

SUPPLEMENTAL
REPORT TO THE HEARING OFFICER

DATE ISSUED: August 15, 2024
HEARING DATE: August 20, 2024 AGENDA ITEM: 4
PROJECT NUMBER: PRJ2023-003785-(2)
PERMIT NUMBER(S): Conditional Use Permit (“CUP”) RPPL2023005574
SUPERVISORIAL DISTRICT: 2
PROJECT LOCATION: Imperial Highway, Assessor’s Parcel Number
6079-003-047, West Athens-Westmont
OWNER: Archdiocese of Los Angeles Education and Welfare Corp.
St. Frances X. Cabrini
APPLICANT: Spectrasite Communications, LLC
CASE PLANNER: Melissa Reyes, Senior Planner
Mreyes2@planning.lacounty.gov

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:

LA County Planning staff (“Staff”) recommends **APPROVAL** of Project Number PRJ2023-003785-(2), CUP No. RPPL2023005574, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

CEQA:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

ENTITLEMENT:

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2023005574 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

Item No. 4 is a CUP for the continued operation and maintenance of an existing 50-foot-tall wireless communications facility (“WCF”) with attached antennas reaching a total height of 53 feet in the CSLA (Connect Southwest Los Angeles) Civic Center (“CSLA CC”) Zone (“Project”) pursuant to County Code Chapter 22.416 (Connect Southwest Los Angeles Transit-Oriented District [“CSLA TOD”] Specific Plan) and County Code Section 22.140.760 (Wireless Facilities). Table 4.10 of the CSLA TOD Specific Plan does not list WCF as a permitted land use in the CSLA CC Zone. However, the CSLA TOD Specific Plan states that permitted land uses in the CSLA CC Zone are not limited to the general intended uses listed in Table 4.10.

HEARING OFFICER MEMO RECEIVED

Staff received a memo from the Hearing Officer after the hearing package was posted on August 8, 2024 (see attachment No. 3). The memo, dated August 14, 2024, asked the following questions:

1. Is it technically infeasible to provide concealment of the WCF?
2. Have all concealment and stealthing options been explored aside from painting?
3. What about this facility makes it different from others that have been retrofitted to provide concealment?
4. How does the Project comply with Sections 4.3.9 (Existing Structures) and 4.5.2 (Utilities and Mechanical Equipment) of the CSLA TOD Specific Plan?
5. The response to Question A of the Applicant’s Burden of Proof Conditional Use Permit for Wireless Facilities Statement of Findings is incomplete. Please provide the full response.
6. The image on page 50 of the hearing package shows that there is graffiti on an equipment building. Is this equipment building a part of the project? If so, has it been verified that the graffiti has been removed as of the date of the public hearing?

Staff is providing the following responses:

- Questions No. 1 and 2: Staff has recommended a variety of concealment designs for the existing WCF other than painting. However, the applicant has explained that the concealment designs, such as a faux tree or water tower, are not technically feasible because those designs would require replacement of the entire existing wireless base station. The applicant has also explained that the construction of additional concealment fixtures on the existing wireless base station would degrade the existing service coverage provided by the WCF.
- Question No. 3: This facility is different because the applicant is not proposing a replacement, retrofit, or expansion of an existing WCF. Instead, the applicant is proposing the continued operation and maintenance of an existing WCF without any expansion. If concealment designs are infeasible for an existing WCF that will not be replaced, and no expansion or retrofitting is proposed, Staff does not require changes to the WCF other than minor aesthetic improvements, such as painting.

- Question No. 4: Exhibit C (Findings) has been revised to demonstrate compliance with Sections 4.3.9 (Existing Structures) and 4.5.2 (Utilities and Mechanical Equipment) of the CSLA TOD Specific Plan. Please see attachment No. 1.
- Question No. 5: Exhibit E (Applicant's Burden of Proof) has been revised to include the applicant's response to Question A of the Applicant's Burden of Proof Statement. Please see attachment No. 2.
- Question No. 6: Staff observed graffiti during a site visit conducted on June 26, 2024, and advised the applicant to remove the graffiti from the Project Site. Staff will conduct another site visit prior to the hearing to confirm the removal of the graffiti. If the graffiti has not been removed and the Hearing Officer is willing to approve the Project, Staff recommends that the Hearing Officer ask Staff to refer this issue to Zoning Enforcement instead of continuing the hearing to provide time for the applicant to remove the graffiti from the Project Site.

Report

Reviewed By:

Carmen Sainz

Carmen Sainz, Supervising Planner

Report

Approved By:

M. Glaser

Mitch Glaser, Assistant Deputy Director

Attachments:

1. Revised Exhibit C (Findings)
2. Revised Exhibit E (Applicant's Burden of Proof)
3. Hearing Officer Memo

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-003785-(2)
CONDITIONAL USE PERMIT NO. RPPL2023005574

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Conditional Use Permit (“CUP”) No. **RPPL2023005574** on August 20, 2024.
2. **HEARING PROCEEDINGS.** *Reserved.*
3. **ENTITLEMENT(S) REQUESTED.** The Permittee, Spectrasite Communications, LLC, ("Permittee"), requests the CUP to authorize the continued operation and maintenance of an existing wireless communications facility (“WCF”) (“Project”) on a property identified as Assessor’s Parcel Number 6079-003-047 in the unincorporated community of West Athens-Westmont (“Project Site”) in the Connect Southwest Los Angeles – Civic Center (“CSLA CC”) Zone pursuant to Los Angeles County Code ("County Code") Chapter 22.416 (Connect Southwest Los Angeles Transit-Oriented District [“CSLA TOD”] Specific Plan).
4. **LOCATION.** The Project is located on a property identified as Assessor’s Parcel Number 6079-003-047 within the West Athens-Westmont Zoned District and Metro Planning Area.
5. **PREVIOUS ENTITLEMENT(S).**

CASE NO.	REQUEST	DATE OF ACTION
CUP 03-038-(2)	10-year Grant Term Time Extension pursuant to CUP Condition No. 9	Approved October 14, 2015
Revised Exhibit “A” (“REA”) 200900015	REA for co-location of T-Mobile WCF on an existing monopole	Approved February 11, 2009
CUP 03-038-(2)	Continued operation of subject WCF	Approved September 2, 2003
CUP 92-172	Construction of subject WCF	Approved January 1993

6. **LAND USE DESIGNATION.** The Project Site is located within the P (Public and Semi-Public) land use designation of the CSLA TOD Specific Plan (“Specific Plan”) Land Use Policy Map.

7. **ZONING.** The Project Site is located in the West Athens-Westmont Zoned District and is currently zoned CSLA CC. Table 4.10 of the Specific Plan does not list WCF as a permitted land use in the CSLA CC Zone. However, the Specific Plan states that permitted land uses in the CSLA CC Zone are not limited to the general intended uses listed in Table 4.10. Pursuant to County Code Section 22.140.760 (Wireless Facilities), a CUP is required for a WCF.

8. SURROUNDING LAND USES AND ZONING

LOCATION	CONNECT SOUTHWEST LA TOD SPECIFIC PLAN LAND USE POLICY	CONNECT SOUTHWEST LA TOD SPECIFIC PLAN ZONING	EXISTING USES
NORTH	P (“Public and Semi Public”), H30 (“Residential 30”)	CSLA Public/Institutional, CSLA Residential 3	Multifamily residences (“MFRs”), church, school, restaurant
EAST	P	CSLA CC	MFRs, restaurant, Los Angeles County buildings/facilities
SOUTH	P	CSLA CC, CSLA Buffer Strip	Storage, Interstate 105
WEST	P	CSLA Public/Institutional	Los Angeles Southwest College, WCF

9. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is a lease area that is approximately 1,600 square feet in size within an approximately 7,975-square-foot property that consists of one lot. The Project Site is rectangular in shape with gentle-sloping topography and is developed with the subject WCF and appurtenant structures.

B. Site Access

The Project Site is accessible via South Normandie Avenue to the east. Primary access to the Project Site is via an entrance/exit on South Normandie Avenue through an access easement on an adjacent lot.

C. Site Plan

The site plan depicts a 0.18-acre property developed with the existing WCF. The Project Site is a lease area that is approximately 1,600 square feet in size. The WCF consists of a 50-foot-tall monopole tower with two rows of antennas, one dish antenna, and one satellite radio dish. The monopole tower has a height of 50 feet with attached antennas reaching a total height of 53 feet. The ground equipment includes one 240-square-foot equipment shelter secured by a six-foot-tall concrete

masonry (“CMU”) wall and chain link fence. The proposed changes include the installation of brown privacy slats within the existing chain-link fence for screening, the removal of barbed wire, and painting the existing cables and antennas brown to match the monopole and other existing structures.

D. Parking

The Project will continue to be unstaffed and maintenance will occur approximately once a month. As such, no designated parking spaces will be provided.

10. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County Planning staff (“Staff”) determined that the Project qualified for a Class 1, Existing Facilities, Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued use and maintenance of an existing WCF with no new development or expansion of the existing structure. The Project does not meet any exceptions to a Categorical Exemption because it is not on a scenic highway or hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact.

11. COMMUNITY OUTREACH. The Permittee did not conduct any known public outreach for the Project prior to the public hearing.

12. PUBLIC COMMENTS. Prior to the publication of the Report to the Hearing Officer, Staff received no public comments.

13. AGENCY RECOMMENDATIONS. Comments were not solicited because the Project consists of an existing facility that was previously permitted and no expansion is proposed.

14. LEGAL NOTIFICATION. Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, and newspaper (Los Angeles Sentinel), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On July 11, 2024, a total of nine 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 seven notices to those on the courtesy mailing list for the West Athens-Westmont Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

15. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the Specific Plan because the Public (“P”) land use designation is intended for public and quasi-public uses, including religious and educational institutions. Although a WCF is not specifically mentioned in the Public land use designation, communication facilities are considered necessary infrastructure to

support underlying and intended land uses. The Hearing Officer further finds that the Project promotes additional wireless coverage to serve the surrounding area, which consists of retail stores, churches, schools, multifamily residences, and Los Angeles County facilities.

16. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the following policies of the General Plan:

- General Plan Public Services and Facilities Policy PS/F 6.2: “Improve existing wired and wireless telecommunications infrastructure.”

This WCF continues to provide improved infrastructure and service for the network and is consistent with Policy PS/F 6.2, which calls for improved wireless telecommunications infrastructure.

- General Plan Public Services and Facilities Policy PS/F 6.3: “Expand access to wireless technology networks, while minimizing visual impacts through collocation and design.”

This WCF is also consistent with Policy PS/F 6.3, which seeks to minimize visual impacts of WCFs through collocation and design. The Project includes the collocation of a service provider, which alleviates the need for new towers.

- General Safety Policy S 7.1: “Ensure that residents are protected from the public health consequences of natural or human-made disasters through increased readiness and response capabilities, risk communication, and the dissemination of public information.”

Lastly, this WCF is also consistent with Policy S 7.1, which looks to mitigate public health effects from natural and manmade disasters by improving risk communication. This WCF provides service coverage for telecommunications providers, which can be used in the event of an emergency to ensure fast and thorough communications between residents and first responders.

ZONING CODE CONSISTENCY FINDINGS

17. PERMITTED USE IN ZONE. The Hearing Officer finds that the Project is consistent with the CSLA CC zoning classification. Table 4.10 of the Specific Plan does not list WCF as a permitted use in the CSLA CC Zone. However, the Specific Plan states that permitted land uses in the CSLA CC Zone are not limited to the general intended uses listed in Table 4.10. Therefore, a WCF is permitted in the CSLA CC Zone with a CUP pursuant to County Code Section 22.140.760 (Wireless Facilities).

18. HEIGHT. The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.760.E.1.c, which allows for a maximum height of 65-feet for the WCF. The proposed maximum height is 50 feet with attached antennas reaching a total of 53 feet.

19. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.070 (Required Parking Spaces). Where parking requirements are not specified, parking shall be provided in an amount that the Director of Regional Planning finds adequate. The Project will be unstaffed and require maintenance approximately once per month. As such, no designated parking spaces will be required.
20. **DESIGN.** The Hearing Officer finds that the Project is consistent with the design standards regarding WCFs identified in County Code Section 22.140.760 (Wireless Facilities). The cables that serve the WCF will be painted brown and flush mounted. All pole-mounted equipment that is not concealed will be treated with a brown exterior color, which is a recommended color, to match the existing monopole and other existing structures. The existing fencing is a six-foot-tall CMU wall and chain link fence, and the proposed changes include the installation of brown privacy slats within the existing chain-link fence to screen associated equipment.
21. **SPECIFIC PLAN.** The Hearing Officer finds that the Project is consistent with the CSLA CC zoning classification utility and mechanical equipment as specified in 4.5.2 (Utilities and Mechanical Equipment). This section requires that all utility lines serving new development shall be placed underground. The proposed continued operation of a WCF is not new development. The Project is consistent with mechanical equipment as the CSLA TOD SP requires that compressors, air conditioning units, vents, exhausts, or similar mechanical equipment located outside a building shall comply with the following:
- All such equipment shall be screened from view from any abutting street or adjacent use. Screening shall be an integral part of the overall architectural design of the project. The top of any screening shall be a minimum of six inches above the top of any mechanical equipment. The Project proposes to integrate slats within the existing fence for screening of mechanical equipment.
 - All mechanical equipment shall be maintained in a clean and proper condition to prevent breakdown that might release noxious or toxic materials or create excessive noise, and to avoid accumulation of litter, filth, and materials that would be noxious or unsafe.
 - Equipment, including ground mounted air conditioners, may be located within the side and rear yard setbacks if a 3-foot minimum setback to the property line is maintained.

CONDITIONAL USE FINDINGS

22. **The Hearing Officer finds that the proposed use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will**

not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The Project has existed on the Project Site for more than 30 years and will continue to provide important telecommunications services to the surrounding community. The Permittee has provided cellular service coverage maps to demonstrate the necessity of maintaining the existing WCF as part of the current telecommunications infrastructure in the area. Based on the coverage maps, the Project provides important coverage along South Normandie Avenue, West Imperial Highway, and Interstate 105, and within the surrounding area. Without the existing WCF, there would be a coverage gap, particularly for visitors and motorists driving on Interstate 105. The Project will continue to provide wireless communication services to the public and businesses located in the area, including first responders who are responding to routine and emergency calls in the area. The Project will help improve public health, safety, and general welfare in the area.

23. **The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is located on a 0.18-acre property. There will be no modifications nor expansion to the existing footprint of the wireless facility. The improved design elements in the Project include installing new brown privacy slats within the existing chain link fence, removing existing barbed wire, and painting the cables and antennas brown to provide a more visually appealing appearance. The Project Site easily accommodates the existing Project without any variances or deviations from the required development standards. The Project is unstaffed and there is sufficient area for maintenance vehicle parking.
24. **The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The existing WCF is an unstaffed facility and will not generate traffic or congestion, as it will require only periodic maintenance. The property is accessed through an adjacent lot identified as Assessor's Parcel Number 6079-003-039, which includes an access easement for the Permittee. The Project Site is accessible from South Normandie Avenue, which is identified as a Limited Secondary Highway on the County Master Plan of Highways.
25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.

ENVIRONMENTAL FINDINGS

26. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities, Categorical Exemption). The Project consists of the continued use and maintenance of an existing WCF with no new development or expansion of the existing structure. The Project does not meet any exceptions to a Categorical Exemption because it is not on a scenic highway or hazardous waste site, is not known to contain historic resources, and will not have a

significant or cumulative environmental impact. Therefore, no exceptions to the categorical exemption are applicable and the Project is categorically exempt from CEQA.

ADMINISTRATIVE FINDINGS

27. LOCATION OF DOCUMENTS. 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 LA County 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 Metro Development Services Section, LA County 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 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 State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2023005574**, subject to the attached conditions.

ACTION DATE: August 20, 2024

MG:CS:MR

PROJECT NO. PRJ2023-003785-(2)
CONDITIONAL USE PERMIT NO. RPPL2023005574

EXHIBIT C
FINDINGS
PAGE 8 OF 8

August 8, 2024

c: Hearing Officer, Zoning Enforcement, Building and Safety

Exhibit B - Applicant's Burden of Proof (Attachment)

A. The facility complies with all applicable standards in Section 22.140.760, unless a waiver has been requested in Section 22.140.760.L (see below for waiver request). [continued]

The facility is compliant with said ordinance with the following exceptions which are being cured:

Section 22.140.760(E)(1)(d):

(ii): We are proposing painting the existing pole mounted equipment including cable & antennas brown to match the color of the pole. [Reference also Section 22.140.760(E)(3)(c).]

(iii) We are proposing installing slats in the existing chain link fence to better screen the ground equipment. Substantial other equipment is in the existing shelter providing screening.

((iv) We are proposing removing the existing barbed wire.

22.140.760(E)(2)(a) This section provides for a 2' length limitation on cross-arms "To the extent technically feasible". The antenna configurations and separations for the multiple carriers on the pole require adequate distance from the pole and each other to avoid interference, as well as address space limitations. To assure effective coverage as required by FCC licenses antennas are designed to provide multiple transmission paths at different azimuths (sectors) to cover the designated license areas. The sectors point the antennas in different directions, requiring separation. Without such separation service would be unavailable to the licensed coverage area. Given the Ordinance qualifier of technical limitations, the current antenna configuration therefore compliant.

August 14, 2024

Melissa Reyes, Senior Planner
Metro Development Services Section

SUBJECT: REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2023-003785,
CONDITIONAL USE PERMIT NO. RPPL2023005574

Dear Ms. Reyes:

Conditional Use Permit (“CUP”) No. RPPL2023005574 is scheduled for public hearing on August 20, 2024. After reviewing the hearing package for the item, I have the following questions. Please be prepared to answer these questions at the hearing. I ask that you forward this memo to the applicant/owner and ensure this memo is posted on the public website for the item. It is possible that information presented at the hearing may prompt additional questions.

- 1) Is it technically infeasible to provide concealment of the wireless communication facility?
- 2) Have all concealment and stealthing options been explored aside from painting?
- 3) What about this facility makes it different from others that have been retrofitted to provide concealment?
- 4) How does the project meet Sections 4.3.9 (Existing Structures) and 4.5.2 (Utilities and Mechanical Equipment) of the *Connect Southwest: A TOD Specific Plan for West Athens-Westmont*?
- 5) The response to Question A of the *Conditional Use Permit for Wireless Facilities Statement of Findings* is incomplete. Please provide the full response.
- 6) The image on page 50 of the hearing package shows that there is graffiti on an equipment building. Is this equipment building a part of the project? If so, has it been verified that the graffiti has been removed as of the date of the public hearing?

Sincerely,



Thuy Hua, AICP
Hearing Officer