

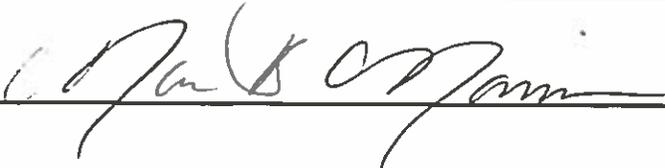
Hearing Officer Transmittal Checklist

Hearing Date
01/19/2016

Agenda Item No.
6

Project Number: R2015-02771-(4)
Case(s): Conditional Use Permit Case No. 201500112
Planner: Steve Mar

- 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
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Coverage Maps
- Photo Simulation

Reviewed By: 



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

PROJECT NUMBER
 R2015-02771-(4)

HEARING DATE
 January 19, 2016

REQUESTED ENTITLEMENTS
 Conditional Use Permit No. 201500112

PROJECT SUMMARY

OWNER / APPLICANT

Southern California Edison / Verizon Wireless

MAP/EXHIBIT DATE

8/21/15

PROJECT OVERVIEW

The applicant, Verizon Wireless, is requesting a Conditional Use Permit (CUP) for the construction and operation of a new wireless telecommunications facility (WTF) onto an existing Southern California Edison electrical transmission tower located at a plant nursery in the A-1 (Light Agricultural) zone pursuant to Los Angeles County Code Section 22.24.100. The project will install six (6) panel antennas, three (3) air antennas, two (2) raycaps, and six (6) RRUs on three (3) sectors that will be mounted at a height of 48 ft. onto the 125 ft. tall electrical transmission tower. A new 324 sq. ft. lease area surrounded by an 8 ft. high concrete block wall will be built at the base of the tower and will include two equipment cabinets and a standby emergency backup diesel generator.

LOCATION

16448 Halliburton Rd.; Approx. 350 ft. north of Paso Verde Dr. & Clementina Dr., Hacienda Heights

ACCESS

via Clementina Dr. and Halliburton Rd.

ASSESSORS PARCEL NUMBER(S)

8207-019-801, -802

SITE AREA

5.6 Acres

GENERAL PLAN / LOCAL PLAN

Hacienda Heights Community Plan

ZONED DISTRICT

Hacienda Heights ZD

LAND USE DESIGNATION

P-UF (Public and Semi-Public Utilities and Facilities)

ZONE

A-1 (Light Agricultural)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Hacienda Heights Community 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)
 - 22.24.110 (A-1 Zone Development Standards)

CASE PLANNER:

Steve Mar

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

smar@planning.lacounty.gov



Project Site

Paseo Verde Dr

Oakton Dr

Country Canyon Rd

Hacienda Heights

Claymenbina Dr

50 m

100 ft



ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the construction and operation of a new wireless telecommunications facility (WTF) onto an existing Southern California Edison electrical transmission tower located at a plant nursery in the A-1 (Light Agricultural) Zone pursuant to County Code Section.

PROJECT DESCRIPTION

The applicant, Verizon Wireless, is requesting a Conditional Use Permit (CUP) for the construction and operation of a new wireless telecommunications facility (WTF) onto an existing Southern California Edison (SCE) electrical transmission tower located at a plant nursery in the A-1 (Light Agricultural) zone pursuant to Los Angeles County Code Section 22.24.100. The project will install six (6) panel antennas, three (3) air antennas, two (2) raycaps, and six (6) RRUs on three (3) sectors that will be mounted at a height of 48 ft. onto the 125 ft. tall electrical transmission tower. A new 324 sq. ft. lease area surrounded by an 8 ft. high concrete block wall will be built at the base of the tower and will include two equipment cabinets and a standby emergency backup diesel generator.

EXISTING ZONING

The subject property is zoned A-1 (Light Agricultural).

Surrounding properties are zoned as follows:

- North: A-1 (Light Agricultural), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)
South: A-1 (Light Agricultural), R-A (Residential Agricultural), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)
East: A-1 (Light Agricultural), R-A (Residential Agricultural)
West: O-S (Open Space), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)

EXISTING LAND USES

The subject property is developed with a plant nursery containing electrical transmission lines.

Surrounding properties are developed as follows:

- North: Plant Nursery with Electrical Transmission Lines, Single-family Residences
South: Single-family Residences
East: Single-family Residences
West: Thomas Burton Park, Single-family Residences

PREVIOUS CASES/ZONING HISTORY

The previous zoning history of the subject parcel is as follows: A1-5 (5/25/48), RA-10000 (4/8/60), A-1 (6/23/11).

Conditional Use Permit No. 200400046 – Approved 1/20/05 for the construction and operation of a new WTF onto an existing electrical transmission tower (located to the north of the proposed project site).

Revised Exhibit "A" No. 200900064 – Approved 2/25/10 for additional antennas onto an existing WTF authorized under Conditional Use Permit No. 200400046.

Conditional Use Permit No. 201400076 – Approved 12/17/14 for the construction and operation of a new WTF onto an existing Southern California Edison electrical transmission tower (located

on the tower immediately adjacent to the west of the proposed project site tower). The applicant did not submit their Affidavit of Acceptance for this permit due to Southern California Edison's refusal to accept a permit condition requiring landscaping around the WTF. This permit was withdrawn in September 2015 upon receipt of Conditional Use Permit application No. 201500112.

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 involves the construction and operation of a new WTF onto an existing electrical transmission tower and will not expand the use of the existing tower and is a negligible addition to the site. 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 P-UF (Public and Semi-Public Utilities and Facilities) land use category of the Hacienda Heights Community Plan. This designation is intended for community-serving uses such as, but is not limited to, schools, daycare centers, major facilities such as landfills, and utilities such as drainage channels. The proposed WTF will not change the existing nature of the site and will provide a public service utility function by improving cellular service in the area and is therefore consistent with the intended uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Assure that new development is compatible with the natural and manmade environment by implementing appropriate locational controls and high quality design standards.*

The proposed WTF facility is compatible in design and function with the existing plant nursery and electrical transmission towers that are currently on the site.

- *In urban areas, encourage the retention of economically viable agricultural production, e.g., high value crops such as strawberries, cut flowers, nursery stock, etc., through the identification and mitigation of significant adverse impacts resulting from adjacent new development.*

The project will not affect the plant nursery where it will be located and protects the nursery plants on the site.

The following policies of the Hacienda Heights Community Plan are applicable to the proposed project:

- *Protect the character of existing single-family neighborhoods.*
- *When feasible, require transmission towers, lines and equipment to be co-located with existing towers, lines and equipment, or along existing transmission corridors.*

The project will construct a new WTF onto an existing electrical transmission tower and will not create a new significant visual or other environmental impact to the existing character of the surrounding single-family residential neighborhoods. The design of the proposed facility is compatible and appropriate with the electrical tower to which it will be installed onto.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTFs as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.24.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone A-1 (Light Agricultural), provided that a CUP is obtained. The proposed facility complies with the County's Subdivision & Zoning Ordinance Policy memo No. 01-2010 that establishes policies and guidelines regarding permits for the siting and maintenance of WTFs.

Neighborhood Impact/Land Use Compatibility

Allowing the wireless telecommunication facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. The WTF will be located approximately 350 ft. north from the intersection of Paso Verde Dr. and Clementina Dr. The WTF will be built onto an existing electrical transmission tower located in a plant nursery. A new 324 sq. ft. lease area will be built at the base of the tower and contain appurtenant equipment cabinets and an emergency standby diesel generator. The generator will be used to supply emergency backup electrical power to the WTF in the event of a power outage and will be required to conform to noise and safety standards as prescribed by the County Department of Public Health and the County Fire Department and to air emissions standards as prescribed by the Southern California Air Quality Management District. The generator may be activated for occasional short periods of time for regular maintenance. The subject property's land use as a nursery extends to the north of the project site and is surrounded by single-family residences to the south and east and Thomas Burton Park to the west. There is an existing WTF mounted onto an existing electrical transmission tower to the north of the project site that is similar to the proposed project.

Potential health effects from radio frequency emissions from the facility's antennas are not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

"IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

As a condition of approval for this case, the applicant will have to comply with radio emission standards of the Public Utilities Commission of the State of California (CPUC).

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Verizon Wireless facilities are regulated by the FCC and by local jurisdictions. The facility will be mounted onto an existing SCE tower with associated equipment enclosed within the tower's footprint. The new wireless facility and its associated equipment will not create a significant

expansion of use at the existing transmission tower and is a negligible addition to the site. All of the facility's equipment and devices will be required to conform to standards as prescribed under FCC and local regulations. It will not create any hazardous materials, fumes, odors, light glare, traffic or noise. The facility will be fully secured by an enclosure and will provide needed voice, data, and E911 services to the area.

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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The project site is adequate in size and shape to accommodate all the development features prescribed in Title 22. The proposed facility will not impact any required yards/setbacks, parking or loading facilities, fencing or landscaping. The location on the property is unobtrusive and the antennas and equipment will appear as minor additions to the existing tower.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The proposed facility will be unmanned. It will only be visited occasionally (about once a month) for maintenance purposes. The existing highways, streets and driveways will adequately provide access to the facility. The facility will be properly connected to all utilities such as power, telco and fiber utilities.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 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

Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.

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

Hacienda Heights Improvement Association

The applicant presented the project to the Hacienda Heights Improvement Association (HHIA) at their monthly meeting on November 16, 2015. After reviewing the proposal, the HHIA gave its approval to move forward with the application.

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 2015-02771-(4), Conditional Use Permit Number 201500112, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500112 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs, Photo Simulations
Correspondence
Site Plan, Land Use Map

MM:SM
01/19/16

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02771-(4)
CONDITIONAL USE PERMIT NO. 201500112**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400076 ("CUP") on January 19, 2016.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction and operation of a new wireless telecommunications facility (WTF) ("Project") onto an existing Southern California Edison (SCE) electrical transmission tower located at a plant nursery on a property located at 16448 Halliburton Road in the unincorporated community of Hacienda Heights ("Project Site") in the A-1 (Light Agricultural) zone pursuant to Los Angeles County Code ("County Code") section 22.24.100. The project will install six (6) panel antennas, three (3) air antennas, two (2) raycaps, and six (6) RRUs on three (3) sectors that will be mounted at a height of 48 ft. onto the 125 ft. tall electrical transmission tower. A new 324 sq. ft. lease area surrounded by an 8 ft. high concrete block wall will be built at the base of the tower and will include two equipment cabinets and a standby emergency backup diesel generator.
3. The Project Site is 5.6 acres in size and consists of two legal lots. The Project Site is rectangular in shape with flat topography and is developed with a plant nursery with electrical transmission towers.
4. The Project Site is located in the Hacienda Heights Zoned District and is currently zoned A-1 (Light Agricultural).
5. The Project Site is located within the P-UF (Public and Semi-Public Utilities and Facilities) land use category of the Hacienda Heights Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1 (Light Agricultural), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)
 - South: A-1 (Light Agricultural), R-A (Residential Agricultural), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)
 - East: A-1 (Light Agricultural), R-A (Residential Agricultural)
 - West: O-S (Open Space), R-A-10000 (Residential Agricultural – 10,000 sq. ft. Min. Req. Area)
7. Surrounding land uses within a 500-foot radius include:
 - North: Plant Nursery with Electrical Transmission Lines, Single-family Residences
 - South: Single-family Residences
 - East: Single-family Residences
 - West: Thomas Burton Park, Single-family Residences
8. The Project Site was zoned A1-5 in 1948 and was rezoned to RA-10000 in 1960 and to A-1 in 2011. On January 20, 2005, Conditional Use Permit No. 200400046 was approved for the construction and operation of a new WTF onto an existing electrical transmission tower located to the north of the proposed project site. On February 25, 2010, Revised Exhibit "A"

No. 200900064 authorized the installation of additional antennas onto the existing WTF authorized under Conditional Use Permit No. 200400046. On December 17, 2014, Conditional Use Permit No. 201400076 was approved for the construction and operation of a new WTF onto an existing Southern California Edison electrical transmission tower (located on the tower immediately adjacent to the west of the proposed project site tower). The applicant did not submit their Affidavit of Acceptance for this permit due to Southern California Edison's refusal to accept a permit condition requiring landscaping around the WTF. This permit was withdrawn in September 2015 upon receipt of Conditional Use Permit application No. 201500112.

9. The site plan for the Project depicts the Project Site with existing electrical transmission towers located approximately 350 ft. north of the intersection of Paso Verde Drive and Clementina Drive. The proposed WTF will be installed onto the 125 ft. tall eastern tower with the antenna array installed 48 ft. from the bottom of the tower. Access to the site is via existing entry driveways off of Clementina Dr. and Halliburton Rd. The equipment layout plan and antenna plan show the proposed configuration of the antennas, lease area, and other associated equipment including equipment cabinets and a standby generator on a concrete pad.
10. The Project Site is accessible via Clementina Drive to the south and Halliburton Road to the north. Primary access to the Project Site will be via an entrance/exit on Clementina Drive. Secondary access to the Project Site will be via an entrance/exit on Halliburton Road.
11. The Project does not propose any designated parking. However, there is ample space on the Project Site to provide parking for periodic maintenance vehicles.
12. Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.
13. Prior to the Hearing Officer'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 involves the construction and operation of a new WTF onto an existing electrical transmission tower and will not expand the use of the existing tower and is a negligible addition to the site.
14. 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.
15. The applicant presented the project to the Hacienda Heights Improvement Association (HHIA) at their monthly meeting on November 16, 2015. After reviewing the proposal, the HHIA gave its approval to move forward with the application.
16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that the project site is located within the P-UF (Public and Semi-Public Utilities and Facilities) land use category of the Hacienda Heights Community Plan. This designation is intended for community-serving uses such as, but is not limited to, schools, daycare centers, major facilities such as landfills, and utilities such as drainage

channels. The proposed WTF will not change the existing nature of the site and will provide a public service utility function by improving cellular service in the area and is therefore consistent with the intended uses of the underlying land use category.

18. The Hearing Officer finds that Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTFs as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.24.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone A-1 (Light Agricultural), provided that a CUP is obtained. The proposed facility complies with the County's Subdivision & Zoning Ordinance Policy memo No. 01-2010 that establishes policies and guidelines regarding permits for the siting and maintenance of WTFs.
19. The Hearing Officer finds that allowing the wireless telecommunication facility to be built and operate will ensure that local cellular service will remain readily available in the vicinity. The WTF will be located approximately 350 ft. north from the intersection of Paso Verde Dr. and Clementina Dr. The WTF will be built onto an existing electrical transmission tower located in a plant nursery. A new 324 sq. ft. lease area will be built at the base of the tower and contain appurtenant equipment cabinets and an emergency standby diesel generator. The generator will be used to supply emergency backup electrical power to the WTF in the event of a power outage and will be required to conform to noise and safety standards as prescribed by the County Department of Public Health and the County Fire Department and to air emissions standards as prescribed by the Southern California Air Quality Management District. The generator may be activated for occasional short periods of time for regular maintenance. The subject property's land use as a nursery extends to the north of the project site and is surrounded by single-family residences to the south and east and Thomas Burton Park to the west. There is an existing WTF mounted onto an existing electrical transmission tower to the north of the project site that is similar to the proposed project.

Potential health effects from radio frequency emissions from the facility's antennas are not an issue that can be used for case determination. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 contains the following stipulation:

"IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

As a condition of approval for this case, the applicant will have to comply with emission standards of the Public Utilities Commission of the State of California (CPUC).

20. The Hearing Officer finds that Verizon Wireless facilities are regulated by the FCC and by local jurisdictions. The facility will be mounted onto an existing SCE tower with associated equipment enclosed within the tower's footprint. The new wireless facility and its associated equipment will not create a significant expansion of use at the existing transmission tower and is a negligible addition to the site. All of the facility's equipment and devices will be required to conform to standards as prescribed under FCC and local regulations. It will not create any hazardous materials, fumes, odors, light glare, traffic or noise. The facility will be fully secured by an enclosure and will provide needed voice, data, and E911 services to the area.

21. The Hearing Officer finds that the project site is adequate in size and shape to accommodate all the development features prescribed in Title 22. The proposed facility will not impact any required yards/setbacks, parking or loading facilities, fencing or landscaping. The location on the property is unobtrusive and the antennas and equipment will appear as minor additions to the existing tower.
22. The Hearing Officer finds that the proposed facility will be unmanned. It will only be visited occasionally (about once a month) for maintenance purposes. The existing highways, streets and driveways will adequately provide access to the facility. The facility will be properly connected to all utilities such as power, telco and fiber utilities.
23. 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 15 years.
24. 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 the Hacienda Heights community. On December 8, 2015, a total of 207 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 6 notices to those on the courtesy mailing list for the Hacienda Heights Zoned District and to any additional interested parties.
25. 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 East 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. 201500112, subject to the attached conditions.

Action Date: January 19, 2016

MM:SM
01/19/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02771-(4)
CONDITIONAL USE PERMIT NO. 201500112**

PROJECT DESCRIPTION

The project is a Conditional Use Permit for the construction and operation of a new wireless telecommunications facility (WTF) onto an existing Southern California Edison (SCE) electrical transmission tower located at a plant nursery 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 January 19, 2031.** 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 said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

17. The subject property shall be developed and maintained in substantial compliance 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 19, 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 FACILITIES)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

20. Upon completion of construction of the facility, 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. External lighting, including security lighting, 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. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. Placement and height of all 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.
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.
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. 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.
33. The facility shall be secured by fencing, gates and/or locks.
34. Upon termination of this grant or after the construction of this facility, 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.
35. This grant entitles the permittee to install the wireless telecommunications facility on the existing or a replacement electric transmission tower ("tower") but does not entitle the permittee to retain the tower for its sole use or to install a new tower for its facilities in the event the existing tower is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition #8, if the existing tower is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee will be required to either obtain a new conditional use permit to relocate its facilities or to install a new tower and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.



CONDITIONAL USE PERMIT BURDEN OF PROOF

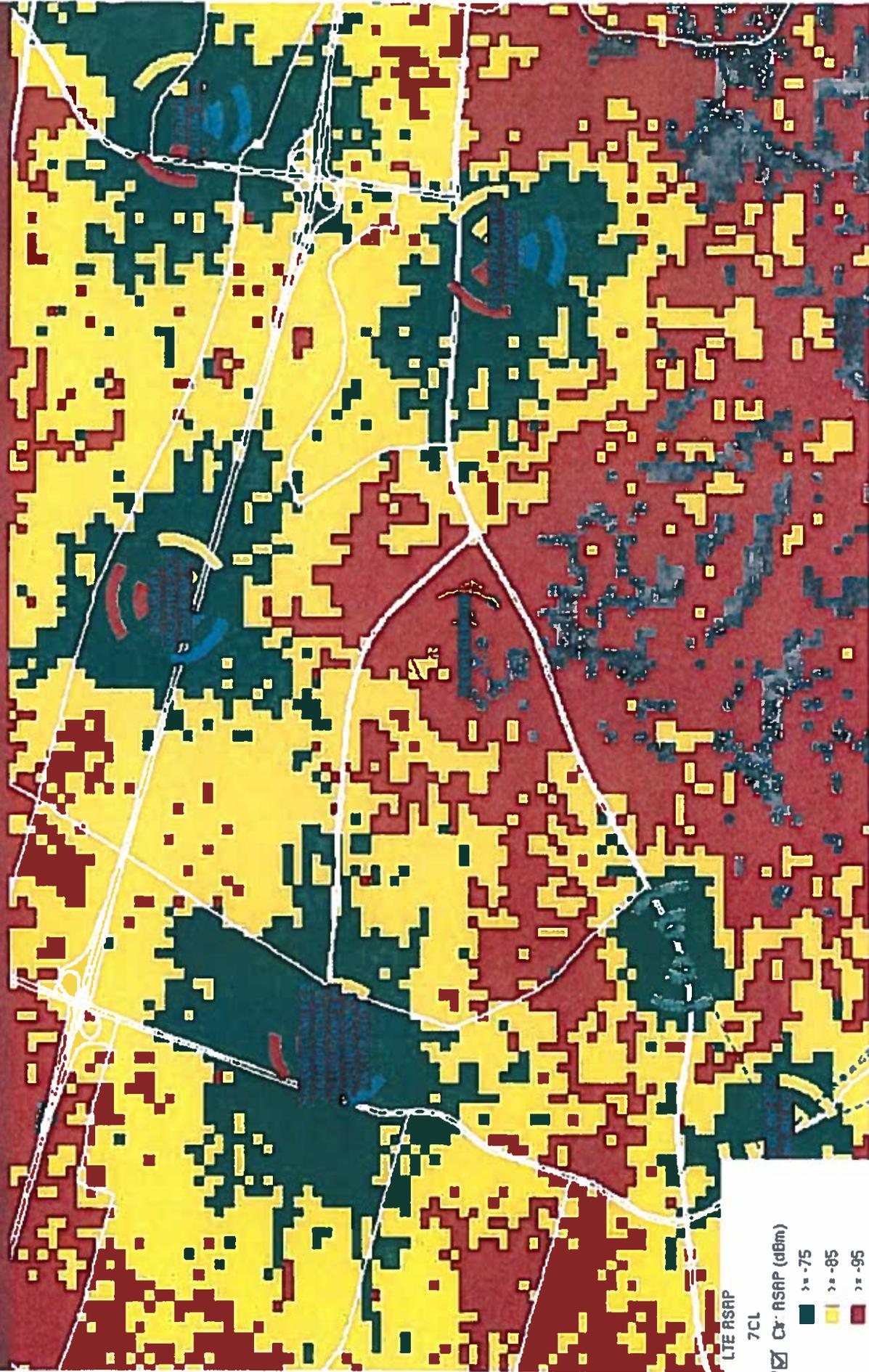
Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare
<p>Verizon Wireless facilities are regulated by the FCC. The facility will be mounted onto an existing SCE tower with associated equipment enclosed within the tower's footprint.</p>
<p>It will not create any hazardous materials, fumes, odors, light, glare, traffic or noise. The facility will be fully secured by an enclosure and will provide needed voice, data, and E911 services to the area.</p>
<p>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.</p>
<p>The project site is adequate in size and shape to accommodate all the development features prescribed in Title 22. The proposed facility will not impact any required yards/setbacks, parking or loading facilities, fencing or landscaping. The location on the property is unobtrusive and the antennas and equipment will appear as a minor additions to the existing tower.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and 2. By other public or private service facilities as are required.
<p>The proposed facility will be unmanned. It will only be visited occasionally (about once a month) for maintenance purposes. The existing highways, streets and driveways will adequately provide access to the facility. The facility will be properly connected to all utilities such as power, telco and fiber utilities.</p>



Without Pepperbrook



LTE ASRP
7CL

☑ CR ASRP (dBm)

Dark Green >= -75

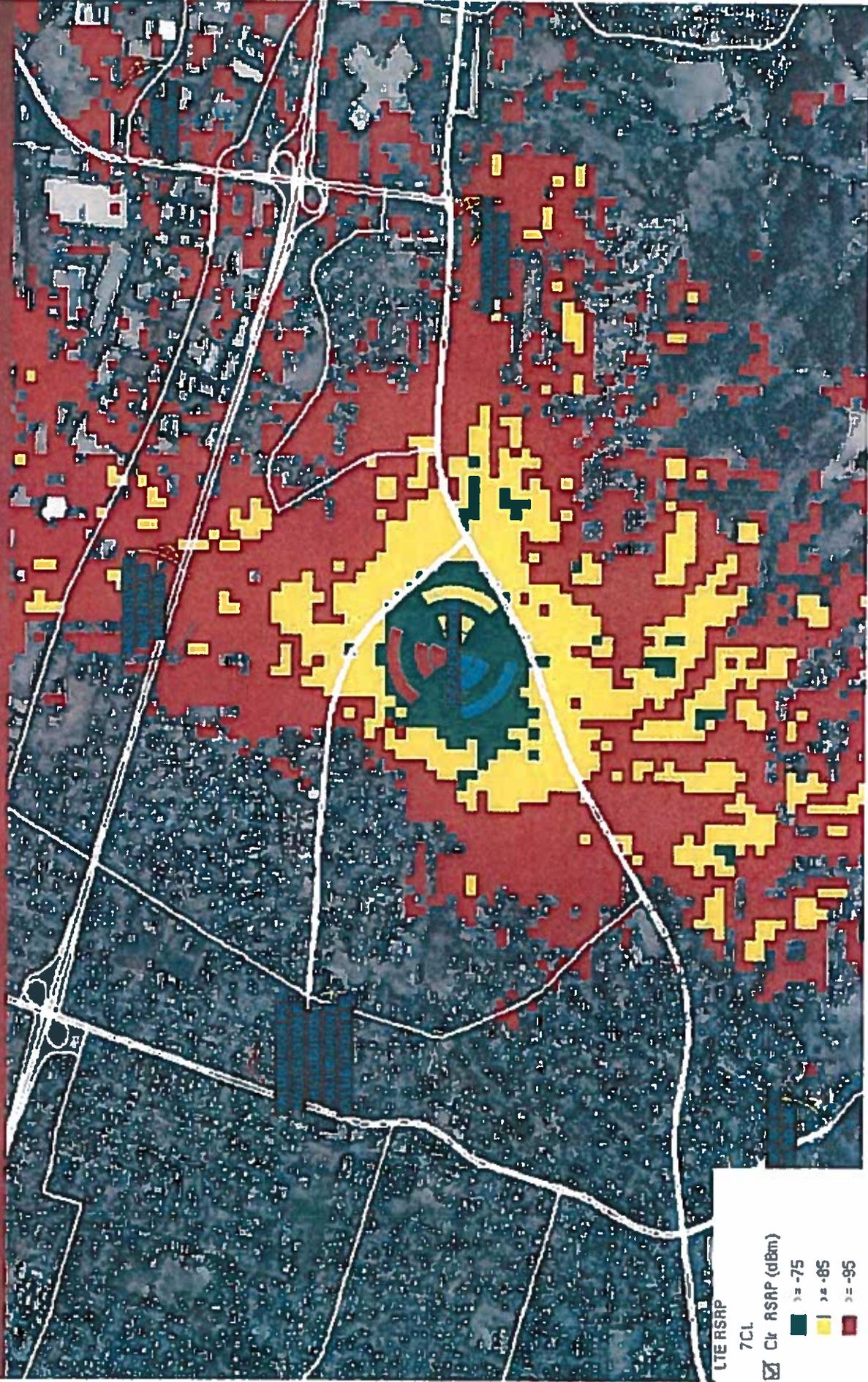
Yellow >= -85

Red >= -95

Confidential and proprietary material for authorized Verizon Wireless personnel only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



Pepperbrook Coverage – Site by itself



- LTE RSRP
- 7CI
- Cir RSRP (dBm)
- >= -75
- >= -85
- >= -95

Confidential and proprietary material for authorized Verizon Wireless personnel only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



Pepperbrook

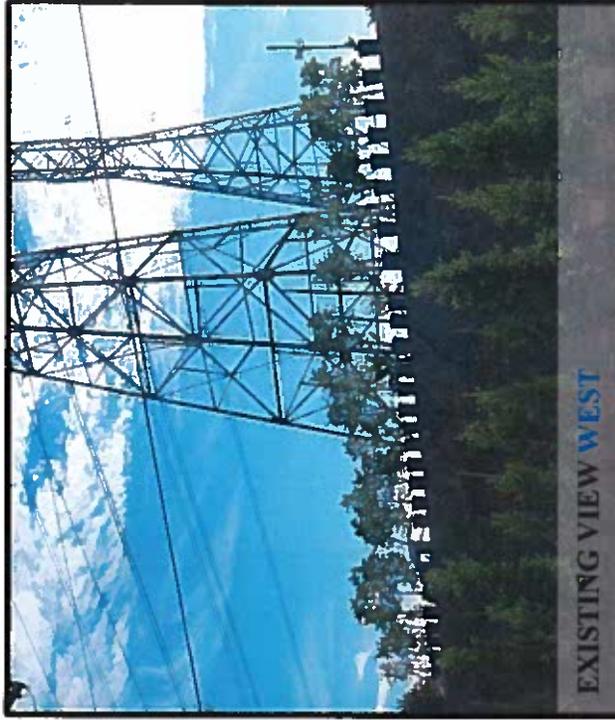
16448 Halliburton Rd., Hacienda Heights, CA 90745



Eukon Group
65 Post, Suite 1000 - Irvine,
CA, 92618 - (949) 553-8566



PROPOSED VIEW WEST



EXISTING VIEW WEST



SITE LOCATION

SITE COORDINATES

Latitude: 33.990673°

Longitude: -117.949753°

APPLICANT

Verizon Wireless
16665 Sand Canyon Ave.
Building "D", First Floor,
Irvine, CA 92618



SHEET NUMBER