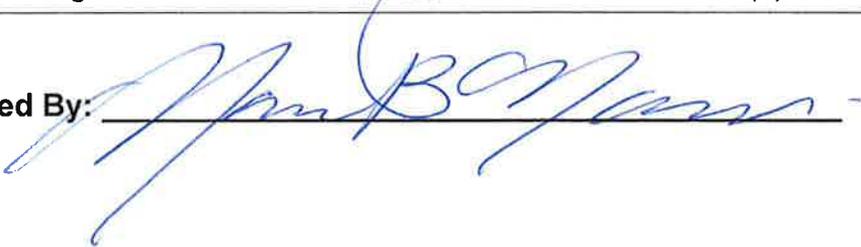


Hearing Officer Transmittal Checklist

Hearing Date
08/07/2012
Agenda Item No.
6

Project Number: 92-261-(1)
Case(s): Conditional Use Permit Case No. 201100149
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
- Findings and Conditions – Previous Case No. 92-261-(1)

Reviewed By: 



PROJECT SUMMARY

Department of Regional Planning

PROJECT NUMBER: R92-261-(1)

HEARING DATE: 08/07/2012

APPLICANT / OWNER: AT&T Mobility

MAP/EXHIBIT DATE: 05/14/2012

ENTITLEMENT(S):

- Conditional Use Permit No. 201100149

LOCATION:

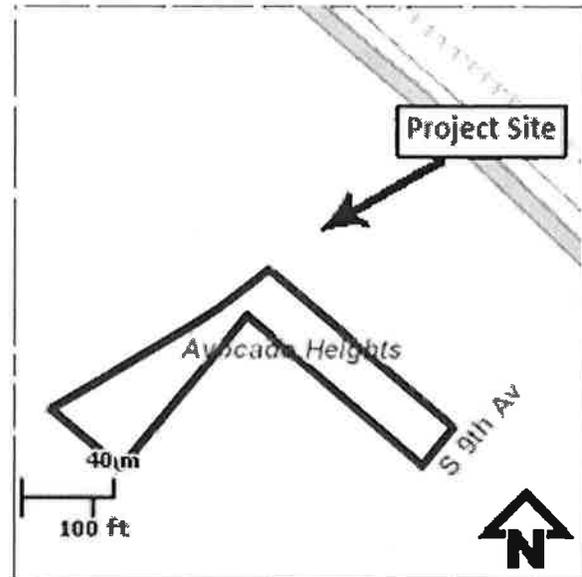
135 S. 9th Avenue, unincorporated Avocado Heights

APN(s):

8208-010-020

GENERAL PLAN / COMMUNITY PLAN / CSD:

- Countywide Land Use Policy
- Avocado Heights CSD



LAND USE DESIGNATION	ZONE	PROPOSED UNITS	SITE AREA	MAX UNITS
I (Major Industrial)	M-1-BE (Light Manufacturing-Billboard Exclusion)	N/A	1.18 acre	N/A

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a 60-foot monopole and appurtenant equipment. The request also consists of the removal of 11 existing antennas to be replaced with 12 new antennas to be mounted on the existing monopole. Other modifications include the installation of 12 remote radio units (RRU), four per sector, three sectors total, two surge suppressors and installation of new equipment inside the existing equipment shelter at the ground level. The addition of the new antennas will increase the overall height of the project to 62 feet. The previous CUP (92-261) was approved on March 29, 1993, and a Revised Exhibit "A" was approved, for the installation of two new antennas to the existing AT&T wireless telecommunications facility, on April 19, 1993. The previous CUP expired on April 1, 2003.

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit 201100149/Project 92-261-(1).

CASE PLANNER:

Michele Bush

PHONE NUMBER:

(213) 974 - 6435

E-MAIL ADDRESS:

mbush@planning.lacounty.gov

STAFF REPORT
PROJECT NUMBER 92-261-(1)
CONDITIONAL USE PERMIT 201100149

REQUEST

The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility (WTF), pursuant to County Code Section 22.32.040.

REPRESENTATIVE: Trent Ramirez

OWNER: Camille Allen

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 60 foot high monopole and appurtenant equipment. The request also consists of the removal of 11 existing antennas to be replaced with 12 new antennas to be mounted on the existing monopole. Other modifications include the installation of 12 remote radio units (RRU), four per sector, three sectors total, two surge suppressors and installation of new equipment inside the existing equipment shelter at the ground level. The addition of the new antennas will increase the overall height of the project to 62 feet. The previous CUP (92-261) was approved on March 29, 1993, and a Revised Exhibit "A" was approved, for the installation of two new antennas to the existing AT&T wireless telecommunications facility, on April 19, 1993. The previous CUP expired on April 1, 2003.

LOCATION

The subject property is located at 135 S. 9th Avenue, in the unincorporated community of Avocado Heights in the Puente Zoned District.

Assessor's Parcel Number(s): 8208-010-020

Countywide Land Use Policy Designation: I (Major Industrial)

Zoning: M-1-BE (Light Manufacturing-Billboard Exclusion Zone)

Community Standards District: Avocado Heights

SITE DESCRIPTION

The existing unmanned wireless telecommunications facility and appurtenant equipment are located along the northwestern boundary of the property. The 60 foot monopole is located on the site of an existing light manufacturing business. The 1.18 acre parcel is accessed via S. 9th Avenue. 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 (92261) to authorize the construction, operation and maintenance of an unmanned wireless telecommunication facility within an existing 1,218 square foot enclosure and a 60-foot high steel monopole with three sector antenna arrays and whip antennas was approved on March 29, 1993. The grant authorized by this approval terminated on April 1, 2003. A Revised Exhibit "A" to CUP 92-261, for the installation of two new antennas to the existing AT&T wireless telecommunications facility, was approved on April 19, 1993.

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 60 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 22.44.136.D.5.f of the Los Angeles County Code, Avocado Heights Community Standards District, a height limit of 90 feet is established in the M-1 zone excluding chimneys and rooftop antennas, and projects located within 250 feet of a residential zone, which are restricted to a height limit of 45 feet; 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 South 9th Avenue. The facility will generate approximately one maintenance vehicle trip a month which the aforementioned street 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: Flood Control (Puente Creek)

East: Commercial/Industrial

South: Commercial/Industrial

West: Commercial/Industrial

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 201100149/Project 92-261-(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. 92-261-(1)

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

**PROJECT NUMBER 92-261-(1)
CONDITIONAL USE PERMIT 201100149**

REQUEST

The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility (WTF), pursuant to County Code Section 22.32.040.

HEARING DATE: 08/07/2012

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 60-foot monopole and appurtenant equipment. The request also consists of the removal of 11 existing antennas to be replaced with 12 new antennas to be mounted on the existing monopole. Other modifications include the installation of 12 RRUs, four per sector, three sectors total, two surge suppressors and installation of new equipment inside the existing equipment shelter at the ground level. The addition of the new antennas will increase the overall height of the project to 62 feet. The previous CUP (92-261) was approved on March 29, 1993, and a Revised Exhibit "A" was approved, for the installation of two new antennas to the existing AT&T wireless telecommunications facility, on April 19, 1993. The previous CUP expired on April 1, 2003.
2. The subject property is located at 135 South 9th Street, in the unincorporated community of Avocado Heights in the Puente Zoned District.
3. The existing unmanned wireless telecommunications facility and appurtenant equipment are located along the northwestern boundary of the property. The 60 foot monopole is located on the site of an existing light manufacturing business. The 1.18 acre parcel is accessed via South 9th Avenue. One parking space is provided to serve the wireless facility.
4. The proposed project is consistent with the Countywide Land Use Policy. The land use designation of the subject property is I (Major Industrial). 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 Avocado Heights Community Standards District (CSD). The height of the monopole is 60 feet. The CSD limits the height of structures in the M-1 zone to 90 feet, excluding chimneys and rooftop antennas, and projects located within 250 feet of a residential zone, which are restricted to a height limit of 45 feet.
7. The 1.18 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 a flood control (Puente Creek) use to the north, and commercial/industrial uses to the south, east and 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 201100149 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. 92-261-(1)
CONDITIONAL USE PERMIT NO. 201100149**

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 08/07/2027.** 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 60 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.

08/07/12



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.

** See Attached **

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.

** See Attached **

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.

** See Attached **



Communications, Inc. November 14, 2011

Agency Permit Process
AutoCAD Drafting
City Council
Consulting
Conceptual Design
Construction Design Plans
Contract Administration
Cost Analysis
Data Base Management
Engineering Services
Feasibility Studies
HOA Meetings
Joint Pole Solutions
Lease/License Agreements
Maintenance Engineering
Outside Plant Engineering
Photo Sims
Planning Commission
Plant Construction Mgmt.
Power & Telco Services
Project Administration
Project Management
Regulatory
Reports
Schedules
Structural Analysis
System Design
Traffic Plans
Walkout Services
Warehousing
Zoning Drawings

County of Los Angeles
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

RE: Conditional Use Permit Burden of Proof – LAC339
Property Address: 141 S. 9th St., La Puente
Assessor's Parcel Number: 8208-010-020

A.1. The existing wireless telecommunications facility does not and will not continue to adversely affect the public health, peace, comfort, or general welfare of persons residing or working in the area because of the nature of the proposed use, and because the proposed use is for a continued use for an existing wireless telecommunications facility. The existing facility is strategically located in a location surrounded by train tracks, roads and industrial and commercial facilities. The existing facility increases the safety and convenience of the people working in the area and commuting through the area, because the existing facility provides coverage to new AT&T subscribers.

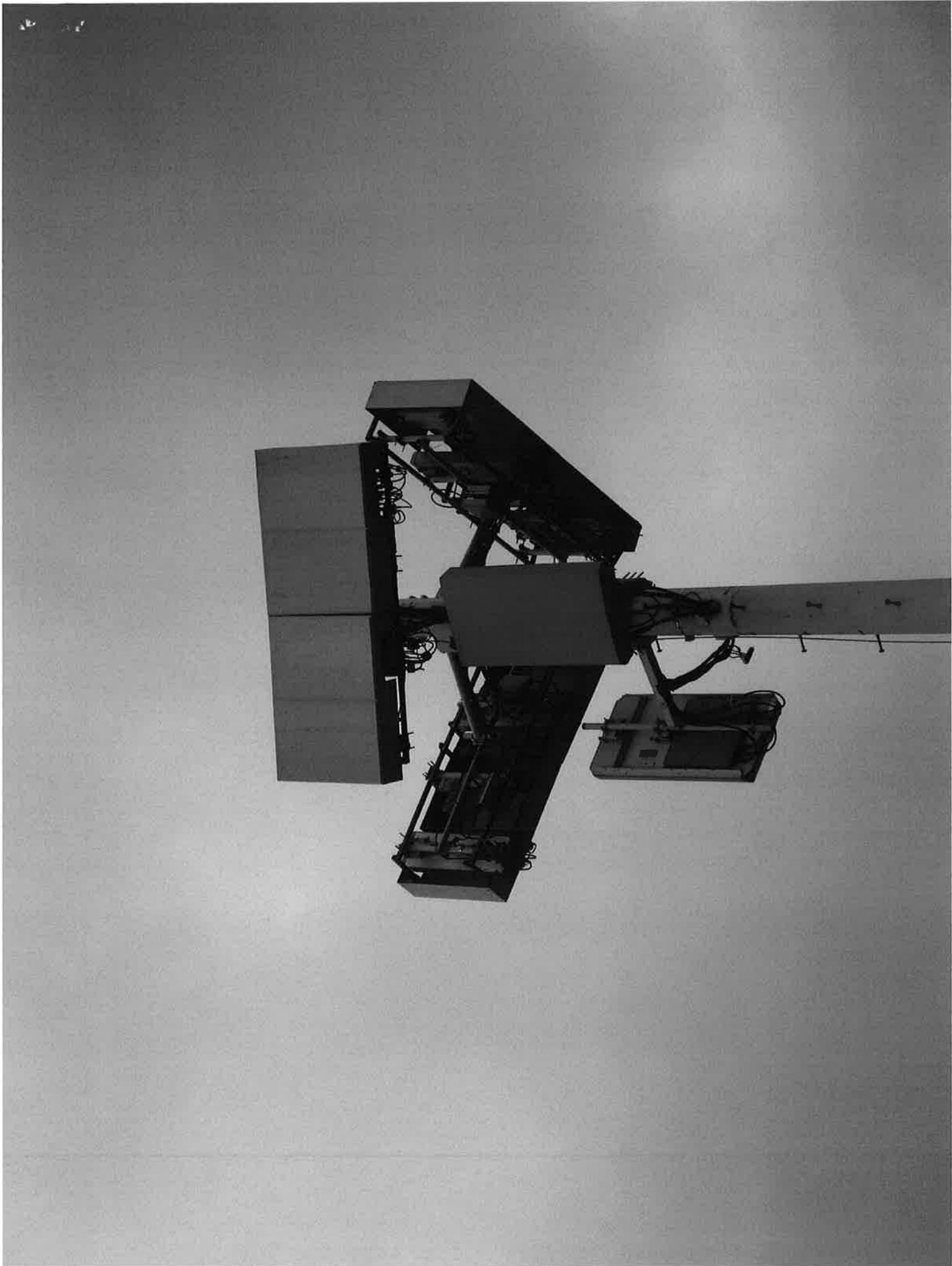
A.2 and A.3 The existing wireless telecommunications facility does not and will not continue to not be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health or general welfare of the public because of the strategic location of the existing facility, and the nature of the facility. The existing facility is strategically located in a location surrounded by train tracks, roads and industrial and commercial facilities. The existing facility abides by all regulations set forth by the FCC; thus has been determined to be environmentally safe as determined by the FCC.

B. The existing facility is an unmanned facility consisting of radio equipment housed in an existing T.I. compound and the proposed antennas are being proposed on an existing monopole, which is protected by a chain link fence. No yards, loading spaces, or other development features prescribed in Title 22 are required in order to maintain the existing facility.

C.1 and C.2 The existing facility is adequately served by the streets of sufficient width. Access to the facility is via S. 9th Street. The facility is unmanned, and only requires only periodic visits for maintenance. The existing facility has adequate telephone and electrical service, and does not require water or sewer services.



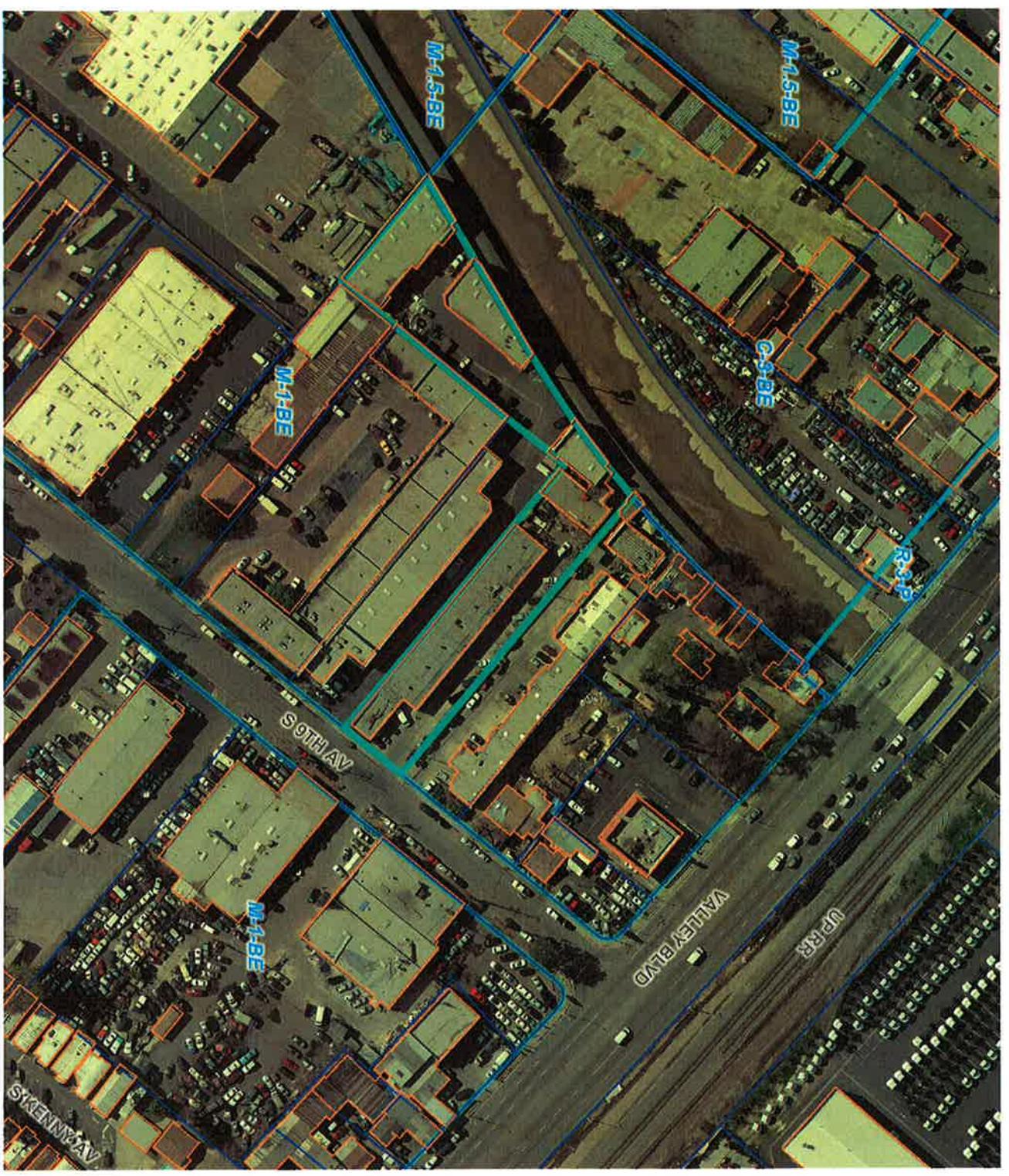












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Note: This is a slick legend, which includes only a portion of layers. To get full legend, please use "Display Area Legend" on the top left side of screen.

- Legend**
- Parcel Boundary
 - Parcel Center
 - Zoning (Boundary)
 - Zoning
 - Zone A-1
 - Zone A-2
 - Zone B-1
 - Zone B-2
 - Zone C-1
 - Zone C-2
 - Zone C-3
 - Zone C-4
 - Zone C-5
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 - Landuse Policy (Not in Comm; Area Plan)
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*Los Angeles County
Department of Regional Planning*

Director of Planning, James E. Hartl, AICP



**RE: CONDITIONAL USE PERMIT CASE NO. 92261 - (1)
CELLULAR TELECOMMUNICATION FACILITY
141-A SOUTH 9TH AVENUE, LA PUENTE**

Mailing Date: March 29, 1993

**TO: L. A. Cellular
Attention: Linda Paul
Post Office Box 6028
Cerritos, CA 90702**

**CERTIFIED-RECEIPT
REQUEST**

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 effect. **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 170, 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. This grant will not become effective until and unless this period has passed without an appeal or call for review.

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

HEARING OFFICER'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The subject property is a 15,557 square foot parcel of land located at 141-A South 9th Avenue in the unincorporated area of La Puente. The property is currently improved with masonry buildings with adequate parking for light manufacturing businesses.

The request is to permit the construction and maintenance of an unmanned cellular telecommunication facility within an existing 1218 square foot enclosure and a 60 foot high steel monopole with 3 sector antenna arrays and whip antennas.

The subject property is zoned M-1-BE (Light Manufacturing - Billboard Exclusion). A conditional use permit is required for a cellular facility.

~~An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental or service factor and, as a result, will not have a significant effect on the physical environment.~~

A public hearing was held on March 23, 1993, at which the applicant testified in favor of the request. The Hearing Officer eliminated the Department of Public Works request for street lights. There was no opposition testimony.

The requested use is consistent with the adopted general plan.

The subject property lies within an area designated "Industrial" on the Countywide General Plan. The residential complex is an appropriate use and is of a scale and intensity which is compatible with adjacent developed properties.

With the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and 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.

The subject property is bounded by industrial warehouses and manufacturing complexes to the north, south and east. To the west is a drainage channel and a church plant.

The conditions of grant will limit the operations of the facility so they are compatible with the surroundings.

The site is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance and otherwise required to integrate the use requested with the uses in the surrounding area.

The industrial complex has adequate parking. Since the cellular facility is unmanned except for periodic visits for maintenance, very little traffic will be generated in the neighborhood. The facility is adequately fenced.

The site has adequate traffic access and is adequately served by other public or private facilities which it requires.

The principal access to the site will be from 9th Avenue, a ~~collector street. The conditions of grant will provide the~~ required controls. All needed utilities are existing.

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 of Title 22 of the Los Angeles County Code, the Zoning Ordinance.

HEARING OFFICER'S ACTION:

1. I approve the negative declaration for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 92261 - (1) is GRANTED with the attached conditions.

BY:



DATE:

March 29, 1993

PAMELA HOLT

HEARING OFFICER

Department of Regional Planning
County of Los Angeles

DCC:NH:mh

Enclosure: Affidavit

cc: Each Commissioner; Zoning Enforcement; Building and Safety;
Subdivision Road Unit

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.
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 65907. 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. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
5. This grant will terminate April 1, 2003.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.
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. 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 five biennial inspections.

If any future 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.

8. 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 health of safety or so as to be a nuisance.
9. This grant allows an unmanned cellular telecommunications facility within an existing building and a 60 foot high steel monopole with a 3 sector antenna arrays and whip antennas subject to the following restrictions as to use:
 - a. The maximum height of the steel monopole tower to be 60 feet in height including antennas.
 - b. A fiberglass covering will be provided to hide the various antenna arrays.
 - c. The monopole will be painted a neutral color to the satisfaction of the Director of Planning.
 - d. Any and all graffiti will be removed within 72 hours of its application.
 - e. An eight foot chain link fence and gate will be provided to create an enclosure around the monopole.
 - f. The doors to the shed attached to the building at 141-A 9th Avenue shall be repaired/replaced and the shed shall be secured with locks. The shed to be kept in good condition.
 - g. The antenna and equipment shall be removed within 30 days of any disuse for more than 6 months.

- h. All equipment except the monopole shall be kept and maintained within the building.
- 10. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.

~~11. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.~~



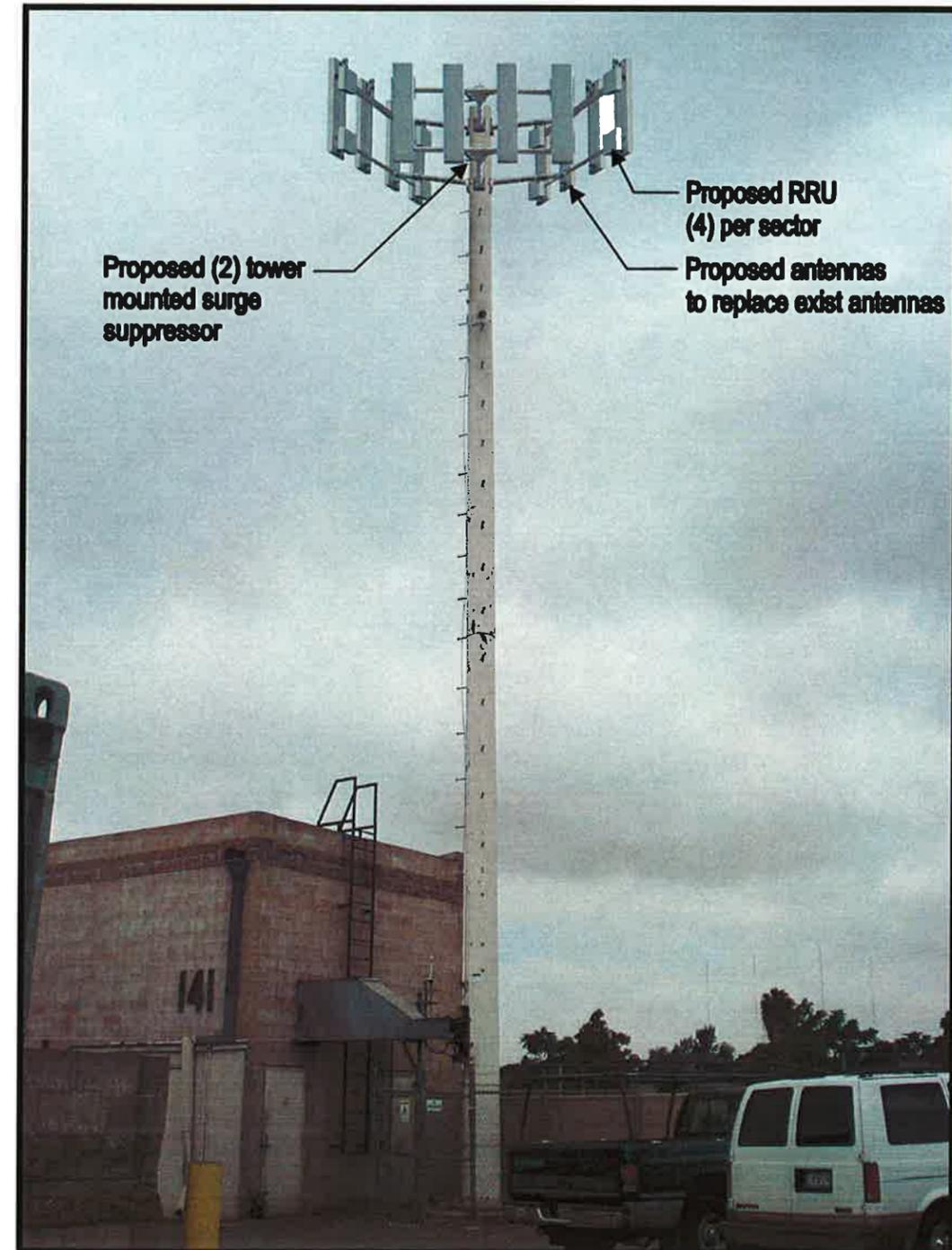
SITE #: LAC339
SITE NAME: LA PUENTE
SITE LOCATION: 141 S. 9TH ST, LA PUENTE, CA



Existing



Proposed





SITE #: LAC339
SITE NAME: LA PUENTE
SITE LOCATION: 141 S. 9TH ST, LA PUENTE, CA



Existing



Proposed

