

SUPPLEMENTAL
REPORT TO THE HEARING OFFICER

DATE ISSUED: August 19, 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.

CORRESPONDENCE

On August 19, 2024, Staff received a letter and photographs from Emily Murray, representative for Spectrasite Communications, LLC, in response to questions in the Hearing Officer memo dated August 14, 2024. The letter and photographs are attached.

Report
Reviewed By: *Carmen Sainz*
Carmen Sainz, Supervising Planner

Report
Approved By: *M. Glaser*
Mitch Glaser, Assistant Deputy Director

Attachments:

1. Correspondence
2. Photographs

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543
Telephone: 213.622.5555 | Facsimile: 213.620.8816
www.allenmatkins.com

Emily L. Murray
E-mail: emurray@allenmatkins.com
Direct Dial: 213.955.5584 File Number: 374393.00074/4889-7269-9097.1

Via Electronic Mail

August 16, 2024

Melissa Reyes
Senior Planner
Metro Development Services Section
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012
MReyes2@planning.lacounty.gov

**Re: Conditional Use Permit (“CUP”) RPPL2023005574
Project No. PRJ2023-003785-(2)
Location: Imperial Highway, Assessor’s Parcel Number 6079-003-047,
West Athens-Westmont**

Dear Ms. Reyes:

Allen Matkins represents Spectrasite Communications, LLC (herein, “**American Tower**”) in connection with American Tower’s application for renewal of Conditional Use Permit No. RPPL2023005574 (“**CUP**”) for an existing monopole wireless facility (the “**Existing Facility**”) located at 1440 West Imperial Highway, Assessor’s Parcel Number 6079-003-047, West Athens-Westmont, in Los Angeles County (the “**County**”). This letter is in response to the request for information submitted by Hearing Officer Thuy Hua, AICP on August 14, 2024 (the “**Hearing Officer Letter**”) and the Supplemental Report to the Hearing Officer dated August 15, 2024 (the “**Supplemental Report**”). American Tower wishes to provide the following additional responses and information.

With respect to Question Nos. 1, 2, and 3 in the Hearing Officer Letter, which concern concealment, American Tower notes that camouflage or concealment of the Existing Facility may not be required pursuant to the County’s new Wireless Facilities Ordinance (the “**Wireless Ordinance**”) and Title 22 Wireless Facilities Ordinance Design Guidelines (the “**Design Guidelines**”). (Los Angeles County Code (“**LACC**”), § 22.140.760 *et seq.*) Under the Wireless Ordinance, design standards depend on both the type of facility and the location of the facility. Each type of facility, including architectural towers, monopoles, faux trees, and faux rocks, have individual standards that apply. (LACC § 22.140.760(H)(2); Design Guidelines, pp 16-19.) Monopole wireless facilities requiring a CUP must be designed so they “utilize existing natural or man-made features including topography, vegetation, buildings, or other structures in the immediate

surroundings to provide the greatest amount of visual screening.” (LACC § 22.140.760(H)(2)(a); Design Guidelines, p. 17.)

The Wireless Ordinance and Design Guidelines do not require that an existing monopole facility be redesigned for stealth or that all equipment be concealed, as would be required for a building-mounted or architectural tower. Likewise, while complete concealment is required for faux rock outcropping or faux tree facilities, the same is not required for monopoles. (LACC § 22.140.760(H)(2)(a).) Instead, the Design Guidelines encourage streamlined designs, flush mounting, and screening of mounted equipment. (Design Guidelines, pg. 18.) While the Wireless Ordinance controls, neither the Wireless Ordinance nor the Design Guidelines require camouflage or concealment for monopole facilities. Accordingly, the County may not require redesign or camouflage of American Tower’s Existing Facility.

Furthermore, camouflaged towers have significant functional and economic downsides; they are not a like-for-like replacement option for monopole facilities, even setting aside the significant cost of replacing a monopole facility with a camouflaged facility. First, camouflaged towers cannot accommodate as many collocations as conventional towers can, thereby limiting collocation and increasing the number of tower facilities required to support the community. Second, camouflaged towers cannot accommodate the wireless users’ full array; the structure limits equipment, which adversely impacts network coverage potentially resulting in additional new sites to make up for the lack of equipment on the camouflaged tower.

The CUP for the Existing Facility has previously been renewed multiple times, underscoring the fact that the Existing Facility is appropriate at this location and compatible with surrounding uses. No significant changes have occurred to or in the vicinity of the Existing Facility since the original approval found this use compatible at this location; nothing has changed to warrant replacement. In addition, no residents have come forward in opposition to this application, suggesting that the community is not opposed to the monopole. As noted in the Findings the Existing Facility is set back substantially from the nearest public streets, further minimizing its visibility. Thus, even if replacement were permitted under the Wireless Ordinance or the Design Guidelines, it would be wasteful and unnecessary under these circumstances.

American Tower has proposed design features, such as changing the color of cabling and antennas on the monopole and adding screening slats to the chain link fence enclosure, in an effort to provide the most effective and least aesthetically intrusive facility. Further, American Tower has agreed to remove the existing barbed wire atop the chain link fence to be consistent with the Wireless Ordinance Development Standards. (LACC § 22.140.760(H)(2)(a).) American Tower wishes to cooperate and work collaboratively with the County, but because the Wireless Ordinance and the Design Guidelines do not require or even suggest that an existing monopole facility can be required to be redesigned or camouflaged, American Tower would not agree to such requirements.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

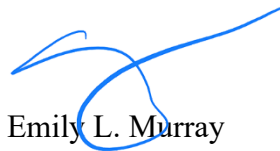
Melissa Reyes
August 16, 2024
Page 3

With respect to Question Nos. 4 and 5 in the Hearing Officer Letter, the Supplemental Staff Report has fully addressed those issues and American Tower does not have anything further to add.

With respect to Question No. 6 in the Hearing Officer Letter, the graffiti on the equipment building has been fully removed, as documented in photographs provided in an email from John Merritt on August 16, 2024.

We appreciate your work and support during the application process and are available to answer any questions at or before the hearing on Tuesday, August 20, 2024.

Very truly yours,



Emily L. Murray

ELM

cc: John T. Merritt
Bonnie Belair, Esq. American Tower

