



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 1, 2016

Colleen Khouri
Eukon Group
65 Post, Ste. 1000
Irvine, Ca. 92618

**REGARDING: PROJECT NO. R2015-03754-(4)
NONCONFORMING REVIEW NO. 2016000503
SCE EASEMENT NORTH OF METROPOL DRIVE (APN: 8289-019-802)**

Hearing Officer Susan Tae, by her action of **March 1, 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 15, 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 Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

RG:AMC

CC 060412

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03754-(4)
NONCONFORMING REVIEW NO. 2016000503**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 2016000503 ("NCR") on March 2, 2016.
2. The permittee, Sprint ("permittee"), requests the NCR to authorize the continued operation and maintenance and minor upgrade of an existing wireless telecommunications facility (WTF) mounted on a Southern California Edison (SCE) lattice electrical transmission tower also containing Verizon Wireless antennas ("Project"), on a property located on an easement north of Metropol Drive and west of Colima Road in the unincorporated community of Hacienda Heights ("Project Site") in the IT (Institutional) Zone pursuant to Los Angeles County Code ("County Code") Section 22.56.1550. Both carriers are authorized by this CUP.
3. The Project Site is 5.15 acres in size and consists of one legal lot. The Project Site is irregular in shape with gentle-sloping topography and is developed with the SCE lattice electrical transmission tower.
4. The Project Site is located in the Hacienda Heights Zoned District and is currently zoned IT.
5. The Project Site is located within the P-U (Public and Semi-Public Facilities and Utilities) land use category of the Hacienda Heights Community Plan Land Use Policy Map as the WTF is affixed to an existing utility electrical transmission tower and WTFs are themselves a utility-type of use.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: RPD-15,000-3.2U (Residential Planned Development – 15,000 Square Foot Minimum Required Lot Area – 3.2 Dwelling Units Per Acre), R-1-12,000 (Single-Family Residence – 12,000 Square Foot Minimum Required Lot Area), R-A-12,000 (Residential Agricultural – 12,000 Square Foot Minimum Required Lot Area)
 - South: R-1-15,000 (Single-Family Residence – 15,000 Square Foot Minimum Required Lot Area)
 - East: A-2-1 (Light Agricultural – One Acre Minimum Required Lot Area), IT
 - West: IT
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residences
 - South: Single-family residences
 - East: Power lines, vacant land, single-family residences

West: Single-family residences

8. Ordinance No. 2011-0023Z changed the zoning on the subject property from A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) to IT on May 24, 2011. Conditional Use Permit (CUP) No. 98-036 approved the subject WTF on the property on July 7, 1998.
9. The site plan for the Project depicts the subject property containing the existing 154-foot-tall SCE electrical lattice tower placed near the center of the parcel, along with a another slightly taller SCE tower to the south. A 12-foot-wide dirt access road is depicted going from Metropol Drive to the subject tower. An antenna layout plan depicts the existing and proposed layouts. Antenna sector locations do not change, but larger, 56-inch panel antennas are proposed along with six new Remote Radio Units (RRUs) and three new combiners. Elevations depict the new antennas at a maximum height of 73 feet, 7 inches feet above ground level. Antennas for Verizon Wireless are also depicted approximately nine feet above the Sprint antennas. Verizon Wireless equipment will remain and no modifications for them are proposed at this time. Ground-mounted equipment is depicted directly underneath the lattice tower and existing landscaping is depicted at ground level in front of this compound.
10. The Project Site is accessible via an access road off of Metropol Drive to the south. Primary access to the Project Site will be via an entrance/exit of off Metropol Drive.
11. On January 27, 2016, prior to the Hearing Officer's public hearing on the Project, the permittee attempted to contact members of the Hacienda Heights Community Council regarding the proposed Project. No response was received.
12. No comments from County Departments were received.
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 as the WTF is existing and only minor antenna upgrades are proposed at this time.
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. No comments from the public were received.
16. A duly-noticed public hearing was held before the Hearing Officer. Staff presented the case and recommended approval with some minor modifications to the Conditions. The applicant's representative, Colleen Khouri, testified in favor of the request. The Hearing Officer requested minor edits to the Findings and Conditions, including clarification that the NCR was to permit minor upgrades for Sprint, as well

as the continued operation of both carriers, Sprint and Verizon. The Hearing Officer then closed the public hearing, found the Project categorically exempt from CEQA, and approved the NCR for a 15-year grant term as recommended by staff.

17. The Hearing Officer finds that the Project is consistent with the Hacienda Heights Community Plan ("Community Plan") as the WTF is a utility-type use and the plan designation is specifically for the placement of such uses and facilities.
18. The Hearing Officer finds that the IT Zone does not permit WTFs, either as a permitted or discretionary use. The Institutional zoning designation allows public uses such as education institutions, fire stations, hospitals, libraries, parks and police stations. While this WTF is not a strictly institutional use as the others listed, it serves the greater public by aiding in emergency service connections.
19. The WTF has been maintained in good condition through the years and its design and operation is compatible with the neighborhood as it is mounted on an existing utility tower. The WTF provides an important service and convenience to the community, and has not caused a nuisance to the area.
20. The WTF's equipment is well-placed on the existing 154-foot-tall lattice tower and appurtenant equipment is located below in a ground compound. The WTF has existed at the subject site for many years without adversely affecting the area. The tower is well-buffered from surrounding residences by approximately 150 feet.
21. The WTF's equipment is well-placed on the existing 154-foot-tall lattice tower and appurtenant equipment is located below in a ground compound. The WTF has existed at the subject site for many years without adversely affecting the area. The tower is well-buffered from surrounding residences by approximately 150 feet.
22. The WTF was legally established as the subject site when the property was zoned A-2. Its placement on a utility tower in a purposely designated utility corridor renders it a compatible use for the area.
23. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the NCR 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 Hacienda Heights community. On January 20, 2016, a total of 78 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 six 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 North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. That to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
- 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.
- C. The proposed use at the site will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.
- D. The proposed use at the site the use will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

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 Nonconforming Review No. 2016000503, subject to the attached findings and conditions.

ACTION DATE: March 1, 2016

RG:AMC
March 3, 2016

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03754-(4)
NONCONFORMING REVIEW NO. 2016000503**

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of, and minor upgrade to, an existing wireless telecommunications facility (WTF) comprised of Sprint and Verizon antennas and appurtenant equipment mounted on and under a 154-foot-tall Southern California Edison (SCE) electrical lattice tower subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 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. 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 1, 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 nonconforming review 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 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." 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 **June 1, 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 – NONCONFORMING REVIEW (WTF)

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. 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 pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be maintained as depicted in the photographs 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 maximum height of the facility shall not exceed 154 feet above finished grade.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

PROJECT-SITE SPECIFIC CONDITIONS

30. This grant shall authorize the continued operation and maintenance of, including current and future upgrades to, an existing wireless WTF, comprised of Sprint and Verizon Wireless carriers, mounted on an electrical lattice tower in a utility easement.