

Hearing Officer Transmittal Checklist

Hearing Date
06/19/2012
Agenda Item No.
2

Project Number: 01-075-(1)
Case(s): CUP 201200003
Planner: Michele Bush

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By:





Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435
PROJECT NUMBER R 01-075-(1)
CONDITIONAL USE PERMIT 201200003

PUBLIC HEARING DATE
6/19/12

AGENDA ITEM
2

RPC CONSENT DATE

CONTINUE TO

APPLICANT
TowerCo

OWNER
JB Investments - Lowell Frank
Johnson, Sr.

REPRESENTATIVE
Michelle Nguyen

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a 45-foot monopole and appurtenant equipment. The previous CUP (CUP 01-075-(1)) was approved on January 29, 2002. No alterations or modifications are proposed as a part of this request.

REQUIRED ENTITLEMENTS

The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a 45 foot monopole and appurtenant equipment. The previous CUP (CUP 01-075-(1)) was approved on January 29, 2002, and a Revised Exhibit "A" was approved December 29, 2009. The previous CUP expired January 29, 2012.

LOCATION/ADDRESS

941 N EASTERN AVENUE, EAST LOS ANGELES

SITE DESCRIPTION

The site plan depicts an existing unmanned wireless telecommunications facility consisting of a 45-foot monopole and appurtenant equipment located at the southeast corner of the existing property. The monopole is located on the site of an existing light manufacturing business.

ACCESS

Eastern Avenue and Marianna Avenue

ZONED DISTRICT

EAST LOS ANGELES UNIT NO. 4

ASSESSORS PARCEL NUMBER

5225-022-021

COMMUNITY

East Los Angeles

SIZE

1.32 Acre

COMMUNITY STANDARDS DISTRICT

East Los Angeles

	EXISTING LAND USE	EXISTING ZONING
Project Site	Light Industrial	M-1 (Light Manufacturing)
North	Light Industrial	M-1 (Light Manufacturing)
East	Single-Family/Duplex Residential	R-2 (Two-Family Residence)
South	Single/Multi-Family Residential	R-2 (Two-Family Residence)
West	Vacant	M-1 (Light Manufacturing)

COMMUNITY PLAN

East Los Angeles Community Plan

LAND USE DESIGNATION

CM (Commercial Manufacturing)

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption-Existing Facilities

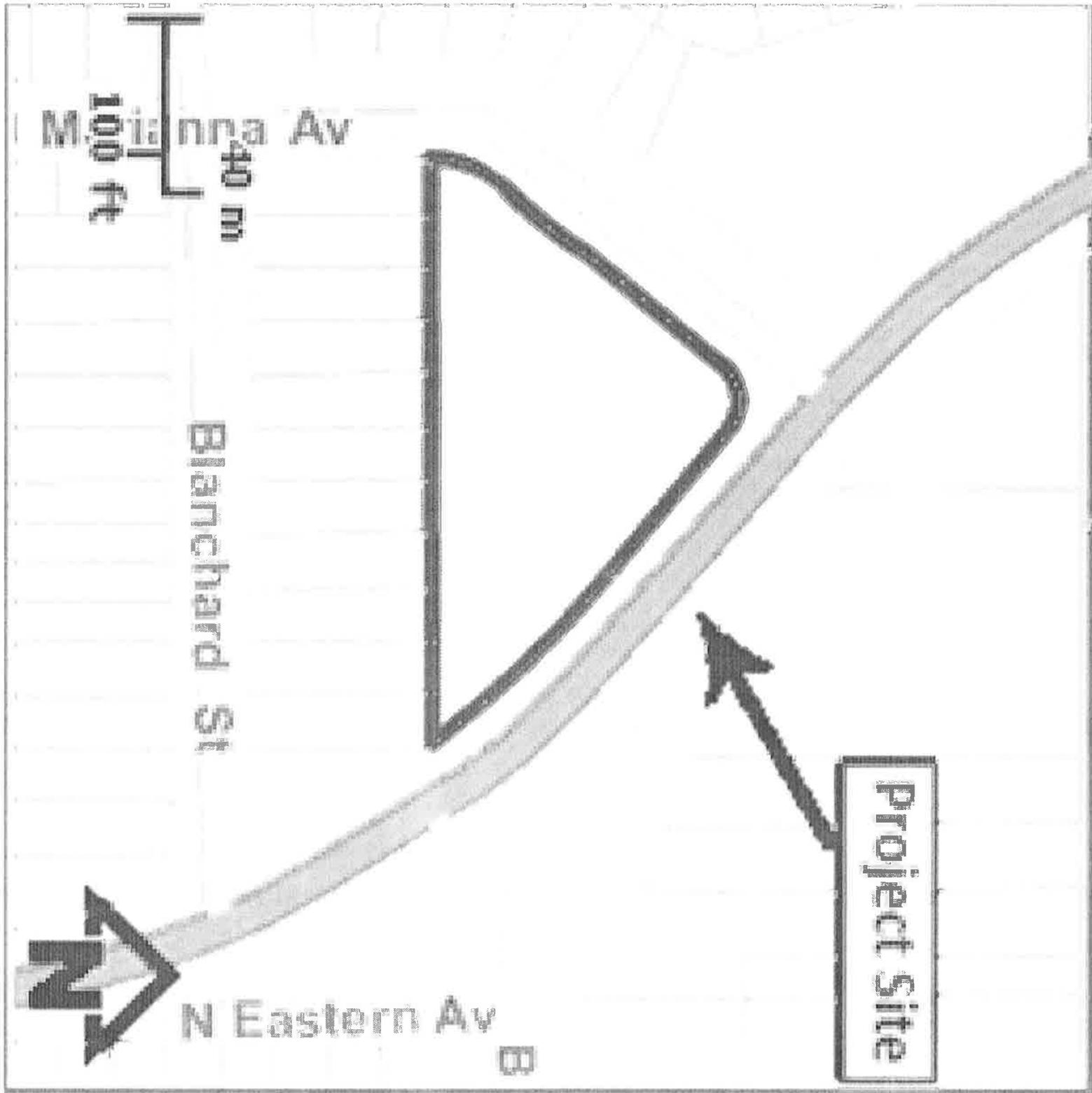
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Michele Bush		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor



STAFF REPORT
PROJECT NUMBER 01-075-(1)
CONDITIONAL USE PERMIT 201200003

REQUEST

The applicant, TowerCo, is requesting a Conditional Use Permit 01-075-(1) for an existing wireless telecommunication facility (WTF).

REPRESENTATIVE: Michelle Nguyen **OWNER:** JB Investments –
Lowell Frank Johnson, Sr.

PROJECT DESCRIPTION

The proposed project consists of a request for a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a 45 foot high monopole and appurtenant equipment. The previous CUP 01-075-(1), was approved on January 29, 2002, and a Revised Exhibit "A" was approved December 29, 2009 to upgrade the existing Sprint Nextel antennas and add three microwave dishes to the existing monopole with additional associated equipment to be located within the existing equipment shelter. The previous CUP expired January 29, 2012. No alteration or modifications are proposed as a part of this request.

LOCATION

The subject property is located at 941 N. Eastern Avenue, in the unincorporated community of East Los Angeles in the East Los Angeles Zoned District.

Assessor's Parcel Number(s): 5225-022-021
East Los Angeles community Plan Designation: CM (Commercial Manufacturing)
Zoning: M-1 (Light Manufacturing Zone)
Community Standards District: East Los Angeles

SITE DESCRIPTION

The existing unmanned wireless telecommunications facility and appurtenant equipment are located along the eastern boundary of the property. The 45 foot monopole is located on the site of an existing light manufacturing business. The 1.32 acre parcel is accessed via Eastern and Marianna Avenues. One parking space is provided to serve the wireless facility.

ENVIRONMENTAL DOCUMENTATION

Staff recommends this project be determined categorically exempt (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

PREVIOUS CASE/ZONING HISTORY

The original Conditional Use Permit (01-075-(1)) to authorize the construction, operation and maintenance of an unmanned wireless telecommunication facility consisting of a 45 foot monopole and appurtenant equipment was approved on January 29, 2002. The grant authorized by this approval terminated on January 29, 2012. Revised Exhibit "A" 200900098 was approved on December 29, 2009. The applicant, Sprint Nextel, filed a request to upgrade the antennas and add 3 microwave dishes to the existing monopole with additional appurtenant equipment.

Plot Plan No. 25310 was approved on the subject property in March of 1972, and a revision to the plot plan approval in May of 1987. PP25310 approved the layout of the existing manufacturing plant with twenty-one parking spaces.

There are no zoning violations on the subject property.

PUBLIC COMMENTS

To date, no comments from the public have been received.

ANALYSIS

A wireless telecommunications facility is a use not specified in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.32.040 of Title 22 of the Los Angeles County Code, these are permissible uses in the M-1 zone, provided a Conditional Use Permit has first been obtained.

Pursuant to the Zoning Ordinance, Section 22.52.1220 (Parking - uses not specified) one parking space should be provided. The parking space is required for site visits done on a monthly basis by maintenance personnel.

Height

The height of the existing monopole is 45 feet. Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010, a ground-mounted wireless facility, not located on a public right-of-way, shall not exceed the maximum height allowed in the applicable zone. Pursuant to Section 22.44.118.C.2 of the Los Angeles County Code, East Los Angeles Community Standards District, a height limit of 35 feet is established in the M-1 zone except for devices or apparatus essential to industrial processes or communications related to public health and safety may be fifty feet in height; said height may be modified subject to a Conditional Use Permit.

Fencing

The monopole is secured by existing chain link fencing with barbed wire. Pursuant to Subdivision & Zoning Ordinance Policy No. 01-2010, all fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. The existing fencing was approved by the Hearing Officer as a part of the original Conditional Use Permit approval, prior to the requirement of Policy No. 01-2010.

Parking

One parking space is provided for site visits done on a monthly basis by maintenance personnel.

Circulation

The site is served by Eastern and Marianna Avenues. The facility will generate approximately one maintenance vehicle trip a month which the aforementioned streets should be able to accommodate. The subject property is adequately served by streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project.

Land Use

The subject property is surrounded by the following land uses:

North: Light Industrial

East: Single-Family/Duplex Residential

South: Single-Family/Multi-Family Residential
West: Vacant

LEGAL NOTIFICATION / COMMUNITY OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

Fees/deposits

If approved, the following fees will apply, unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of \$1,600.00 to cover the costs of 8 recommended biennial zoning enforcement inspections.

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:

Staff recommends **APPROVAL** of Conditional Use Permit 201200003/Project 01-075-(1) with a grant term of 15 years and eight (8) biennial inspections because:

- There are no zoning violations on the property.
- To date, there is no opposition to the project.
- With a Conditional Use Permit, the proposed facility will comply with Zoning Ordinance height restrictions.
- The proposed facility is appropriate for the site because it is designed and conditioned to be visually non-obstructive.

Prepared by Michele Bush, Principal Planner Zoning Permits East
Reviewed by Maria Masis, Supervising Planner, Zoning Permits East

Attachments:

Draft Conditions and Findings of Approval
Applicant's Burden of Proof Statement
Site Photographs
Site Plan
Land Use Map
Findings & Conditions –Previous Case No. 01-075-(1)

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER 01-075-(1)
CONDITIONAL USE PERMIT 201200003**

REQUEST

The applicant, TowerCo, is requesting a Renewal of Conditional Use Permit 01-075-(1) for an existing wireless telecommunication facility (WTF).

HEARING DATE: 06/19/2012

FINDINGS

1. The proposed project consists of a request for a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a 45 foot high monopole and appurtenant equipment. The previous CUP 01-075-(1), was approved on January 29, 2002, and a Revised Exhibit "A" was approved December 29, 2009 to upgrade the existing Sprint Nextel antennas and add three microwave dishes to the existing monopole with additional associated equipment to be located within the existing equipment shelter. The previous CUP expired January 29, 2012. No alteration or modifications are proposed as a part of this request.
2. The subject property is located at 941 N. Eastern Avenue, in the unincorporated community of East Los Angeles in the East Los Angeles Zoned District.
3. The existing unmanned wireless telecommunications facility and appurtenant equipment are located along the eastern boundary of the property. The 45 foot monopole is located on the site of an existing light manufacturing business. The 1.32 acre parcel is accessed via Eastern and Marianna Avenues. One parking space is provided to serve the wireless facility.
4. The proposed project is consistent with the East Los Angeles Community Plan. The land use designation of the subject property is CM (Commercial Manufacturing). There are no policies in the Plan that specifically prohibit, discourage or limit the use of WTFs.
5. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. Similar uses, such as radio/television stations/towers, are subject to permit.
6. The subject monopole is consistent with the East Los Angeles Community Standards District (CSD). The height of the monopole is 45 feet. The CSD limits the height of structures in the M-1 zone to 35 feet, except for devices or apparatus essential to industrial processes or communications related to public health and safety may be fifty feet in height.
7. The 1.32 acre subject property is adequate in size and shape to accommodate the existing monopole. One parking space is provided for site visits done on a monthly basis by maintenance personnel.
8. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
9. The subject property is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project. The facility will generate approximately one maintenance vehicle trip a month.
10. The subject property is surrounded by light industrial uses to the north, single and multi-family residential uses to the south, single-family and duplex residential uses to the east and vacant land to the west.

11. The proposed design is appropriate for the site and area because it is designed and conditioned to be visually non-obstructive.
12. There was no opposition to the project.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. The Hearing Officer finds this project to be categorically exempted (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).
15. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years and require eight inspections.
16. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION

1. I have considered the Class 1 Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201200003 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Building and Safety

MM:MRB

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 01-075-(1)
CONDITIONAL USE PERMIT NO. 201200003**

GENERAL CONDITIONS

This grant authorizes the continued operation and maintenance of a wireless telecommunications facility (WTF), subject to all of the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on 06/19/2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two years from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the 45 foot monopole wireless telecommunication facility (WTF) and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 8 biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform to the requirements of the County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies of a modified Exhibit "A"** shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

CASE SPECIFIC CONDITIONS

17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
19. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.

20. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
21. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
22. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
23. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
24. All buildings or structures shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times.
25. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
26. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
27. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
28. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
29. The facility shall be secured by fencing, gates and/or locks. Any new or replacement fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

30. The facilities shall be removed if in disuse for more than six months.
31. The area occupied by the monopole and appurtenant equipment shall be enclosed by a perimeter fence or a block wall.

06/19/12



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing use does not adversely impact persons residing or working in the area, nor is it materially detrimental to persons or properties surrounding the site. the facility does not create any hazardous materials, fumes, odors, light, glare, traffic, or significant noise. the existing monopole design matches those surroundings and fits in with the surrounding properties of the community. the use is fully secured inside a fenced enclosure. the existing facility provides needed voice, data, and e911 services to the community of east los angeles.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing site is adequate in size and shape to accommodate all of the development features prescribed in title 22. the existing use does not impact any required yards/setbacks, parking or loading facilities, fencing or landscaping. the use is enclosed and secured inside fencing. The facility has been appropriately designed and approved to integrate the use with the surrounding community.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the existing use is an unmanned wireless communications facility. no additional traffic has been generated by this site other than a monthly maintenance visit. the project site is adequately served by N. Marianna Avenue and N. Eastern Avenue. the existing use does not require other public or private services.



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



February 19, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Terri Grisenti
Nextel Communications
310 Commerce Drive
Irvine, CA 92602

RE: CONDITIONAL USE PERMIT CASE NO. 01-075-(1)
UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY
941 N. EASTERN AVENUE, LOS ANGELES

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 1390, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of a forty-five foot monopole and appurtenant equipment.

FACTUAL SUMMARY:

November 20, 2001 Public Hearing

A duly noticed public hearing was held on November 20, 2001. One person was sworn in to testify, the applicant's agent. There was discussion regarding the site plan, which did not accurately depict the parking on the subject property. In addition, the applicant's agent indicated she did not receive a copy of the draft conditions for review.

There being no further testimony, the Hearing Officer closed the public hearing. The Hearing Officer continued the public hearing to January 29, 2002. The Hearing Officer requested the applicant revise the site plan to accurately depict all the existing parking on the subject property and submit the revised plan to Staff prior to the continued hearing.

January 29, 2002 Public Hearing

A continued public hearing was held on January 29, 2002. One person was sworn in to testify, the applicant's agent. The applicant's agent re-submitted a site plan of the subject property.

There being no further testimony the Hearing Officer closed the public hearing and instructed Staff to prepare findings and conditions for approval.

Findings

1. The applicant is requesting authorization for the construction, maintenance and operation of a an unmanned wireless telecommunications facility consisting of a forty-five foot monopole and a twelve foot by twenty foot prefabricated equipment shelter located at 941 N. Eastern Avenue, Los Angeles, and in the East Los Angeles/Eastside Unit No. 4 Zoned District.
2. The wireless telecommunications facility is an 800 square foot leasehold within the paved parking lot of a 57,500 square foot parcel that has been developed with a plastics manufacturing plant. The applicant proposes to trench or bore fifty-eight feet through the parking lot from the proposed telecommunications site to an existing Southern California Edison transformer located adjacent to the existing plant for their electrical and telephone connections.
3. Zoning on the subject property is M-1 (Light Manufacturing).
4. Surrounding zoning consists of M-1 to the north and west, M-1 and R-2 (Two Family

Residence) to the east, and R-2 to the south.

5. The subject property is a 800 square foot leasehold on a 57,500 square foot triangular shaped parcel. The leasehold is level; the subject property is level to sloping terrain.
6. The subject leasehold is currently a paved portion of the parking lot of a plastics manufacturing plant.
7. Surrounding land uses include industrial uses and vacant land to the north, single-family residences and apartments to the west and south, and vacant land to the west.
8. The project site is classified as Commercial Manufacturing in the East Los Angeles Community Plan. The Commercial Manufacturing classification allows small warehousing, light manufacturing, assembly plants, and other uses that do not generate large amounts of traffic, noises, congestion or odors. The land use standards for this classification allows a 90 percent lot coverage and a maximum building height of forty feet. The development of the 800 square foot leasehold on the subject property is within the maximum allowable lot coverage. The proposed forty-five foot height of the monopole, however, exceeds the maximum building height in this classification. The height limit may be modified through the conditional use permit process. The proposed wireless telecommunications facility is compatible with the Commercial Manufacturing classification.
9. The subject property is located within the East Los Angeles Community Standards District (CSD). The East Los Angeles Community Standards District was established to provide a means of implementing special development standards for the unincorporated community of East Los Angeles. The East Los Angeles Community Standards District is necessary to ensure that the goals and policies of the adopted East Los Angeles Community Plan are accomplished in a manner that protects the health, safety and general welfare of the community. The CSD establishes a height limit of thirty-five feet in the M-1 zone except for devices or apparatus essential to industrial processes or communications related to public health and safety may be fifty feet in height; said height may be modified subject to a conditional use permit.
10. The East Los Angeles CSD also defines the following standards for the M-1 zone: 1) setbacks of at least ten feet shall apply where the industrial parcel is immediately adjacent to a residential or commercial use, and 2) when adjacent to a residential zone, a solid masonry wall not less than five feet nor more than six feet in height shall be erected at the adjoining property line, except that the wall shall be reduced to forty-two inches in height in the front yard setback. The subject property is immediately adjacent to the R-2 zone to the south. The proposed telecommunications facility will be the structure closest to the south property line. The applicant's site plan depicts the prefabricated equipment structure

approximately forty feet from the south property line; the placement of the telecommunications facility is in compliance with the setback requirements. The site plan submitted by the applicant does not depict a masonry wall on the south property line. The plot plan file documents that the manufacturing building was established prior to 1958, predating the adoption of the East Los Angeles CSD. The lack of a buffering wall is an existing nonconforming condition. However, the applicant has agreed to construct a block wall to be in conformance with this requirement.

11. There are no previous zoning permit cases noted on the subject property. Plot Plan No. 25310 was approved on the subject property in March of 1972, and a revision to the plot plan approved in May of 1987. PP25310 approved the layout of the existing manufacturing plant with twenty-one parking spaces.
12. The applicant's site plan, marked Exhibit "A", depicts the parcel developed with an existing plastics manufacturing plant, storage tanks, an existing Southern California Edison (SCE) transformer, and parking. The site plan depicts the proposed 800 square foot lease area in the southeast corner on the site. The monopole and a 12-foot by 20-foot prefabricated equipment shelter are depicted within the 20-foot by 40-foot lease area. The lease area is enclosed with a 6-foot high chain link fence. The site plan depicts power and telephone lines being trenched from the existing SCE transformer to the proposed unmanned wireless telecommunications facility. The telecommunications facility is proposed to be placed in an area of the site plan. Access to the site is via North Eastern Avenue to the north.
13. The site elevations depict the proposed forty-five foot monopole and prefabricated equipment shelter from the east and north. The elevations depict the equipment shelter at approximately 11'0" from finished grade with two GPS antennas extending 18 inches from the roof of the structure. A six-foot high chain link fence topped with one foot of barbed wire is depicted surrounding the facility.
14. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code; the current minimum exemption fee amount is \$25.00.
15. No public comments were received regarding this request.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;

- B. The requested use at the proposed location will not adversely affect the health; peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer and adopts the Negative Declaration.
- 2. In view of the findings of fact presented above, Conditional Use Permit Case No. 01-075-(1) is **APPROVED**, subject to the attached conditions.

BY: *Rose Hamilton*
ROSE HAMILTON, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DATE: 2-20-02

Attachments: Conditions
Affidavit

c: Jet Investment Co., Each Commissioner, Zoning Enforcement, Department of Public Works (Building and Safety), Department of Public Works (Subdivision Mapping)

RH:KMS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and fees have been remitted pursuant to Condition No.8.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested, In writing and with the appropriate fee, six months before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void

and the privileges granted hereunder shall lapse.

7. This grant will terminate **January 29, 2012**.

Entitlement to use of the property as a unmanned wireless telecommunications facility thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$500.00**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for **5 biennial inspections**.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
12. All structures shall conform with the requirements of the Division of Building and

Safety of the Department of Public Works.

13. The permittee shall submit for approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing and showing the following: 1) the entire 57,500 square foot subject property, 2) a minimum of 21 standard parking spaces, 3) one parking space for the maintenance vehicle of the telecommunications facility on the subject property, and 4) the height, type, and location of all walls and fences on the subject property including a new 6-foot block wall that is to be erected on the south property line, to the Director of Planning within sixty days of the effective date of this grant. The property shall be developed and maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.
14. The project will require the filing of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code, the current exemption fee amount is \$25.00.
15. This grant allows for the construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of (one) forty-five foot high monopole with top mounted antennas and a prefabricated equipment shelter as depicted on the approved Revised Exhibit "A", subject to the following conditions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time and are subject to the approval of a Revised Exhibit "A", at the discretion of the Director of Planning;
 - d. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works;
 - e. All buildings or structures shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - f. Security lighting, if required, shall be on motion sensors, be of low intensity, and be directed away from residential areas. No pole-mounted lighting shall be

CONDITIONAL USE PERMIT CASE NO. 01-075-(1)

**Page 4 of 4
CONDITIONS**

permitted on the leasehold;

- g. One parking space shall be provided on the subject parcel for the approved use;
- h. The permittee shall construct and maintain a 6-foot high concrete block wall along the south property line of the subject property.

RH:FM:kms
02-19-02

REVISED

EXHIBIT "A"

DEPARTMENT OF REGIONAL PLANNING
APPROVED

THIS APPROVAL IS CONTINGENT UPON THE FACTS
SUBMITTED AND THE REQUIREMENTS OF REA 200900008

01-075 AND COUNTY ZONING
ORDINANCE TITLE 22 OF THE LOS ANGELES COUNTY CODE IN
EFFECT AT THIS TIME. IT IS APPLICABLE ONLY AS SPECIFICALLY
INDICATED HEREIN. SUCH APPROVAL SHALL NOT BE CONSTRUED TO
PERMIT THE VIOLATION OF ANY PROVISION OF ANY COUNTY
ORDINANCE OR STATE LAW.

Andrew Svitek

AFFIDAVIT OF ACCEPTANCE

RECEIVED 12/29/09

APPLICANT'S COPY

PROJECT NUMBER 01-075
REA200900008

941 N. EASTERN AVE., LOS ANGELES, CA 90063

- This approval for to upgrade existing Spring Nextel antennas and add three (3) microwave dishes to an existing monopole with additional associated equipment to be located within existing Sprint Nextel lease area inside existing shelter.
- Changes to this approval require additional DRP review and fees, and may be subject to the Green Building Program.
- Obtain any additional necessary approvals from Los Angeles County Department of Public Works.

Approved By: Andrew Svitek

Approved: 12/29/09

Expires: n/a (Plot Plans Only)

DO NOT REMOVE

derra

250 El Camino Real, Suite 216
Tustin, CA 92780
Ph. 714-730-0606 Fax 714-730-0642



Together with NEXTEL

6391 Sprint Parkway
Overland Park, KS. 66251

Site Number

CA-LOS6457A

JET PLASTICS

Site Address

941 N. EASTERN AVE.
LAS ANGELES, CA 90063

DESCRIPTION

% ZONING REVIEW

% ZD SUBMITTAL

Wireless Telecommunications CUP Renewal for CUP CUP 01-075-(1)

941 N. Eastern Avenue, Los Angeles, CA 90063



