be adequate in size and shape to accommodate the existing use and will continue to be adequate with the proposed modifications to this use. The existing use currently complies with the Zoning Ordinance and with the proposed modifications will continue to be in compliance.

The continuation of the existing use, as well as the proposed modification, supports policies and goals of the General Plan by helping to provide a robust system for providing essential communications services for personal and business uses and for vital communications in time of a natural or manmade catastrophe's, providing a substantial community benefit.

The proposed increase in the height of the existing screening is necessary to accommodate the use of longer antennas designed to optimally utilize specific FCC authorized radio frequencies. The resulting increase in bulk is substantially consistent with similar rooftop appurtenances, such as elevator and other utility appurtenances, and will not create a substantial negative visual impact on the view of proximate residential or other sensitive uses.

CRITERIA C: That the proposed site is adequately served:

Applicant's response: The existing use is currently adequately served and when modified as proposed will continue to have no significant impact on traffic, parking or on the consumption of public services.

Respectfully submitted by January 21, 2015:

A handwritten signature in black ink, appearing to read "Al Gamboa", with a long horizontal flourish extending to the right.

Al Gamboa
Project Manager
Milestone Wireless
14110 Ramona Drive
Whittier, CA 90605
(562) 631-8370
al@milestonewireless.com

Torrance



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

November 15, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dave De Lorm
Planning Consortium
627 N. Main Street
Orange, CA 92868

**SUBJECT: PROJECT NO. R2005-02785-(2)
CONDITIONAL USE PERMIT CASE NO. 200500157-(2)**

The applicant requests a Conditional Use Permit to allow the continued operation of an existing wireless telecommunications facility in the M-2 zone mounted on the roof of an existing office structure.

Dear Applicant:

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

Condition three requires that the permittee must file an affidavit accepting the conditions before these grants become effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

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

For further information on appeal procedures or any other matter pertaining to these approvals, please contact James Bell in the Zoning Permits I Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant requests a Conditional Use Permit to allow the continued operation of an existing wireless telecommunications facility in the M-2 zone mounted on the roof of an existing office structure.

PROCEEDINGS BEFORE THE HEARING OFFICER:

November 15, 2005 Public Hearing

A duly noticed public hearing was held on November 15, 2005. The applicant's representative was sworn in and testified in favor of the project. The applicant's representative confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing, expressed her intent to approve operation and maintenance of the subject wireless telecommunications facility, subject to the conditions recommended by staff, and directed staff to prepare the findings and conditions for approval.

Findings

1. The applicant, Verizon Wireless requests authorization to install, operate and maintain 27 wireless telecommunication panel antennas mounted on the roof of an existing office building. The associated equipment shelter would also be placed on the roof of the building and in an office of the building.
2. The subject property is located at 24404 Vermont Avenue within the Harbor City Zoned District.
3. Zoning on the subject property is M-2 (Heavy Manufacturing).
4. Surrounding properties are zoned as follows:
 - North: M-2 (Heavy Manufacturing), M-1 (Light Manufacturing), and R-1 (Single-Family Residence)
 - East: Freeway (Harbor Freeway)/City of Carson
 - South: M-2
 - West: R-1 and R-3-15U (Limited Multiple Residence -15 dwelling units per acre).
5. Surrounding land uses include:
 - North: Storage, single-family residences, oil well
 - East: Freeway (Harbor Freeway)/City of Carson
 - South: Church and nursery
 - West: Single-family residences, mobile home park.
6. Conditional Use Permit No. 95-028 approved on September 5, 1995 by the Hearing Officer to authorize the installation of a wireless telecommunications facility on the

subject office building (expired September 5, 2005).

7. The subject property is designated I (Industrial) in the Los Angeles Countywide General Plan. Properties in areas with this land use designation are suitable for major industrial activities.
8. The proposal involves the construction and operation of a wireless telecommunications facility which would serve the surrounding community; the applicant's request is consistent with the policies of the Los Angeles Countywide General Plan.
9. The site plan depicts the existing partially screened antennas mounted on the roof of the office building. The equipment cabinets are shown within the screened area of the antennas. Access to the site is shown via a driveway from Vermont Avenue.
10. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify wireless telecommunications facility as a use. The use most closely matching this wireless telecommunications facility specified in the Zoning Ordinance is communication equipment buildings. Under Section the M-2 (Heavy Manufacturing) Zone pursuant to section 22.32.190 of the Zoning Ordinance, a radio or television tower requires a conditional use permit.
11. The Department of Regional Planning has determined that the project qualifies for a Categorical Exemption (Class 1, the permitting of existing public or private structures, facilities) pursuant to CEQA reporting guidelines.
12. A total of 47 public hearing notices were mailed out to property owners within 500' of the subject property on October 12, 2005 regarding the subject request. Thirty-six hearing notices were mailed to the local community groups. The notice was published in the La Opinion on October 10, 2005 and the Daily Breeze on October 5, 2005. Case-related material, including the hearing notice, factual and burden of proof were sent on October 12, 2005 to the Carson County Library at 151 E. Carson St., in Carson. According to the applicant, the hearing notice was posted on the property 30 days prior to the public hearing.
13. To satisfy the burden of proof, the architectural and general appearance of all such commercial buildings and grounds needs to be in keeping with the character of the neighborhood and so as not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located. The existing equipment screen is compatible with the design of the building. Both are light tan in color and will be similarly styled..
14. No public correspondence or phone calls have been received regarding this request.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

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

HEARING OFFICER ACTION:

In view of the findings of facts presented above, Conditional Use Permit No.200500157 is **APPROVED**, subject to the attached conditions.

BY: Rose Hamilton DATE: 11-21-05

ROSE HAMILTON
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the continued operation and maintenance of an unmanned wireless telecommunications facility consisting of 27 antennas and associated cabinets mounted on the roof of the office structure, subject to all of the following conditions of approval:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time;
 - d. All structures shall conform with the requirements of the Building and Safety Division of the Department of Public Works;
 - e. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - f. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
 - g. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
 - h. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
 - i. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility; and

- j. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 fully 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on November 15, 2015** unless an application for co-location at or below the approved height is received, in which case the grant shall be extended for an additional ten (10) years. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
10. The 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. The permittee shall deposit with the County of Los Angeles the sum of \$750.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for 5 biennial inspections. Inspections shall be unannounced. Should an application for co-location be approved, an additional \$750 shall be deposited into said fund.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

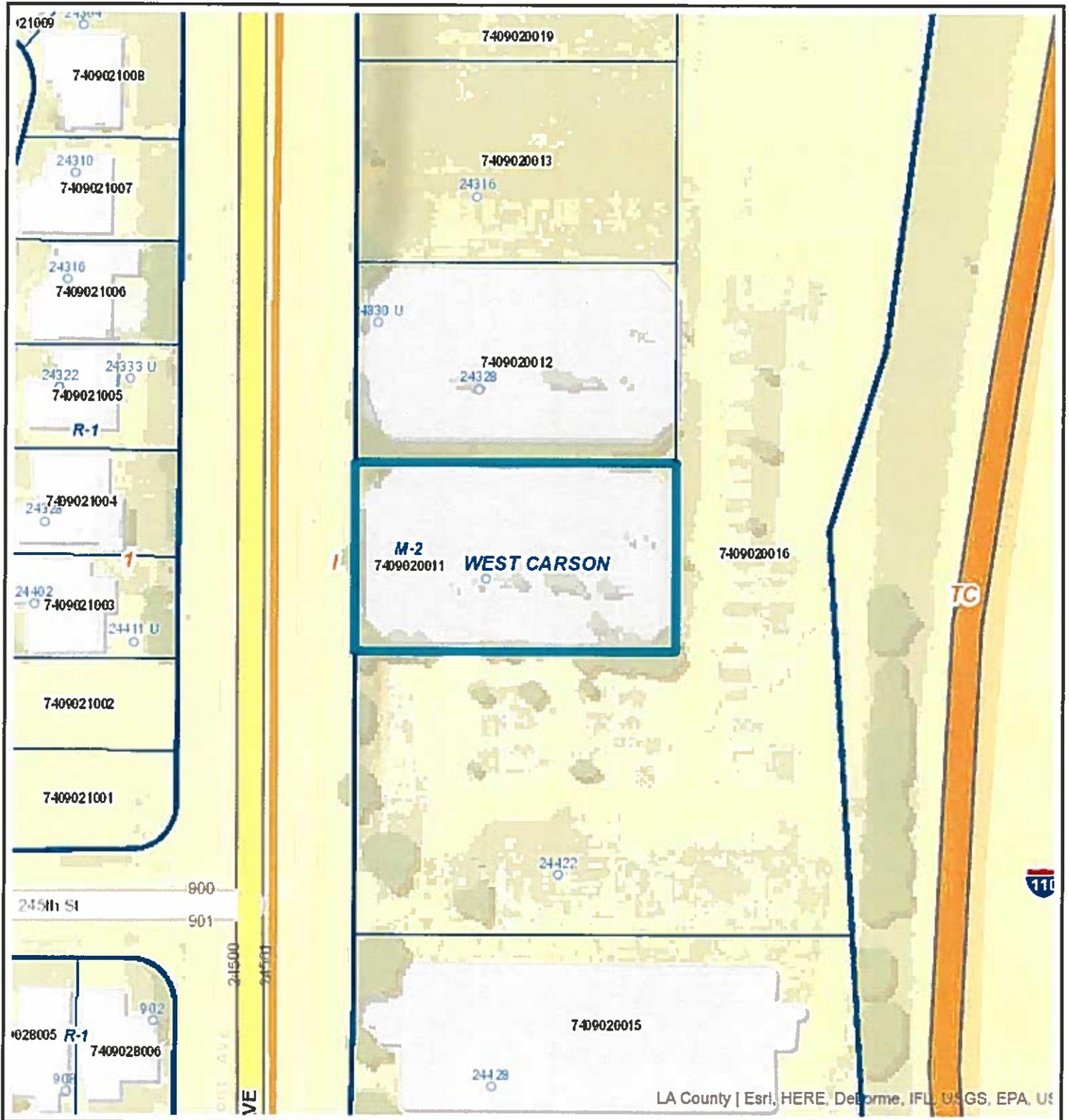
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a

hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. The permittee shall reimburse or pay the County all necessary fees associated with such hearing.

12. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

SD:JB

11/15/05



R2015-01051-(2) / CUP 201500047

GIS Layers Map

Printed: Jul 09, 2015



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