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November 22, 2011

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

Agenda No. 11  
06/28/11

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

#22 of NOVEMBER 22, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2010-00090-(5)  
CONDITIONAL USE PERMIT NUMBER 2010-00014-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which sought to authorize the installation, operation, and maintenance of a wireless telecommunications facility at 147 East Loma Alta Drive in unincorporated Altadena. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are findings for your consideration.

Very truly yours,

ANDREA SHERIDAN ORDIN  
County Counsel

By *Elaine M. Lemke*  
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APPROVED AND RELEASED:

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EML:vn  
Enclosures

HOA.831840.1

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NUMBER R2010-00090-(5)  
CONDITIONAL USE PERMIT NUMBER 2010-00014-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2010-00090-(5), consisting of Conditional Use Permit No. 2010-00014-(5) ("CUP") on June 28, 2011. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP on February 9, 2011.
2. The applicant, AT&T Wireless ("AT&T"), requested a CUP to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of a 100-foot mono-pine with nine two-foot-high panel antennas mounted at 95 feet (measured from the top of the antennas) ("Proposed Project"). The Proposed Project also included four equipment cabinets and other related equipment to be located in a 324-square-foot leased area as well as another 300-square-foot leased area for another carrier to co-locate in the future.
3. The site for the Proposed Project is on a portion of an .84-acre parcel at 147 East Loma Alta Drive in the unincorporated community of Altadena in the Altadena Zoned District. The parcel is developed with flood control facilities and owned by the County Flood Control District. The proposed location for the mono-pine was in a group of trees on the southeast corner of the flood control parcel.
4. The land use designation for the subject property in the Altadena Community Plan ("Community Plan" or "Plan"), a component of the County General Plan, is Flood Control Facilities.
5. There are no specific policies related to unmanned wireless telecommunications facilities in the Community Plan. The Community Plan, however, states that foremost among the principal objectives of the Community Plan is the preservation of the existing residential character of the community. Its land use policies include preserving existing residential neighborhoods and environmental amenities and allowing intensification of land use only if it does not adversely impact existing neighborhoods. The potential negative aesthetic impacts of utilities infrastructure is recognized in the Community Plan by the requirement that utilities be placed underground where feasible.
6. The Community Plan's environmental resources policies provide that new development must be compatible both with adjacent land uses and with environmental resources and that adequate buffers should be provided between residential and commercial uses. Another environmental resources policy in the Plan promotes maintenance of view corridors of the San Gabriel Mountains by controlling the siting, height, and density of new development.

7. The subject property is zoned R-1-10,000 (Single-family residential-10,000 square feet minimum). It is also subject to the Altadena Community Standards District ("CSD").
8. Surrounding properties are zoned as follows:
  - North: R-1-10,000 and R-1-40,000 (Single-family residential-40,000 square feet minimum);
  - South: R-1-10,000;
  - East: R-1-10,000; and
  - West: R-1-7,500 (Single-family residential-7,500 square feet minimum).
9. Surrounding uses in all directions consist of residential properties.
10. Title 22 (Zoning Ordinance) of the Los Angeles County Code ("County Code") does not specify "wireless telecommunications facility" as a use. The Department of Regional Planning ("Regional Planning") has determined that the most similar use specified in the Zoning Ordinance is "radio or television tower," which may be allowed in the R-1 zone with a CUP. Accordingly, a CUP is required for all wireless telecommunication facilities in the R-1 zone.
11. The CSD and the Zoning Ordinance limit the height of structures in the R-1 Zone to 35 feet. A taller structure may be approved with a CUP if the Zoning Code's burden of proof for such a permit is met.
12. Prior to the above-referenced Board and Commission hearings, an initial hearing was held on the Proposed Project by a Hearing Officer on December 7, 2010. The Hearing Officer referred the matter to the Commission due to opposition by residents neighboring the subject property.
13. At the Commission hearing, four people testified in opposition to the Proposed Project. An AT&T representative and three others testified in support of the Proposed Project. Proponents testified that wireless service to the Altadena area by cell phone companies, including AT&T, was lacking with only minimal coverage. The president of the Altadena Town Council ("Council" or "Town Council") testified that the Council participated in the selection of a site, that six other sites had been ruled out, that the majority of residents polled by the Council favored the Proposed Project, and that the Town Council recommended approval. Another proponent stated that the Proposed Project would facilitate communications during emergencies, such as wild fires.
14. Project opponents cited concerns about the County's reliance upon a categorical exemption under the California Environmental Quality Act ("CEQA"), potential fire hazards, site selection, lack of inclusion in the Town Council process, and adverse impacts on wildlife and property values. Opponents opined that the County had a conflict of interest because its Flood Control District would receive lease payments for the use of the site and expressed concerns about health

effects. Opponents also objected to the height of the facility, contending that it would tower above the adjacent trees that were intended to camouflage the mono-pine, resulting in negative aesthetic impacts.

15. After closing its public hearing, the Commission approved the CUP. The Commission's approval of the CUP was timely appealed to the Board by one of the neighboring property residents contending that the CEQA categorical exemption that had been relied upon was improper; that the Proposed Project would have negative aesthetic impacts, an adverse impact on property values, and that other alternatives are available; and that representations that the community supported the Proposed Project were misleading given the objections of immediate neighbors.
16. Proper legal notice was provided by the County for all of the public hearings held regarding the CUP.
17. After the Commission's approval of the CUP was appealed to the Board, a de novo hearing was held by the Board on June 28, 2011. At that hearing, Regional Planning staff briefly explained the Proposed Project and answered questions from the Board. Ten people testified at the hearing, seven in opposition. Two individuals testified on behalf of, and in support of, the Proposed Project, and another person also testified in support. A petition signed by 45 individuals opposing the Proposed Project was presented to the Board, which also received eight letters in opposition. Prior to the Board hearing, the County received 35 written comments or letters in support, primarily based on asserted needs for better wireless coverage and seven in opposition which raised similar concerns as were raised in public testimony. The aesthetic concerns were summed up in one letter by describing the proposed mono-pine as "ugly, unsightly," and "awkwardly inappropriate."
18. At the Board hearing, the president of the Town Council stated that the Council supported the Proposed Project because it would improve cell service community wide. The president of the Town Council stated that another site considered had more opposition than this project and that the Council participated in searching for a more appropriate site. He further stated that the Council identified six alternatives and AT&T selected the flood control site as best meeting its technical requirements and that, overall, the community supported the Proposed Project.
19. Alternative sites on nearby utility poles were not considered.
20. As indicated in Finding No. 3, the proposed location for the wireless telecommunications facility is on land owned by the County Flood Control District. The applicant has not obtained any lease or other binding commitment from the Flood Control District to use its property for the Proposed Project.
21. Counsel for AT&T testified regarding legal issues, including that the Proposed Project complied with Radio Frequency ("RF") emission limits set by the Federal

Communications Commission and, therefore, health effects from such emissions could not be the basis for denial of a project. He also indicated that there was a significant gap in AT&T's coverage in the relevant area.

22. Opposition testimony at the Board reiterated earlier concerns. In addition, testimony was provided about the instability of trees in the area raising concerns that a tree falling onto the areas of equipment of the tower could cause a fire in this very high fire hazard severity zone located near forested hillsides.
23. Opponents again pointed out that while the height limitation for the R-1 zone and CSD is 35 feet, the tower would be almost three times that limit. Testimony by a resident neighboring the Proposed Project stated the tower would be inconsistent with the "look and feel" of the surrounding residential area, which does not include commercial or industrial facilities.
24. The same testifier expressed concern of the impacts of motion-sensor lighting to be provided around the facility on nocturnal wildlife in the area.
25. While testimony was presented throughout the process regarding alleged health effects from RF emissions, the Board has not based its decision on said alleged effects.
26. Based upon the evidence presented, the Board finds that the Proposed Project, by virtue of its height, is inconsistent with the CSD; the Proposed Project would tower above the trees intended to shield it causing a negative aesthetic impact in the neighborhood as evidenced by written and oral testimony of nearby residents; and that lighting for the Proposed Project would negatively impact area wildlife.
27. The Board finds that AT&T did not examine all feasible alternative sites that could have provided additional coverage while being less intrusive in terms of visual and aesthetic impacts on the community.
28. The Board finds that the Proposed Project is inconsistent with the Community Plan of preserving existing residential neighborhoods, and that the Proposed Project would have an adverse aesthetic impact on the existing neighborhood. The Board further finds that the trees surrounding the Proposed Project would not provide an adequate buffer from the nearby residences. The Board further finds that a 100-foot tower would negatively impact views of the San Gabriel Mountains and is thus further inconsistent with the Community Plan.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

1. That the proposed use is not consistent with the adopted general plan for the area;
2. That the requested use at the proposed location will adversely affect the peace, comfort, or welfare of persons residing or working in the surrounding area; and

3. That the requested use will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Denies Project No. R2010-00090-(5), consisting of Conditional Use Permit No. 2010-00014-(5).