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6 **CITY OF LONG BEACH**
7 **ADMINISTRATIVE APPEAL HEARING**
8 **PER LONG BEACH MUNICIPAL CODE CHAPTER 15.34.030.L**

9 **LAURELLA THEUS,**) **HEARING OFFICER’S FINDINGS AND**
10 **Appellant,**) **RECOMMENDATION**
11 **vs.**)
12 **CITY OF LONG BEACH,**)
13 **Respondent/Permitting**)
14 **Authority**)
15 **CROWN CASTLE NG WEST LLC,**)
16 **Real Party in Interest /**)
17 **Permit Applicant**)

18
19 **I. INTRODUCTION**

20 This appeal came on regularly for hearing before Administrative Hearing Officer
21 Jonathan C. Navarro on October 20, 2020 at 10:00 AM via WebEx virtual hearing. The WebEx
22 hearing was administered by Daniel Ramirez with the Public Works Department (“PWD”) for
23 the City of Long Beach. The Appellant, Laurella Theus (“Appellant”), appeared *pro se*. The City
24 of Long Beach (“City” or “Respondent”) appeared and was represented by Erin Weesner-
25 McKinley, Esq. with the Office of the City Attorney for the City of Long Beach. Licensee
26 Crown Castle NG West LLC (“Crown” or “Applicant”) appeared and was represented by
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1 Stephen Garcia. The PWD for the City of Long Beach was represented by Joshua Hickman and
2 Pablo Leon.

3 The following member(s) of the public also appeared, but did not provide any comments:
4 Rob and Kathy Allison, Elizabeth Nygard, Barbara Breeden, Daisy Uy-Kimpang, Gary Kraus,
5 and Korina.
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7 **II. STATEMENT OF FACTS**

8 The facts in this matter are not in dispute. On or around April 13, 2020, Applicant
9 submitted an application (“Application”) for a permit to the City for the installation of a “small
10 cell” wireless telecommunications facility (“WTF”) in the public right-of-way. (See
11 Respondent’s Group Exhibit, Pages 2-14). The Application process is governed by Chapter
12 15.34 of the Long Beach Municipal Code (“LBMC”) that includes requirements and applicable
13 standards for WTFs in the public right-of-way to ensure that the proposed WTF complies with
14 said requirements and standards. WTF means equipment installed for the purpose of providing
15 wireless transmission of voice, data, images, or other information including but not limited to,
16 cellular telephone service, personal communications services, and paging services, consisting
17 of equipment, antennas, and network components such as towers, utility poles, transmitters,
18 base stations, conduits, pull boxes, electrical meters, and emergency power systems. WTF does
19 not include radio or television broadcast facilities, nor radio communications systems for
20 government or emergency services agencies. LBMC 15.34.020.EE. “Public right-of-way”
21 means any public highway, street, alley, sidewalk, parkway, parking lot, and all extensions or
22 additions thereto which is either owned, operated, or controlled by the City, or is subject to an
23 easement or dedication to the City, or is a privately-owned area within City’s jurisdiction
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1 which is not yet dedicated, but is designated as a proposed public right-of-way on a tentative
2 subdivision map approved by the City. LBMC 15.34.020.S.

3 The Application sought a permit for the installation of a proposed WTF in the public
4 right-of-way in front of the property located at 1452 Lemon Avenue that is across the street from
5 Appellant’s residence. Lemon Avenue is between Martin Luther King, Jr. Avenue and Alamitos
6 Avenue, which is in a residential zoning district. The proposed WTF will be integrated into an
7 existing light pole at the site that is designated as “T3LA2647M1” in the Application (“Site”). As
8 proposed, the WTF will be integrated into a new light pole that will replace the existing light
9 pole at the Site. The existing light pole, including the luminaire, is twenty-seven (27) feet high,
10 and will remain that height after installation. (Respondent’s Gr. Ex., p. 196.) Three shrouded
11 antennas will be placed at the top of the pole, with the bottom of the antennas twenty-one (21)
12 feet three (3) inches above the ground. (Id. at pp. 197-198). The equipment will be bundled in an
13 all-in-one equipment cabinet with integrated antennas which limits the WTF to one (1) pole
14 mounted attachment measuring 11.36” wide X 9.0” deep X 35.4” high. (Id. and pp. 198, 202).
15 The equipment shroud will be painted to match the color of the existing pole. (Id.). The
16 installation includes setting a hand-vault in the parkway to conceal fiber and a connection to
17 power. (Id. at p. 202).

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21 Upon three (3) subsequent rounds of reviews and plan revisions—the latest being May 7,
22 2020—the City approved the Application on May 20, 2020. (See approval stamp on
23 Respondent’s Gr. Ex., pp. 191-201). Thereafter, pursuant to LBMC 15.34.030.K., a notice of the
24 approval was mailed out on May 28, 2020, and a posted notice was placed on the pole in front of
25 Appellant’s home and on the Site on May 30, 2020. (See Respondent’s Gr. Ex., pp. 205 [proof of
26 mailing] and pp. 206-208 [proofs of posting]). Said posted notice triggered the commencement
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1 of the 10-business day appeal period under LBMC §15.34.030.L. The deadline for filing an
2 appeal was June 12, 2020. Appellant filed the Appeal on June 2, 2020. (See Respondent's Gr.
3 Ex., p.1).

4 **III. LEGAL AUTHORITY FOR APPEAL**

5 LBMC 15.34.030.L. (Appeal of Tier B Wireless Right-of-Way Facility Permit)
6 provides ...
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- 8 1. Appeal Allowed. The applicant for a Tier B Wireless Right of Way Facility
9 Permit, and/or any person owning or residing at property that is adjacent to
10 or across the street to the location of a proposed Tier B Wireless
11 Telecommunications Facility, may appeal an approval or denial of an
12 application for a Tier B Wireless Right-of-Way Facility Permit. An appeal
13 must be in writing and must be submitted to the City Clerk within ten (10)
14 business days of the date the notice was mailed and posted as required under
15 Subsection 15.34.030.K.2, above.
- 16 2. Public Hearing Required. If an appeal is timely submitted, an independent
17 hearing officer selected by the City shall hold a public hearing. The City
18 Clerk shall set a date for the hearing that is at least fifteen (15) business
19 days, but no more than sixty (60) business days, after the City Clerk's receipt
20 of the appeal, unless the applicant and any person submitting an appeal agree
21 to a later hearing date.
- 22 3. Notice of Public Hearing Date. At least ten (10) business days before the
23 public hearing, the City Clerk shall notify in writing any person submitting
24 an appeal, the applicant, and any City department that reviewed the
25 application of the date set for the public hearing. The City Clerk shall follow
26 its regular procedures for notifying the general public of the hearing.
- 27 4. Public Hearing Record. The public hearing record shall include:
 - 28 a. The application and the Department of Public Works' approval of the
application;
 - b. Any written determination from the Department of Public Works;
 - c. Any further written evidence from any City departments submitted either
prior to or during the hearing;

1 d. Any written submissions from the applicant, any person submitting an
2 appeal, or any other interested person submitted either prior to or during
the hearing; and

3 e. Any oral testimony from any City departments, the applicant, any person
4 submitting a protest, or any interested person taken during the hearing.

5 5. Hearing Officer Determination. The Hearing Officer shall issue a written
6 resolution containing its determination within fourteen (14) business days
7 following the close of evidence at the conclusion of the public hearing on
8 the appeal. The resolution shall include a summary of the evidence and the
ultimate determination whether to grant, grant with modifications, or deny
the appeal.

9 6. Notice of Determination on Appeal.

10 a. The City Clerk shall promptly mail a notice of a determination on an
11 appeal to both the applicant, to any neighborhood association identified by
12 the Department of Development Services for any neighborhood within three
13 hundred (300) feet of the approved wireless telecommunications facility, and
14 to any person who either filed a protest, submitted evidence, or appeared at
the hearing, and whose name and address are known to the Department of
Public Works.

15 **IV. LEGISLATIVE BACKGROUND FOR WIRELESS TELECOMMUNICATIONS**
16 **FACILITIES**

17 **1. Federal and State Laws and Regulations**

18 In 1996, Congress conducted a major overhaul of the telecommunications law in almost
19 62 years in the Telecommunications Act of 1996 (“Act”). The goal of this new law is to let
20 anyone enter any communications business—to let any communications business compete in any
21 market against any other. The Federal Communications Commission (“FCC”) was then tasked
22 to create fair rules for this new era of competition. The advent of the newest generation of
23 wireless broadband technology known as “5G” requires the installation of thousands of “small
24 cell” wireless facilities. These facilities have become subject to a wide variety of local
25 regulations. *City of Portland v. United States* (9th Cir. 2020) No. 18-72689, p. 29. The
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1 Federal Communications Commission (FCC) in 2018 therefore promulgated orders relating to
2 the installation and management of small cell facilities, including the manner in which local
3 governments can regulate them. Id. Sections 253(a) and 332(c)(7) of the Act provided FCC with
4 the statutory authority for limiting local regulation on the deployment of [5G] technology that
5 reflects congressional intent in 1996 to expand deployment of wireless services. Id. at p. 30.

6 These limitations provide that local government regulations:

- 7
- 8 a. shall not unreasonably discriminate among providers of functionally equivalent
9 services, 47 U.S.C. § 332(c)(7)(B)(i)(I);
 - 10 b. shall not prohibit or have the effect of prohibiting the provision of personal
11 wireless services, 47 U.S.C. § 332(c)(7)(B)(i)(II);
 - 12 c. a local government ... shall act on any request for authorization to place,
13 construct, or modify personal wireless service facilities within a reasonable period
14 of time after the request is duly filed with such government¹. 47 U.S.C. §
15 332(c)(7)(B)(ii).
 - 16 d. No State or local government or instrumentality thereof may regulate the
17 placement, construction, and modification of personal wireless service facilities
18 on the basis of the environmental effects of radio frequency emissions to the
19 extent that such facilities comply with the Commission's regulations concerning
20 such emissions. 47 U.S.C. § 332(c)(7)(B)(iv).
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26 ¹ The FCC has specifically shortened the shot clock for approving/denying applications for installation
27 of WTFs on existing infrastructure (i.e., collocation) from 90 to 60 days and from 150 to 90 days for all
28 other collocation applications. *Accelerating Wireless Broadband Deployment by Removing
Barriers to Infrastructure Inv.*, 33 FCC Rcd. 9088 (2018), ¶¶ 104–05, ¶ 132, ¶ 136).

1 Those provisions authorize the FCC to preempt any state and local requirements that “prohibit or
2 have the effect of prohibiting” any entity from providing telecommunications services. *Id. See*
3 *also* 47 U.S.C. § 253(a), (d). Consequently, the FCC promulgated orders limiting local
4 governments in regulating the deployment of 5G technology in order to remove the barriers to
5 entry for businesses to compete in the telecommunications market.
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7 California case law and statutory authorities provide additional regulatory guidance for
8 installation of WTFs. Wireless providers are granted a statewide franchise to engage in the
9 telecommunications business. Pub. Util. Code § 7901; *see also T-Mobile West LLC v. City and*
10 *County of San Francisco* (2019) 6 Cal.5th 1107, 1117). In *T-Mobile*, the California Supreme
11 Court held that while the California legislature did not intend to deprive local governments of
12 the ability to impose aesthetic regulations and public safety issues, local agencies must
13 nonetheless respect that statewide franchise when making decisions on proposed facilities. *Id.*
14 Further, California Public Utilities Commission (“PUC” or “Commission”) reserves the right to
15 preempt local decisions about specific sites “when there is a clear conflict with the
16 Commission’s goals and/or statewide interests.” (PUC, General order No. 159-A (1996) p. 3
17 (General Order 159A), available at < <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/611.PDF>>)
18 Generally, the PUC will step in if statewide goals such as “high quality, reliable and widespread
19 cellular services to state residents” are threatened. (*T-Mobile West, supra*, 6 Cal.5th at 1124,
20 citing General Order 159A, at p. 3.).
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24 **2. The City’s Telecom Ordinance**

25 On May 1, 2018, the City adopted LBMC §15.34, Wireless Telecommunications
26 Facilities in the Public Rights-Of-Way (“Telecom Ordinance). The Telecom Ordinance governs
27 the installation of WTFs within the jurisdiction of the City of Long Beach, and the City’s scope
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1 of regulatory authority for the installation of WTFs is limited to this ordinance. The Telecom
2 Ordinance provides for the requirements and standards for WTFs in the public right-of-way.
3 These include comprehensive permit requirements and standards (LBMC 15.34.030.B),
4 application process requirements (application, review, and approval) (LBMC 15.34.030.D),
5 conditions of approval (LBMC 15.34.030.F), notice following approval (LBMC 15.34.030.K),
6 and the appeal process of a Tier B² WTF permit (LBMC 15.34.030.L). The Telecom Ordinance
7 also provides for, among others, compliance and modifications, of WTFs after installation
8 (LBMC 15.34.030.N; LBMC 15.34.030.S).

10 **V. STATEMENT OF ISSUES OF APPEAL BEFORE THE HEARING OFFICER**

11 By letter dated April 8, 2020, Appellant stated her objections with regard to the health
12 risks associated with the proposed WTF and that there is a “Historical House” next door to her.
13 More specifically, Appellant stated that “[t]hese radiation-emitting antennas should not be
14 installed in residential areas. It has been noted that these cells cause cancer and other serious
15 health effects on people especially children due to the additional exposure to radiation. They can
16 cause cancer, fatigue, sleep disturbance, headaches, concentration problems, depression, memory
17 problems, cardiovascular problems, hearing disruption, skin problems, dizziness, etc.” Appellant
18 further stated that “I don’t want my 98-year-old mother to be exposed to all of that radiation and
19 I have children, grandchildren and great-grandchildren that frequent my home most of the time.
20 My home is right across the street from the light pole where this installation is to occur.”
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22 Appellant also stated that “[i]n our neighborhood there are many children and babies that
23 live and play in their yards that will be exposed to this radiation. We have New Hope Senior
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27 ² “Tier B Wireless Telecommunications Facility” means a wireless telecommunications facility
28 where the proposed location for the facility is in a Planning Protected Location, Coastal Zone
Protected Location, or Zoning Protected Location.

1 Center which is nearby. A lot of the seniors walk from New Hope Home to Lemon Avenue and
2 back and a lot of them park their car underneath the very light pole where this Wireless
3 Telecommunication Facility is to be located. Next to the New Hope Senior Center is New Hope
4 Baptist Church. At New Hope Baptist Church there are a lot of seniors and children that attend
5 and park their cars on this block when they go to church services. When they have weddings and
6 funerals at New Hope Baptist Church, this block is full of cars of people attending the event.
7 Therefore, a lot of people will be affected by this (WTF). Also, New Hope Senior Center is used
8 as a “Polling Place” on voting day with thousands of people coming through. There is a
9 “Historical House” - Mr. Ernest McBride that is next door to me.”
10

11 Appellant then requested the City to “deny the permit for the [proposed WTF] . . . and
12 take into consideration the health and safety of the many families that live in the vicinity of
13 Lemon Avenue and New York Street.”
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15 Upon receipt of Appellant’s letter,³ the Long Beach City Clerk’s office then scheduled a
16 formal hearing with regard to Appellant’s objections.
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18 **VI. SUMMARY OF RELEVANT EVIDENCE INTRODUCED BY PARTIES**

19 **1. Appellant’s Evidence**

20 During the WebEx virtual hearing on October 20, 2020, this hearing officer explained to
21 all the participants the guidelines for the hearing. These include examination of witnesses and
22 presentation of evidence. It was stated on the record that the hearing officer received the City’s
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26 ³ Appellant sent additional comments in writing via email in the early morning prior to the
27 hearing. These additional comments reiterated her concerns and provided more background
28 information regarding the health risks associated with wireless technology and the “Historical
House” located next door to her.

1 submission package⁴ in advance of the hearing both in hardcopy and electronic format. The
2 hardcopy was received at this hearing officer's business address and included a Proof of Service
3 indicating that the hardcopy was sent to said business address, the Appellant's address on record,
4 and the Applicant's address on record in care of its representative, Stephen Garcia. The package
5 also included a Proof of Service that the electronic copy was transmitted to the email addresses
6 of the hearing officer, the Appellant, and the Applicant's representative. During the hearing, all
7 parties acknowledged receipt of the City's submission package.
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9 Aside from the second (2nd) letter received from Appellant via email immediately prior to
10 the hearing, no additional evidence was submitted by Appellant during or subsequent to the
11 hearing.
12

13 **2. The City's Evidence**

14 In advance of the formal hearing, the City submitted the following evidence
15 (Respondent's Group Exhibit) in support of its opposition to the appeal:

- 16 • June 2, 2020 Appeal Letter to the City of Long Beach from Laurella Theus
17 (Respondent's Group Exhibit Page 1)
- 18 • Crown Castle's April 13, 2020 City of Long Beach Application (Respondent's
19 Group Exhibit Pages 2-14)
- 20 • Crown Castle Master License Agreement (MLA) (which includes Crown Castle's
21 maintenance obligations) (Respondent's Group Exhibit Pages 15-70)
- 22 • Ericsson Radio Description - Radio 2203; Noise Analysis No. 1 (Respondent's
23 Group Exhibit Pages 71-119)
- 24 • Ericsson Radio Description - Radio 2203; Noise Analysis No. 1 (Respondent's
25 Group Exhibit Pages 71-119)
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27 ⁴ The City's submission package included a copy of Appellant's letter dated April 8, 2020.
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- 1 • Ericsson Radio Description - Radio 2205; Noise Analysis No. 2 (Respondent's
- 2 Group Exhibit Pages 120-156)
- 3 • Propagation Maps — T Mobile RF Plots — Small Cell Capacity Solution
- 4 (Respondent's Group Exhibit Pages 157-162)
- 5 • Structural Analysis (Respondent's Group Exhibit Pages 163-177)
- 6 • Radio Frequency Electromagnetic Fields Exposure Report (Respondent's Group
- 7 Exhibit Pages 178-190)
- 8 • May 20, 2020 - Approved Application (Respondent's Group Exhibit Pages 191-
- 9 201)
- 10 • Tier B Justification (Respondent's Group Exhibit Page 202)
- 11 • Mailing List (Respondent's Group Exhibit Page 203)
- 12 • Mailing Map (Respondent's Group Exhibit Page 204)
- 13 • May 28, 2020 - USPS Proof of Mailing (Respondent's Group Exhibit Page 205)
- 14 • Public Notice Site Posting (Respondent's Group Exhibit Page 206)
- 15 • May 29, 2020 - Proof of Posting No. 1 (Respondent's Group Exhibit Page 207)
- 16 • May 29, 2020 - Proof of Posting No. 2 (Respondent's Group Exhibit Page 208)

17 The City offered no additional evidence on the record during the hearing, but appended
18 its argument regarding the “Historical House” located next door to Appellant’s. The City argued
19 that the “public right-of-way” in a historic neighborhood is separate and apart from the [historic]
20 home, but with an understanding of the City’s duty to maintain said “public right-of-way.” The
21 City further argued that the historic protections that would apply to historic homes that are
22 registered as such in the Long Beach Municipal Code do not extend to the “public right-of-way”
23 right outside of that home. Thus, the Long Beach City Cultural Heritage Commission’s ability to

1 issue a certificate of appropriateness does not apply to the installation of the proposed WTF at
2 the Site.

3 **VII. DISCUSSION**

4 **1. Health Effects**

5 Appellant's main issue on appeal is the effect of wireless radiation on her and her
6 family's health (See Respondent's Gr. Ex., p. 1). Appellant cited numerous alleged health effects
7 in her original and supplemental letters. However, the City's regulatory authority in this regard is
8 limited and preempted by federal law. 47 U.S.C. § 332(c)(7)(B)(iv) ("No State or local
9 government or instrumentality thereof may regulate the placement, construction, and
10 modification of personal wireless service facilities on the basis of the environmental effects of
11 radio frequency emissions to the extent that such facilities comply with the [FCC]'s regulations
12 concerning such emissions). The Applicant's submission of a Radio Frequency Electromagnetic
13 Fields Exposure Report demonstrating that the emissions from the proposed WTF is within
14 general population and occupational limits established by the FCC for radio frequency emissions
15 complies with FCC regulations. (See Respondent's Gr. Ex., pp. 178-190). There is, therefore, no
16 basis to deny the approved permit for the proposed WTF on the basis of alleged effects of
17 wireless technology on one's health.
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21 **2. Historical House next to Appellant's Home**

22 Appellant also raised the issue of a "Historical House" next door to her. The City does
23 not dispute this factual allegation from Appellant. In fact, this hearing officer has *sua sponte*
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1 confirmed that the former home of Ernest McBride⁵ located at 1461 Lemon Avenue was
2 designated as a historic landmark (“McBride Landmark”) by the City of Long Beach. *See*
3 [http://www.longbeach.gov/lbds/planning/preservation/historic-landmarks2/historic-](http://www.longbeach.gov/lbds/planning/preservation/historic-landmarks2/historic-landmarks/mcbride-home/)
4 [landmarks/mcbride-home/](http://www.longbeach.gov/lbds/planning/preservation/historic-landmarks/mcbride-home/). The question then remains whether the installation of the proposed
5 WTF at the Site is subject to additional requirements pertaining to the McBride Landmark.
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7 Any person owning or residing at property that is adjacent to or across the street to the
8 location of a proposed Tier B Wireless Telecommunications Facility, may appeal an approval
9 or denial of an application for a Tier B Wireless Right-of-Way Facility Permit. LBMC
10 15.34.030.L.1. “Tier B Wireless Telecommunications Facility” means a wireless
11 telecommunications facility where the proposed location for the facility is in, among others, a
12 Planning Protected Location. LBMC 15.34.020.AA. “Planning Protected Location” means a
13 proposed location for a wireless telecommunications facility on a utility pole or street light
14 pole that is on a public right-of-way that is *adjacent* to a City landmark. LBMC
15 15.34.020.P.3. “Adjacent” means on the same side of the street and in front of the building or
16 the next building on either side, when used in connection with a City landmark. LBCM
17 15.34.020.B. An application for a proposed WTF in a Planning Protected Location is subject
18 to Planning Protected Location Compatibility Standard and would have to demonstrate that it
19 would be compatible with the location, i.e., whether the proposed WTF would significantly
20 degrade the aesthetic attributes that were the basis for the special designation of the building.
21 LBMC 15.34.030.Q.3. While the City correctly argues that the Long Beach Cultural Heritage
22 Commission (“LBCHC”) has sole jurisdiction to review any proposed modifications to City
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27 ⁵ Ernest Samuel McBride Sr. (November 20, 1909 – May 5, 2007) was an African American civil
28 rights activist and community leader based in Long Beach, California. *See*
https://en.wikipedia.org/wiki/Ernest_McBride_Sr.

1 landmarks (or a building or structure therein), LBMC 2.63.040.B, and that the LBCHC does
2 not have jurisdiction over proposed modifications on public right-of-way outside City
3 landmarks, the Telecom Ordinance nonetheless confers the PWD with regulatory jurisdiction
4 over proposed installations of WTFs located *adjacent* to landmarks. The question then turns to
5 whether the proposed Site is adjacent to a City landmark. Upon review of the Site, it appears
6 that the proposed WTF is across the street and not adjacent to the McBride Landmark, and
7 therefore not in a Planning Protected Location. While the “public right-of-way” in front of, or
8 the next building on either side of, the McBride Landmark is in a Planning Protected
9 Location, the proposed WTF at the Site is not. The proposed WTF, therefore, is not subject to
10 a Planning Protected Location Compatibility Standard.
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13 **VIII. RECOMMENDATION**

14 Appellant is a credible witness. This hearing officer has no reason to doubt the veracity
15 and sincerity of Appellant’s statements in either her appeal letter(s) or during the formal
16 hearing. However, inasmuch as Appellant’s concerns and grievances regarding the health
17 effects of wireless technology warrant serious consideration, Appellant has otherwise offered
18 no legal basis or relevant evidence in support of this issue in her appeal. Appellant’s other issue
19 with regard to the McBride Landmark located next door to her did raise relevant facts and legal
20 arguments. However, upon further consideration of the facts in this case, the proposed WTF
21 does not appear to be subject to additional historic landmark restrictions or requirements
22 pursuant to the Telecom Ordinance.
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25 In its opposition to the appeal, the City submitted a comprehensive package that
26 included its brief and supporting legal authorities and relevant evidence. The City’s evidence
27 included all the materials and documentation that the Applicant submitted to the City as part of
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the application process. After three (3) rounds of plan review and revisions, the City determined that the Applicant’s proposed WTF met all the applicable requirements and standards set forth in the LBMC 15.34, and approved the permit application accordingly. As stated above, this hearing officer is bound by the provisions of the LBMC 15.34, and cannot look elsewhere in making its determination. Accordingly, this hearing officer has found nothing on the record to determine that the Applicant’s permit for the proposed WTF was granted in violation of LBMC 15.34.

Based on the foregoing, this hearing officer hereby recommends that Appellant’s appeal be denied and that Applicant’s permit for the proposed WTF be upheld.

Dated this 9th day of November 2020

/s/ JONATHAN C. NAVARRO, ESQ.
Administrative Hearing Officer