

CITY OF MONTEBELLO  
July 19, 2011

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Conditional Use Permit 3-91, Modification 1-11  
**LOCATION:** 1615 West Mines Avenue  
**APPLICANT:** Wireless Development Resources, LLC.  
**CASE PLANNER:** Lovell Williams, Assistant Planner

**STAFF RECOMMENDATION:** Acknowledge the Environmental Determination and approve Conditional Use Permit 3-91, Modification 1-11 with the specific findings and conditions in the Draft Resolution (Attachment 2).

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**REQUESTED  
ENTITLEMENT**

Conditional Use Permit – To modify an existing Wireless Telecommunications Facility.

**ENVIRONMENTAL  
DETERMINATION**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301 (Existing Facilities). This exemption applies to additions, expansions, or alterations to existing structures where there is negligible or no expansion of the use.

**SITE CHARACTERISTICS**

**Site Location and Size**

The subject site is located on the south side of Mines Avenue between Maple and Vail Avenues. The subject site has a lot area of approximately 1.53 acres and is developed with four, single-story industrial buildings and two monopoles. The buildings consist of a 10,000 square-foot building built in 1973, a 4,800 square-foot building built in 1978, an 8,400 square-foot building built in 1979, and a 3,040 square-foot building built in 1980. the two mono pole are 60 feet and 62 feet in height.

**Zoning**

Subject Site: M-1 (Light Manufacturing)  
North: M-1 (Light Manufacturing)  
South: M-1 (Light Manufacturing)  
East: M-1 (Light Manufacturing)  
West: M-1 (Light Manufacturing)

**Land Use**

Subject Site: Truck Transportation, Warehousing and Manufacturing  
North: Professional Office  
South: Manufacturing  
East: Parking Lot and Manufacturing of Food Products  
West: Vacant and Manufacturing

**Previous Entitlements**

Conditional Use Permit 3-91 - To allow the establishment of a Wireless Telecommunication Facility at the subject site. The entitlement was approved by the Planning Commission with conditions on July 15, 1991.

Conditional Use Permit 12-92 - To allow the establishment of a Wireless Telecommunication Facility at the subject site. The entitlement was approved by the Planning Commission with conditions on December 7, 1992.

**Application Submitted:** April 27, 2011  
**Application Deemed Complete:** May 26, 2011

### **PROJECT DESCRIPTION**

Wireless Development Resources, LLC is requesting Conditional Use Permit 3-91, Modification 1-11 to modify an existing Wireless Telecommunications Facility that includes the removal of nine existing panel antennas and adding 12 panel antennas with new LTE antennas, two surge suppressors and 12 remote radio units on an existing monopole and also install a new GPS antenna and new equipment racks inside the existing lease area of an industrial building.

### **BACKGROUND**

On July 15, 1991, the Planning Commission approved Conditional Use Permit 3-91 to allow the establishment of a Wireless Telecommunication Facility on the subject site. The facility includes a 62-foot high monopole and a 360 square foot lease area within an existing 4,800 square-foot industrial building where related equipment cabinets are stored. The facility was developed to enhance the cellular service for the Los Angeles Cellular Telephone Company. Currently, AT&T possesses an active business license to operate the facility.

On December 7, 1992, the Planning Commission approved Conditional Use Permit 12-92 to allow the establishment of another Wireless Telecommunication Facility at a different location of the subject property. This facility includes a 60-foot high monopole and a 360 square foot equipment enclosure where related equipment cabinets are stored near the east elevation of an existing 8,400 square-foot industrial building. This facility was developed to enhance the cellular service for Pac-Tel Cellular. However, there is no active business license for this facility.

### **ANALYSIS**

The applicant is proposing to modify Conditional Use Permit 3-91. The proposed modifications to the existing Wireless Telecommunications Facility include removing the nine existing panel antennas across three sectors and replacing them with 12 panel antennas across the same three sectors on the existing 62-foot high monopole. Additionally, the applicant is proposing to install a new GPS antenna on the west elevation of an existing 4,800 square-foot industrial building, and new equipment racks inside a 360 square foot lease area within the existing 4,800 square-foot industrial building where the related equipment cabinets are located. The existing monopole is located towards the rear of the property, three feet away from the existing 4,800 square-foot industrial building, and approximately 396 feet away from the street property line. The height of the new panel antennas is proposed to remain the same as the existing antennas at 61 feet. A Conditional Use Permit is required to modify an existing Wireless Telecommunications Facility in the M-1 zoning district.

**Conditional Use Permit – Wireless Telecommunications Facility.** Conditional Use Permit review for Wireless Telecommunications Facilities are evaluated on a case-by-case basis, taking into account the proposed design, visual impacts, site conditions, and the surrounding areas. The findings that must be made to approve a Conditional Use Permit request must substantiate that the site is adequate in size and shape for the use, that it has sufficient access to streets and highways, that the proposed use will not adversely affect the area, and that the proposal is consistent with the City's General Plan and the objectives of the Community Redevelopment Project Area.

In relating the required findings to the proposed Conditional Use Permit, the subject site is approximately 1.53 acres in size, and 360 square feet of lease area within an existing industrial building will be used to house the related transmissions equipment for the wireless facility. Furthermore, the site currently contains the monopole and the overall size and operation of the facility will not change. Therefore, the site is adequate in size and shape to accommodate the proposed use.

The new antennas will not significantly alter or intensify the property from the way it is currently being used. The subject site is located in an industrial area where the existing monopole blends with the character and color of the surrounding industrial buildings. The proposed modification will operate with minimal manpower and is not expected to generate any additional traffic to and

from the site or adversely affect the area. Additionally, it is a policy of the Land Use Element of the General Plan to provide adequate community infrastructure, including utilities. The modification of the Wireless Telecommunication Facility is on an existing monopole that will utilize the same resources that is currently used for the existing use, which is an appropriate site and preferred method of design. Lastly, the subject site is located within the Montebello Economic Revitalization Project Area. The intent of the Redevelopment Plan is to eliminate and prevent the spread of blight in this project area by the installation, construction, or reconstruction of streets, utilities and other public improvements. In this case, the modification is necessary for Wireless Development Resources, LLC to improve AT&T's communication services within the City of Montebello and is appropriate for the site subject to the conditions of approval listed in the Draft Resolution.

In evaluating the proposal, it is staff's assessment that the required findings can be made to approve the proposal. The modification of the existing Wireless Telecommunication Facility is proposed on an existing monopole and will not significantly intensify the existing use or its appearance. The proposed panel antennas are a part of the existing monopole, and the adjacent industrial building will continue to screen the related transmission equipment from public view.

**Health Concerns.** The FCC establishes the radio frequency bands, which Wireless Telecommunication Facilities are licensed to utilize in order to operate their communication systems. In the process of sending and receiving radio signals, electromagnetic energy in the form of radio frequency radiation is emitted from the antennas of Wireless Telecommunications Facilities such as the proposed facility. The Federal Telecommunications Act of 1996 (Title 7: Section 704) contains language prohibiting state or local governments from regulating the placement, construction, and modification of wireless service facilities on the basis of environmental effects of radio frequency emissions, provided that such facilities comply with the FCC regulations concerning such emissions. The FCC does not review and approve each specific site where such facilities are located but grants blanket approvals based on the carrier's proposed overall plan for frequency bands and standardized equipment type, which would allow the carrier to design and build its networks. With respect to this project, it is assumed that the applicant has received approval from the FCC for its operations, and will be required as a condition of approval.

#### **DEPARTMENTAL COMMENTS**

In reviewing the proposed wireless facility modification, the Building and Safety Division has recommended conditions of approval to ensure that the proposal will be in accordance with the requirements of the City, State, and Federal Codes. These conditions are included in the attached Draft Resolution.

#### **SUMMARY/CONCLUSION**

Wireless Development Resources, LLC has submitted a Conditional Use Permit application to allow the modification of an existing Wireless Telecommunications Facility on an existing monopole. The applicant is proposing to remove nine existing panel antennas and replace them with 12 panel antennas with new LTE antennas on an existing 62-foot high monopole. Additionally, the applicant is proposing to install a new GPS antenna on the west side of an exterior industrial building, and install new equipment racks inside the 360 square feet lease area within an industrial building where the equipment cabinets are located.

The granting of the Conditional Use Permit would not cause an adverse effect upon the adjacent or abutting properties because the modification of the existing wireless facility is located on an existing monopole in an industrial area where it is more likely to blend in with the surrounding area. The proposal is consistent with the General Plan as it is a goal of the Land Use Element to provide adequate community infrastructure, including streets and utilities, to support and service the City's industrial development. Additionally, the subject site is located within the Montebello Economic Revitalization Redevelopment Project Area. The proposal is intended to prevent the spread of blight in this project area by reconstructing such utilities. Therefore, the findings required for granting approval of Conditional Use Permit can be made for this proposal, and staff recommends that the Planning Commission approve Conditional Use Permit 3-91, Modification 1-11 subject to the conditions of approval contained in the Draft Resolution.

#### **RECOMMENDATION**

Pending public testimony and Planning Commission input:

1. Find that the project as proposed is exempt from Environmental Review under Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA); and approve the Notice of Exemption
2. Approve the Findings in the Draft Resolution; and
3. Approve Conditional Use Permit 3-91, Modification 1-11, subject to the conditions of approval as contained in the Draft Resolution

**ATTACHMENTS & EXHIBITS**

1. Exhibit "A" - Development Plan
2. Draft Resolution (PC 7-11)
3. Location Map
4. Environmental Document - Notice of Exemption

**RESOLUTION NO. PC 7-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR THE MODIFICATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY ON AN EXISTING MONOPOLE**

**Case No:** Conditional Use Permit 3-91, Modification 1-11  
**Applicant:** Wireless Development Resources LLC.  
**Location:** 1615 West Mines Avenue

**THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DOES HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** That the Planning Commission of the City of Montebello does find, determine, and declare as follows:

1. That the application was made by Wireless Development Resources LLC to allow the modification of an existing Wireless Telecommunications Facility on an existing monopole located at 1615 West Mines Avenue (“Subject Site”);
2. That the Planning Commission conducted a duly noticed public hearing upon said application on July 19, 2011, and, based on evidence presented in the staff report, the Planning Commission’s file, each of the members of the Planning Commission being familiar with the subject site, has determined that the facts required for the approval of Conditional Use Permit 3-91, Modification 1-11 are adequate, and the Conditional Use Permit should be granted subject to the conditions of approval hereinafter set forth.

**SECTION 2.** Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the proposed project complies with the California Environmental Quality Act (CEQA) and hereby adopts the Notice of Exemption for the following reasons:

1. This project was reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301, which categorically exempts under Class 1, Existing Facilities. A Class 1 exemption specifically relates to minor alterations of existing public or private structure to include mechanical equipment involving negligible or no expansion of the use beyond what already exists in an industrial district.

**SECTION 3.** That the following findings are hereby adopted as the Findings of the Planning Commission as follows:

1. *The site for the proposed Wireless Telecommunications Facility is adequate in size and shape* in that the proposal is to modify an existing Wireless Telecommunication Facility on an existing monopole that currently contains existing antennas for one wireless service provider. The subject site is approximately 1.53 acres and developed with four industrial buildings and two existing monopoles. The applicant is requesting to remove the nine existing panel antennas across three sectors and replacing them with 12 panel antennas across the same three sectors on the existing 62-foot high monopole. Additionally, the applicant is proposing to install a new GPS antenna on the west elevation of an existing industrial building, and new equipment racks inside the 360 square feet lease area within an existing industrial building where the related equipment cabinets are located. The proposal will not intensify the existing use or its appearance. As such, the subject site will continue to operate as it does currently and is adequate in size and shape to accommodate the proposed development with minimal changes made to the existing structure and site.
2. *The site has sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the*

*proposed use.* The subject site is 1.53 acres in size and is developed with four industrial buildings and two monopoles. The modification to this facility will not intensify or alter current operating conditions. On its own merit, it is not expected to generate any significant additional traffic from how it currently operates, thus, existing access is adequate and there is no need to provide additional access to the site.

3. *The proposed use will not have an adverse effect upon adjacent or abutting properties* in that the transmission equipment will remain located within the existing industrial building and screened from public view. The proposed Global Positioning System (GPS) antenna will be installed on the exterior of the related building and painted to match the building. The mounting of panel antennas, surge suppressors and remote radio units will also be located on the existing monopole and painted to match the structure. The proposed modifications to the existing Wireless Telecommunication Facility are minimal to the structure's appearance and current use on the subject property. Therefore, there would not be an adverse effect on the surrounding industrial properties. Moreover, there is no conclusive proof or evidence that a Wireless Telecommunications Facility will have an impact to the public health, and cannot be denied on such a concern based on the Federal Communication Act of 1996.
4. *The location of the conditional use and the conditions under which it would be operated or maintained will be consistent with the General Plan.* It is a policy of the Land Use Element of the General Plan to provide adequate community infrastructure, including utilities, that should be developed to support and service the City's industrial development. The purpose of modifying the existing Wireless Telecommunications Facility at this location is to improve communication services within the City of Montebello. The modification of the Wireless Telecommunications Facility on the existing monopole will utilize an existing structure that is an appropriate location and a preferred design method that is consistent with the policies of the General Plan.
5. *That the proposed use is consistent with the objectives of the community redevelopment project area in which the site is located.* The proposed development is located in the Montebello Economic Revitalization Project Area. The intent of the Redevelopment Plan is to eliminate and prevent the spread of blight in this project area by the installation, construction, or reconstruction of streets, utilities and other public improvements. The proposed Wireless Telecommunication Facility is necessary for Wireless Development Resources, LLC to improve AT&T's communication services within the City of Montebello and will be constructed to match the building and be screened from public view. Therefore, the proposed project is consistent with the objectives of the Community Redevelopment Project Area in which it is located.

**SECTION 4.** That the Planning Commission approves Conditional Use Permit 1-98, Modification 1-09 subject to the following conditions of approval:

1. The development and utilization of the subject site shall substantially conform to the site plan labeled Planning Commission Exhibit "A" dated July 19, 2011, including the uses as shown, except as provided for herein, and by subsequent revisions found by the Planning Manager to be in substantial compliance with these provisions.
2. The development of the site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and the specifications of the Planning Division, including but not limited to:
  - a. Any substantial modification to the site plan for the Wireless Telecommunications Facility shall be subject to the review and approval by the Planning Commission.
  - b. All proposed antennas, microwave dishes, and supporting frames shall be painted to match the color of the existing monopole and all related transmission equipment shall be completely screened from public view at all times by a decorative view obscuring screening material.

- c. The radiation emitted from this communications facility shall not exceed the applicable public exposure standards specified by the Federal Communications Commission (FCC), nor any other applicable exposure standards for this type of facility, which may be specified in the future by the FCC or other regulatory agency having jurisdiction over the facility.
  - d. The applicant shall furnish proof, to the satisfaction of the Planning Manager, that its design is in conformance with all applicable FCC regulations concerning the modification and use of the existing wireless facility prior to the issuance of building permits.
  - e. Operation of the facility shall cause no interference with the operation of any other pre-existing communications configurations, equipment, frequency, electronic or communications equipment, and other communications facilities located on the subject site. Wireless Development Resources, LLC or any future operator of the communications facility shall rectify any interference issue or problem with the operation of such facility
  - f. Any expansion or substantial alteration of this Wireless Telecommunications Facility shall be subject to a modification to the Conditional Use Permit and requires the approval of the Planning Commission.
  - g. If operation of this wireless communication facility ceases, the applicant and/or successor, at their expense, shall remove all equipment associated with this facility, and the site shall be restored to the condition it was in prior to the establishment of this facility.
  - h. All applicable City permits shall be obtained prior to construction.
  - i. A copy of the approved Resolution shall be incorporated into to the construction plans submitted for plan check.
  - j. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with all of the requirements and conditions from any applicable state and outside agencies.
3. The development and utilization of the site shall comply with all the provisions of the Montebello Municipal Code and the City adopted versions of the Uniform Building Code, including but not limited to the following:
- a. All plans submitted to the Building and Safety Division shall be prepared in accordance with the requirements of the City, State, and Federal Codes.
  - b. All complete plans submitted to the Building and Safety shall show the equipment area and all changes.
  - c. The submitted plans shall state that all work shall proceed only after receiving City Building and Safety Division inspection sign off and approval for each stage of the work. The site shall not become operational until all required City final inspections and approvals are received.
4. The development and utilization of the site shall comply with all the provisions of the Uniform Fire Code as well as additional requirements from the Fire Department.

**SECTION 5. FINALLY RESOLVED**, that the Secretary be instructed to forward a copy of this Resolution to the applicant for his attention, and that the Secretary shall advise the applicant that this decision, or any part of it, may be appealed to the City Council by the applicant, opponent, or the City Council on its own motion, in the manner specified in Section 17.78.070 of the Montebello Municipal Code.

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Murad Minasian, Chairman

**I HEREBY CERTIFY** that the foregoing Resolution was adopted by the Planning Commission of the City of Montebello at a regular meeting held on Tuesday, July 19, 2011 and carried by the following vote:

AYES: Commissioners:

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

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Ariel Socarras, Planning Manager and  
Secretary to the Planning Commission

CITY OF MONTEBELLO  
Conditional Use Permit 3-91, Modification 1-11  
1615 West Mines Avenue



