Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 15, 2016

Norman MacLeod
28205 Bluebell Drive
Laguna Niguel, CA 92677

REGARDING: **PROJECT NO. R2015-02956-(2)**
CONDITIONAL USE PERMIT NO. 201500119
15629 S. ATLANTIC AVENUE (APN 6181-026-015)

Hearing Officer Patricia Hachiya, by her action of **March 15, 2016,** has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **March 29, 2016. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

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

For questions or for additional information, please contact Shaun Temple of the Zoning Permits West Section at (213) 974-6462, or by email at stemple@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

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

c: DPW (Building and Safety); Zoning Enforcement

CC.060412

FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02956-(2)
CONDITIONAL USE PERMIT NO. 201500119

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500119 ("CUP") on March 15, 2016.

2. The permittee, Sprint Nextel ("permittee"), requests the CUP to authorize the continued operation and maintenance of an existing wireless telecommunications facility ("Project") on a property located at 15629 S. Atlantic Avenue in the unincorporated community of East Rancho Dominguez ("Project Site") in the C-3 zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.

3. The Project lease area of the wireless telecommunications facility (WTF) is 612 square feet and is located on a flat, rectangular parcel, which is 9,280 square feet in size and is undeveloped aside from the existing WTF.

4. The Project Site is located in the East Compton Zoned District and is currently zoned C-3 (General Commercial).

5. The Project Site is located within the General Commercial land use category of the General Plan Land Use Policy Map.

6. Surrounding Zoning within a 500-foot radius includes:

   North: C-3 and M-1 (Light Manufacturing)
   South: C-3-DP (General Commercial Development Program)
   East: C-3 and R-1 (Single Family Residence)
   West: C-3 and R-3 (Limited Density Multiple Residence)

7. Surrounding land uses within a 500-foot radius include:

   North: Undeveloped properties, market, recycling company, multi-family residential and commercial retail.
   South: St. John's Well Child and Family Center, Casa Dominguez Apartments.
   East: Light Industrial, nursery, single-family residential.
   West: Single and multi-family residential

8. The existing WTF was approved by CUP No. 200400048 on July 19, 2005, which expired on July 19, 2015. On August 17, 2015, Zoning Enforcement issued a Notice of Violation for the expired permit. On September 22, 2015, the applicant submitted an application for a new CUP to authorize the continued use of the existing WTF. The parcel was zoned M-1 when the WTF was originally approved in 2005. On November 5, 2015, when the adopted updated General Plan became effective, the zone of this parcel was changed to C-3.

9. The site plan for the Project depicts a WTF camouflaged as a monopine consisting of twelve panel antennas and associated equipment shelter. The equipment area is screened by an 8 foot tall concrete masonry wall on the west side and a proposed wrought iron fence to replace the existing chain link fence around the other three sides. Vines are proposed to cover the east side of the wrought iron fence to provide landscaping that faces Atlantic Avenue. A row of trees is shown to be planted between the WTF and Linsley Street to the south. The wireless tower with antennas is 50 feet in height with camouflage branches extending to 64 feet in height. Within 30 days of approval, the applicant will be required to submit a Revised Exhibit A that reduces the total height of the WTF, including branches, from 64 feet to 55 feet and to also include a row of trees planted to the west of the lease area to provide screening to the adjacent residential properties.

10. The WTF requires only periodic maintenance and the maintenance vehicle can park on the undeveloped area adjacent to the lease area. If the parcel is eventually developed, one parking space for maintenance vehicles will be provided. The space would not have to be dedicated solely to maintenance vehicles.

11. This project is a request to continue the operation and maintenance of an existing WTF with minor changes to antennas and equipment. The Departments of Public Works, Fire, and Public Health did not require review of this project.

12. Prior to the 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 is a request to continue the use of an existing wireless telecommunications facility.

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 comments from the public.

15. A duly noticed public hearing was held on March 15, 2016 before the Regional Planning Hearing Officer. The Hearing Officer made note of the Brisbane Box trees appearing in an older photograph, but no longer being on-site. Staff stated that the trees are shown on the site plan of the Exhibit "A" and that the applicant would be required to replace the trees. The Hearing Officer wanted a condition that the trees be planted within one year of approval, to which the applicant's representative agreed. The applicant's representative made no formal testimony, but stated that he had read and agreed to the conditions of approval. A member of the public who owned property near the project site appeared before the Hearing Officer asking about the location of the facility and whether anything would be required of his property. Staff explained that the WTF was already existing and was located on a separate property and that nothing was required of this individual as it related to his property. The property owner stated that he understood and did not give further testimony in either support or opposition of

the project. The Hearing Officer closed the public hearing and approved CUP201500119 with conditions.

16. The Hearing Officer finds that Policy PS/F 6.2 (Public Services and Facilities) of the General Plan supports the improvement of wireless telecommunications infrastructure and that Subdivision & Zoning Ordinance Policy No. 01-2010 states that a wireless facility is a use allowed in all zones with a conditional use permit. Therefore, this project is consistent with the General Plan.

17. The Hearing Officer finds that the 612 square foot lease area occupies less than the maximum allowable lot coverage of 90-percent for the subject parcel; that a designated parking space is not required for a maintenance vehicle as only periodic maintenance is required and the vehicle can park on the undeveloped parcel adjacent to the facility; and that the provided 110 foot front yard setback exceeds the minimum 10 feet required. Therefore, the project is consistent with the Zoning Code.

18. The Hearing Officer finds that aesthetic impacts of the project have been appropriately addressed by disguising the structure as a monopine and screening the equipment shelter with a concrete masonry wall and landscaping, to include a row of Brisbane Box trees on the west and south sides of the lease area. The proposed facility will be unmanned, so will have no impact on traffic or have any adverse impact on adjacent land uses. Therefore, the requested use at the location proposed 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.

19. The Hearing Officer finds that the Project occupies a lease area of 612 square feet on a property that is 9,280 square feet. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. The Hearing Officer finds that the Project is located in a developed urban area along Atlantic Avenue and that the proposed WTF is unmanned and will not generate additional traffic. Therefore, 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.

21. 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.

22. 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 East Rancho Dominguez community. On February 4, 2016, a total of 92 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 3 notices to those on the courtesy mailing list for the East Compton Zoned District and to any additional interested parties.

23. 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 201500119, subject to the attached conditions.

ACTION DATE: March 15, 2016

MKK:sct
March 15, 2016

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02956-(2)
CONDITIONAL USE PERMIT NO. 201500119

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of an existing wireless telecommunications facility (WTF) disguised as a monopine, 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 March 15, 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 ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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." The permittee shall change the Exhibit "A" to reduce the height of the WTF, including branches, from 64 feet to 55 feet, to include a row of trees planted along the west side of the lease area, and to note that vines shall cover east side fence. **Three (3) copies of** a modified Exhibit "A" with these and any further changes to any of the plans marked Exhibit "A" required as a result of instruction given at the public hearing shall be submitted to Regional Planning by **May 15, 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)

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. 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. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".

26. The maximum height of the facility shall not exceed 55-feet above finished grade.

27. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant.

29. The facility shall be maintained in good condition and repair, and shall remain free of general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice.

30. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.

31. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

32. The facility shall be secured by fencing, gates and/or locks.

33. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.

34. New equipment added to the facility shall not compromise the stealth design of the facility.

PROJECT SITE SPECIFIC CONDITIONS

35. This grant shall authorize the continued operation and maintenance of a wireless telecommunications facility.

36. The wireless telecommunications facility shall be disguised as a monopine. The antennas mounted on the disguised tree shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the tree branches and shall be properly camouflaged to blend in with the tree. There shall be ample branch coverage to hide the antennas from view as effectively as possible.

37. 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.

38. The permittee shall adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.

39. When the parcel is developed, 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.

40. The row of trees as shown on the approved Exhibit "A" to the east and south of the lease area shall be planted by March 15, 2017.