

RESOLUTION NO. 7621

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE
APPROVING UNCLASSIFIED USE PERMIT NO. 69
A ROOF MOUNTED WIRELESS TELECOMMUNICATION FACILITY
AT 9840 FRONTAGE ROAD**

WHEREAS, on April 2, 2014, the Department of Community Development received an application from Trillium Telecom, on behalf of Verizon Wireless, to allow the installation of an unmanned telecommunication facility on the rooftop of an existing manufacturing building. The project site is located at 9840 Frontage Road in the City of South Gate; and

WHEREAS, the City Council upon giving the required notice did conduct a duly advertised public hearing as required by law on August 26, 2014 to consider the approval of said unclassified use permit; notice of the hearing was published in The Press and mailed to surrounding properties on August 13, 2014; and

WHEREAS, the City Council determined that the proposed unclassified use permit is Categorically Exempt under Section 15301, Class 1; operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, of the California Environmental Quality Act; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

WHEREAS, the City Council determined that the facts of this matter are as follows:

1. On April 2, 2014, the Department of Community Development received an application for Unclassified Use Permit No. 69 which proposed to allow the installation of an unmanned telecommunication facility on the rooftop of an existing manufacturing building consisting of twelve (12) panel antennas, five (5) outdoor equipment cabinets, and three (3) GPS antennas. One (1) DC generator will be installed at ground level using a total of three (3) parking spaces. The applicant proposes to use the rooftop for the housing of associated equipment including cabinets, batteries, and electrical panels.
2. The subject property is located at 9840 Frontage Road. The General Plan Designation for this property is Southwest Industrial District (Sub-area 1) and the Zoning designation is M-3 (Heavy Manufacturing) Zone.
3. Section No. 11.26.010 (10.5) of the Municipal Code, requires that microwave installations where any tower or portion of the receiver extends more than six feet in height and is not enclosed within a building shall be subject to the issuance of an unclassified use permit.

4. Access to the site is required twenty-four hours seven-days a week in the event of an emergency or equipment failure, however the site will typically be unmanned and will only be visited by Verizon Wireless personnel approximately once a month, at which time the equipment will be serviced to ensure it is in working order. The antennas are not typically accessed once mounted on the roof, unless an emergency failure occurs or reconditioning is required.
5. The City Council believes that the proposal will not be materially detrimental to the general welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. In addition, the approval will not adversely affect the General Plan.
6. Notices for the City Council hearing were mailed to the surrounding property owners on August 13, 2014 and published in the South Gate Press on August 14, 2014.

WHEREAS, the City Council made the following findings:

1. Section No. 11.26.010 (10.5) of the Municipal Code, requires that microwave installations where any tower or portion of the receiver extends more than six feet in height and is not enclosed within a building shall be subject to the issuance of an unclassified use permit. An unclassified use permit must also be approved by the City Council.
2. The proposed project, as conditioned, will comply with all applicable City and State codes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the facts, noted above, the City Council does hereby conditionally APPROVE Unclassified Use Permit No. 69, which proposes to allow the installation of an unmanned telecommunications facility on the rooftop of an existing manufacturing building. The project site is located at 9840 Frontage Road, in the City of South Gate, subject to the following conditions:

1. Unclassified Use Permit No. 69

The conditions imposed by the approval of Unclassified Use Permit No. 69 shall be adhered to unless specifically altered by subsequent unclassified use permit amendments and/or zone variances for the site or by the conditions imposed by this permit.

2. Code Compliance

Unless otherwise waived, the permittee shall comply with all applicable codes, laws, rules and regulations including the Building and Safety, Public Works, and Zoning Codes of the City of South Gate and the Health and Fire Codes of the County of Los Angeles.

3. Approved Plans

That the property be developed substantially in accordance with the approved plans submitted on April 2, 2014.

4. Planning Requirements

The Planning Department has reviewed the proposal and the applicant will comply with the following standard requirements:

- i. Proposed screening wall shall extend around the southeast portion of the rooftop thereby encircling antennas and all associated hardware on the rooftop.
- ii. DC generator will be secured by chain link fence and privacy screening slats within the fencing.

5. Building and Safety Requirements

The Building and Safety Department has reviewed the proposal and the applicant will comply with the following standard requirements:

- i. Construction shall be in compliance with all seismic structural regulations.
- ii. Two complete sets of structural calculations shall be submitted with plans for plan check review prior to the issuance of building permits.

6. Public Works Requirements

No requirements

7. Outdoor Storage

That no materials or products related to the antenna use are to be stored outside unless otherwise approved in writing by the Director of Community Development.

8. Future Construction

All future construction or additions, including antenna height, to the installation shall be subject to review and approval of the Planning Commission, as determined appropriate by the Director of Community Development.

9. Compliance with Conditions

Unless otherwise noted, all conditions are to be complied with as of the effective date of the unclassified use permit.

10. Intensification of Use

This permit shall only be valid until, and shall thereafter expire when, the Planning Commission shall determine, at a hearing at which the permittee is given sixty (60) days advance written notice, and an opportunity to be heard, that an "intensification of use", as defined in subparagraph (i) below, has occurred for which no prior advance written permit approval has been given by the City.

- i. For the purposes of this section, an "intensification of use" shall be deemed to occur when any of the following shall occur
- ii. Any change which increases the floor area of the premises by 10% of the existing floor area.
- iii. Adding new uses or providing new services on the premises.
- iv. Nothing herein is intended to cause the termination of the Conditional Use Permit solely on the basis of change of ownership.

11. Right of the City to Impose Modifications

Upon sixty (60) days prior notice given in writing, in advance, to the Permittee at a hearing at which the permittee is given an opportunity to be heard, the City shall have the right to modify the terms of this unclassified use permit, to impose such further and additional conditions to the unclassified use permit herein granted that are reasonably related to crime prevention, crime protection, parking, traffic, circulation, safety, health, surrounding land use compatibility, noise, vandalism, poor maintenance of property, aesthetics and welfare at or in the immediate vicinity of the property which is the subject of this unclassified use permit.

12. Citation

Any violation of the code requirements and/or conditions of approval may be subject to the issuance of a citation that could result in a fine as set by the Planning Commission, after notice, at which time the applicant may address the Planning Commission.

13. Revocation

Violations of the conditions of this unclassified use permit can result in the revocation or modification of this application by the issuing body at a regularly scheduled meeting, notice of which will be given to the applicant by first class mail, postage prepaid, or by posting notice of said hearing at two prominent locations on the premises to which the permit refers.

14. Reimbursement

The City Planning Commission may impose, as a condition of continuation, reinstatement or re-issuance of any permit, a requirement that the Permittee reimburse the City for all costs and expenses reasonably incurred in the investigating, identifying, and documenting the violation and in processing information concerning the violation for presentation to the City Planning Commission, and upon appeal, to the City Council.

15. Expiration of Unclassified Use Permit

Unless the unclassified use permit is exercised within one year from the date of approval, the unclassified use permit amendment shall be directed to the Planning Commission for due process to determine reasonability for possible extension.

16. Fish and Game Fee

If the Department of Fish and Game determines that this project is not exempt from the filing fees imposed pursuant to the Fish and Game Code Section 711.4, approval of this project shall be conditioned on the project applicant paying to the Department of Fish and Game such fees and any fine which the Department of Fish and Game determines to be owed.

17. Removal of Equipment

In the event there is a discontinuance of the approved use or an expiration of the lease agreement between the applicant and the property owner, the applicant shall remove all equipment and antennas from the premises within forty-five (45) days of the issuance of written notification by the City of South Gate.

18. Property Maintenance

The premises, including the landscaped areas and signage, are to be kept in a neat and orderly manner at all times in compliance with Chapter 9.48 of the South Gate Municipal Code. All graffiti on the property will be immediately removed or painted over.

19. Noticing Requirements upon Change of Ownership.

Applicant shall provide notice in writing to City not more than ninety (90) days after such time as Applicant (or its affiliates) ceases to hold an ownership interest in said wireless communications facility, Said notice shall be in addition to any notice required by the California Public Utilities Commission to be given generally to the public by Applicant. Notice by Applicant shall be sent to the City addressed as follows:

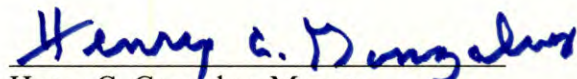
City Hall
City of South Gate
8650 California Avenue
South Gate, CA 90280

Attention: City Clerk
 City Attorney
 Public Works Director
 City Manager

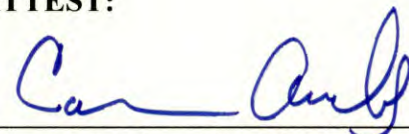
SECTION 2. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this twenty six day of August 2014.

CITY OF SOUTH GATE:

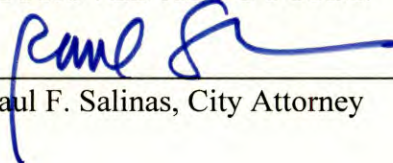

Henry C. Gonzalez, Mayor

ATTEST:



Carmen Avalos, City Clerk
(Seal)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

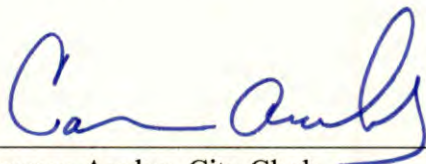
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7621 was adopted by the City Council at their Regular Meeting held on August 26, 2014, by the following vote:

Ayes: Council Members: Gonzalez, Morales, Davila, De Witt and Hurtado
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on August 28, 2014.



Carmen Avalos, City Clerk
City of South Gate, California