

Hearing Officer Transmittal Checklist

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| Hearing Date OCTOBER 4, 2011 |
| Agenda Item Number |

Project Number: 96187 – (2)
Case(s): 200700145
Contact Person: Jeantine Nazar

| Included | NA/None | Document |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Factual |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Property Location Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Staff Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Findings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Conditions |
| <input type="checkbox"/> | <input type="checkbox"/> | DPW Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | FD Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Other Department's Letter(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Burden Of Proof Statement(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Previous Conditions |
| <input type="checkbox"/> | <input type="checkbox"/> | Opponent And Proponent Letters |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Photographs |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution (ZC Or PA) |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance with 8.5 X 11 Map (ZC Or PA) |
| <input type="checkbox"/> | <input type="checkbox"/> | Aerial (Ortho/Oblique) Image(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Land Use Radius Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Site Plan And Elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | |

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435
PROJECT NUMBER 96187
Conditional Use Permit 200700145

| | |
|---|--------------------|
| PUBLIC HEARING DATE 10/4/2011 | AGENDA ITEM |
| RPC CONSENT DATE | CONTINUE TO |

| | | |
|---|---------------------------------|-------------------------------|
| APPLICANT AT&T Mobility Nic Faure | OWNER Frank Darmiento | REPRESENTATIVE None |
|---|---------------------------------|-------------------------------|

PROJECT DESCRIPTION
 The applicant AT&T requests authorization to continue the operation and maintenance of an existing wireless telecommunication facility (WTF) and replacement of the existing antennas, GPS, equipment cabinets and accessory structures. The proposed project will replace six existing 4-foot high antennas with twelve new 8-foot high antennas on an existing 60-foot high monopole and will not increase the height of the pole.

REQUIRED ENTITLEMENTS
A conditional use permit to allow the continued operation and maintenance of an existing wireless telecommunications facility (WTF) and replacement of the existing antennas on an existing 60-foot monopole, and installation of new GPS antenna, equipment cabinets and accessory equipments.

LOCATION/ADDRESS
 2105 East 90th Street

SITE DESCRIPTION
 The site plan depicts a 60-foot high monopole with four arms and twelve panel antennas, an equipment shelter enclosed in a 6-foot high chain link fence.

| | |
|--|---|
| ACCESS 90-th Street | ZONED DISTRICT Firestone Park |
| ASSESSORS PARCEL NUMBER 6045-018-802 | COMMUNITY Florence Firestone |
| SIZE 0.031 Acres | COMMUNITY STANDARDS DISTRICT Florence-firestone |

| | EXISTING LAND USE | EXISTING ZONING |
|--------------|-------------------------------------|---------------------------|
| Project Site | Vacant Lot | M-1 (Light Manufacturing) |
| North | Residential | M-1 (Light Manufacturing) |
| East | Automotive Reconditioning | M-1 (Light Manufacturing) |
| South | Los Angeles County Maintenance Yard | M-1 (Light Manufacturing) |
| West | Pallet Manufacturing | M-1 (Light Manufacturing) |

| | | |
|--|---|------------------------|
| GENERAL PLAN/COMMUNITY PLAN Countywide | LAND USE DESIGNATION Major Industrial | MAXIMUM DENSITY |
|--|---|------------------------|

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: Jeantine Nazar | | |
| 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



VICINITY MAP

SITE : 2105 E. 90TH STREET - LAC725

GC MAPPING SERVICE, INC.
 3055 WEST VALLEY BOULEVARD
 ALHAMBRA CA 91803
 (626) 441-1080, FAX (626) 441-8850
 G MAPPING@RADIUSMAPS.COM

**STAFF ANALYSIS
PROJECT NUMBER 96187-(2)
CONDITIONAL USE PERMIT CASE NO. 200700145**

ENTITLEMENT REQUEST

Pursuant to County Code Sections 22.32.070, 22.24.100 and 22.28.260, the applicant is requesting a conditional use permit ("CUP") to authorize the minor modification and continued operation of a wireless telecommunications facility (WTF) in the M-1 (Light Manufacturing) zone.

OVERVIEW OF PROPOSED PROJECT

The project consists of an existing 60-foot monopole with a total of 18 panel antennas, this includes 12 AT&T panel antennas mounted at a height of 60 feet and six MetroPCS antennas mounted at 50 feet. The equipment shelter, approximately 336 square-feet, lodges equipment cabinets, telephone lines, GPS and cables and is enclosed with a 6-foot-high chain link fence. The lease area is 1,355 square feet in area and lodges the monopole, equipment shelter, a generator, and equipment cabinets mounted on a concrete pad. The applicant is proposing to replace the existing 4-foot-high AT&T antennas with twelve 8-foot-high antennas at 60 feet high, add equipments cabinets and 12 RRU's (17" amplifiers) behind the antennas.

ISSUES

This case was originally scheduled and noticed for public hearing on July 15, 2008 to authorize the renewal of a conditional use permit to continue the operation and maintenance of a WTF within a pallet yard. At the time, the pallet yard operations had on-going zoning violations. Those violations have now been cleared and the owner has evicted the tenants. The subject property is now vacant with the exception of the WTF. This conditional use permit renewal is to renew the permit for both AT&T and the co-located MetroPCS.

LOCATION

The subject property is located at 2105 East 90th Street in unincorporated Los Angeles County in the Florence Firestone Community Standards District (CSD) and Florence Firestone Zoned District.

DESCRIPTION OF SUBJECT PROPERTY

The subject site is a pan-handle shaped parcel, 22,818 square feet in size. The site is located at the intersection of E. 90th Street to the south and Miner Street to the east and takes access from E. 90th Street.

EXISTING ZONING

Subject Property

The subject property is zoned M-1 (Light Manufacturing) – and is within the Florence-Firestone Community Standards District.

Surrounding Properties

North: M-1 (Light Manufacturing)

East: M-1 (Light Manufacturing)
West: M-1 (Light Manufacturing)
South: M-1 (Light Manufacturing)

EXISTING LANDUSES

Subject Property

The subject property is vacant and contains the wireless facility on the south-east corner of the lot.

Surrounding Properties

North: Pallet Storage Yard/Residential
East: Automobile dismantling and storage yard
West: Pallet Storage Yard
South: Los Angeles County Public Works equipment yard

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the hearing notices were mailed to 32 neighbors within a 500-foot radius of the project site on August 23, 2011. The case materials were mailed to the Graham Library at 1900 E Firestone Blvd. on August 24, 2011. Newspaper advertisement was posted in the Central News Wave on September 01, 2011 and in LA Opinion on August 30, 2011. According to the applicant the Notice of Public Hearing was posted on the site on August 31, 2011 and also case materials were posted on DRP website.

SITE PLAN

The site plan marked Exhibit "A" depicts the wireless telecommunications facility on the southeast corner of the lot. The project consists of a 60 foot high monopole with twelve panel antennas, four in each arm, and six antennas mounted at 50 feet and equipment shelters enclosed with a 6 feet high chain link fence.

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit 96187: Cingular Wireless requested a conditional use permit (approved on April 8, 1997) for the construction, operation and maintenance of an unmanned wireless telecommunication facility consisting of a 60-foot high monopole with appurtenant panel antennas mounted at the top and a microwave dish and with additional lease area for an equipment shelter.

A Revised Exhibit "A" was approved for Royal Street Communications (now MetroPCS) consisting of six additional panel antennas with four additional equipment cabinets

mounted on a concrete pad. The Revised Exhibit "A" expired on April 8, 2007 along with CUP 96187.

STAFF EVALUATION

General Plan Consistency

The Countywide General Plan category is I - (Major Industrial). This plan category is generally appropriate for major industrial uses including manufacturing of all types and warehousing. Small scale local industrial services are not shown and may be established to serve local needs.

The Land Use Policy states, "The intent of this classification is to assure that sufficient land is allocated for a wide range of industry and industry-related activities serving the domestic and export markets." Since the equipment of the proposed wireless facility will be located within the existing structure and will not adversely impact the viability of surrounding areas for the maintenance or expansion of industrial activities, it is Staff's opinion that the project is consistent with the General Plan.

The following goal and policy applies to the subject property and the development project:

Give priority to upgrading existing facilities and services in areas needing or undergoing revitalization or lacking adequate facilities.

The existing wireless communication facility will improve the wireless communication in the area and provide adequate service coverage.

Zoning Ordinance and Development Standards Compliance

A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use.

Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. The previous approval includes a parking space within the leased area. The applicant is requesting to remove the existing parking space and to use 90th street to park the maintenance vehicles. Staff finds that street parking would be appropriate for periodical visits, scheduled once per month.

Neighborhood Impact/Land Use Compatibility

The project site is within the Florence-Firestone Community Standards District (Code Section 22.44.138). The CSD establishes standards to improve the compatibility

between industrial and neighboring residential uses. The subject property is surrounded by concrete block wall and chain link fencing.

Burden of Proof

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed 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.

- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, 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.

- 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 applicant's Burden of Proof responses are attached to this document. Staff is of the opinion that the applicant has met the burden of proof.

PUBLIC COMMENTS

To date, staff has not received any comments.

FIELD INVESTIGATION

Staff visited the site in May of 2011. Staff noticed lattice towers on the adjacent lots. The height of the monopole is uniform with towers located on the adjacent site and it does not appear to have any significant visual effect in the area.

FEES/DEPOSITS

Fees in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony evidence presented at the public hearing:

Staff recommends **approval** of Conditional Use Permit number 200700145 - (2) subject to the attached conditions.

Prepared by Jeantine Nazar, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographes
Site Plan
Land Use Map

MM: JN

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER 96187 – (2)
CONDITIONAL USE PERMIT 200700145**

REQUEST:

The applicant is requesting a conditional use permit to continue the operation and maintenance of a wireless telecommunication facility.

PROCEEDINGS BEFORE THE HEARING OFFICER: October 4, 2011

July 15, 2008, January 20, 2009 Public Hearings

A duly noticed public hearing was held on July 15, 2008 and January 20, 2009 before the Hearing Officer, Alex Garcia. The applicant's representative presented testimony in favor of the request and answered questions presented by the Hearing Officer.

The Hearing Officer addressed zoning violations associated with the pallet yard operations on the site. There being no further testimony, the Hearing Officer continued the hearing until those violations would be cleared.

Findings

1. The subject property is located at 2105 East 90th Street in the unincorporated Los Angeles County in the Florence Firestone Community Standards District (CSD) and Florence Firestone Zoned District.
2. The case was scheduled for a denial due to inactivity on January 18, 2011 and June 21, 2011. The violations cleared in May of 2011 and the case was re-scheduled for a public hearing.
3. The project consists of an existing 60-foot monopole with a total of 18 panel antennas, this includes 12 panel antennae mounted a height of at 60 feet and six antennas mounted at 50 feet. The equipment shelter, approximately 336 square-feet, lodges equipment cabinets, telephone lines, GPS and cables and is enclosed with a 6-foot-high chain link fence. The lease area is 1,355 square feet in area and lodges the monopole, equipment shelter, a generator, and equipment cabinets mounted on a concrete pad. The applicant is proposing to replace the existing 4-foot-high antennas with twelve 8-foot-high antennas at 60 feet high, add equipments cabinets and 12 RRU's (17" amplifiers) behind the antennas.
4. The subject site is a pan-handle shaped parcel, 22,818 square feet in size. The site is located at the intersection of E. 90th Street to the south and Miner Street to the east and takes access from E. 90th Street.

5. The subject property is zoned M-1 (Light Manufacturing) – and is surrounded by M-1 zoning on all directions. The project is also within the Florence-Firestone Community Standards District.
6. The subject property is vacant and contains only the wireless facility on the south-east corner of the lot. Surrounding land uses are as follows:
North:Pallet Storage Yard/Residential
East:Automobile dismantling and storage yard
West:Pallet Storage Yard
South:Los Angeles County Public Works equipment yard
7. The site plan marked Exhibit “A” depicts the wireless telecommunications facility on the southeast corner of the lot. The project consists of a 60 foot high monopole with 12 panel antennas mounted at a height of 60 feet, four in each arm and six antennas mounted at a height of 50 feet and equipment shelters enclosed with a 6 feet high chain link fence.
8. Conditional Use Permit 96187: Cingular Wireless requested a conditional use permit (approved on April 8, 1997) for the construction, operation and maintenance of an unmanned wireless telecommunication facility consisting of a 60-foot high monopole with appurtenant panel antennas mounted at the top and a microwave dish and with additional lease area for an equipment shelter.

A Revised Exhibit “A” was approved for Royal Street Communications (now Metro PCS) consisting of six additional panel antennas with four additional equipment cabinets mounted on a concrete pad. The Revised Exhibit “A” expired on April 8, 2007 along with CUP 96187.
9. The existing site is vacant at this time with the exception of the wireless facility on the south-east corner of the lot.
10. The intent of this classification is to assure that sufficient land is allocated for a wide range of industry and industry-related activities serving the domestic and export markets.” Since the equipment of the proposed wireless facility will be located within the existing structure and will not adversely impact the viability of surrounding areas for the maintenance or expansion of industrial activities, the Hearing Officer finds that the project is consistent with the General Plan.
11. The following goal and policy applies to the subject property and the development project:
Give priority to upgrading existing facilities and services in areas needing or undergoing revitalization or lacking adequate facilities.

The existing wireless communication facility will improve the wireless communication in the area and provide adequate service coverage.

12. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of “radio and television stations and towers” as a comparable use. Radio and television stations and towers are uses subject to a conditional use permit as per Sections 22.32.070, 22.24.100 and 22.28.260.
13. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. The previous approval includes a parking space within the leased area. The applicant is requesting to remove the existing parking space and to use 90th street to park the maintenance vehicles. The Hearing Officer finds that street parking would be appropriate for periodical visits, scheduled once per month.
14. The project site is within the Florence-Firestone Community Standards District (Code Section 22.44.138). The CSD establishes standards to improve the compatibility between industrial and neighboring residential uses. The subject property is surrounded by concrete block wall and chain link fencing and thereby sufficiently buffered.
15. Staff visited the site in May of 2011. Staff noticed lattice towers on the adjacent lots. The height of the monopole is uniform with towers located on the adjacent site and it does not appear to have any significant visual effect in the area.
16. 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.
17. 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.
18. 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 development features prescribed in Title 22 of the County Code, 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.

AND, 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 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 facts and conclusions presented above, Conditional Use Permit 200700145, is **APPROVED** subject to the attached conditions.

c:Hearing Officer, Zoning Enforcement, Building and Safety

MM: JN
9/22/2011

PROJECT DESCRIPTION

This grant authorizes the alterations and continued operation and maintenance of a wireless telecommunications facility (WTF). The project is approved as depicted on the approved Exhibit "A", subject to all the following conditions:

CONDITIONS

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 subject property 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 that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. The recorded affidavit shall be filed and the required monies shall be paid by **December 4, 2011**. Notwithstanding the foregoing; Condition 3, and Conditions 4, 5 shall be effective immediately upon final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 or other 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.

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.

At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. Additionally, 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. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on October 4, 2026.** 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 modification to the use at that time, the permittee shall file a new permit application with Regional planning, or shall otherwise comply with the applicable expiration date of this grant and shall be accompanied by the required fee. In the event given 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.
8. This grant shall expire unless used within ninety (90) days 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 purpose of this provision, continued operation of the wireless telecommunication facility and satisfaction of Condition No 2 shall be considered use of this grant.
9. 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 of Los Angeles the sum of **\$1,400.00**. The deposit 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 deposit provides for **seven (7) biennial (one every other year)** 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 the Department of 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.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the hearing officer may, after conducting a public hearing, revoke or modify this grant, if the 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.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. 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.
14. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".
15. The facility shall be operated in accordance with regulations of the State Public Utilities Commission and Federal Communications Commission.
16. 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.
17. Any proposed WTF that will be co-locating on the proposed facility will be required to submit 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.
18. 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.
19. 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.
20. The maximum height of the facility shall not exceed 60 feet above finished grade.
21. 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 service provider.
22. 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.

23. 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. Any and all graffiti shall be removed by the operator or property owner within 48 hours.
24. 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.
25. 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.
26. The facility shall be secured by fencing, gates and/or locks. 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.

MM: JN
9/22/2011

Conditional Use Permit Renewal Application (CUP 96-187-2)
2105 East 90th Street, Los Angeles, CA 90002

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF SEC. 22.56.040

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed 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.

This is a request to renew an existing Conditional Use Permit to continue to operate and maintain an existing wireless facility. The facility has been an integral part of AT&T's existing wireless network in the surrounding area. The existing site causes no detriments to the existing use, enjoyment or valuation of the surrounding property. The site ensures that AT&T subscribers continue to receive adequate cellular coverage including access to e911 and/or emergency services. No endangerment to the public health or safety is caused by the existence of the cellular facility.

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 facility has been located on the property for over a decade. No issues have arose during the sites existence concerning parking problems or loading issues with any of the surrounding properties. The facility is located between two large storage yards. There is ample fencing and security on the property.

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 facility is un-staffed and un-manned. The site is visited once or twice a month by a field technician to monitor equipment and run various tests. No special vehicles or access issues are needed or requested at this time. No Public or Private services facilities are used or required.

APR 14 REC'D



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



April 9, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Los Angeles Cellular Telephone Company
c/o Novak + Associates
108 N. Brand Boulevard, #201
Glendale, CA 91203-2602

RE: **CONDITIONAL USE PERMIT CASE NO. 96-187-(2).**
To authorize the construction, operation and maintenance of a wireless telecommunication facility.
2105 E. 90th Street, 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 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.

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: The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of a wireless telecommunication facility in a M-1 (Light Manufacturing) zone.

FACTUAL SUMMARY:

April 1, 1997 Public Hearing

A duly noticed public hearing was held. One person was sworn (the applicant's representative). No testimony was provided.

The Hearing Officer noted that upon review of the staff analysis, the proposed conditions, and no opposition, she concurred with staff recommendation for approval. The Hearing Officer closed the public hearing and approved the project subject to the conditions recommended by staff.

Findings

The applicant has requested a Conditional Use Permit to authorize the construction, operation and maintenance of an unmanned wireless telecommunication facility.

The subject property is a pan-handle shaped parcel, 22,818 sq.ft. in size, with the tower proposed on a rectangular shaped area, 1,355 sq.ft. in size, located at 2105 E. 90th Street in unincorporated Los Angeles. The project is also located in the Firestone Park Zoned District.

The zoning on the subject project site is M-1 (Light Manufacturing). Surrounding zoning consists of M-1 to the north, south, east and west.

The project is designated as "Major Industrial" in the Countywide General Plan.

A pallet storage yard currently exists on the subject property. Surrounding land use consists of a storage facility and parking lot to the north, an automobile dismantling and storage yard to the east, a storage yard to the west and a Public Works equipment yard to the south.

The submitted site plan (Exhibit "A") depicts a proposed wireless telecommunications facility on the southeast corner of a pallet storage yard. The project consists of a monopole, approximately 60 ft. above grade, with appurtenant panel antennas and a microwave dish mounted at the top. A proposed equipment shelter, 336 sq.ft. in area, is located to the south.

The site takes access from E. 90th Street to the south.

5. 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.
6. This grant will terminate April 8, 2007.

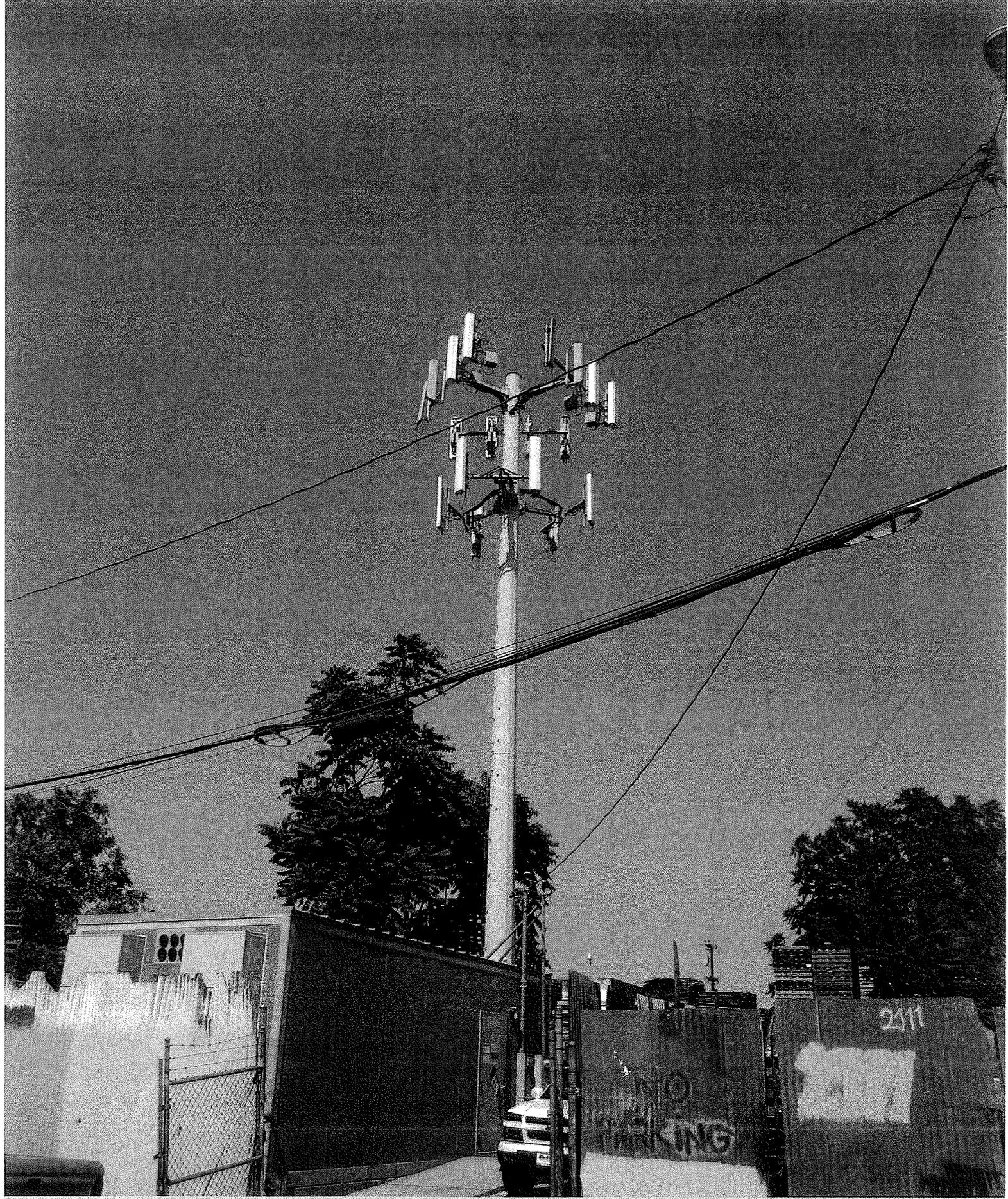
Entitlement to use of the property thereafter shall be subject to the regulations then in effect,

7. 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.
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 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.

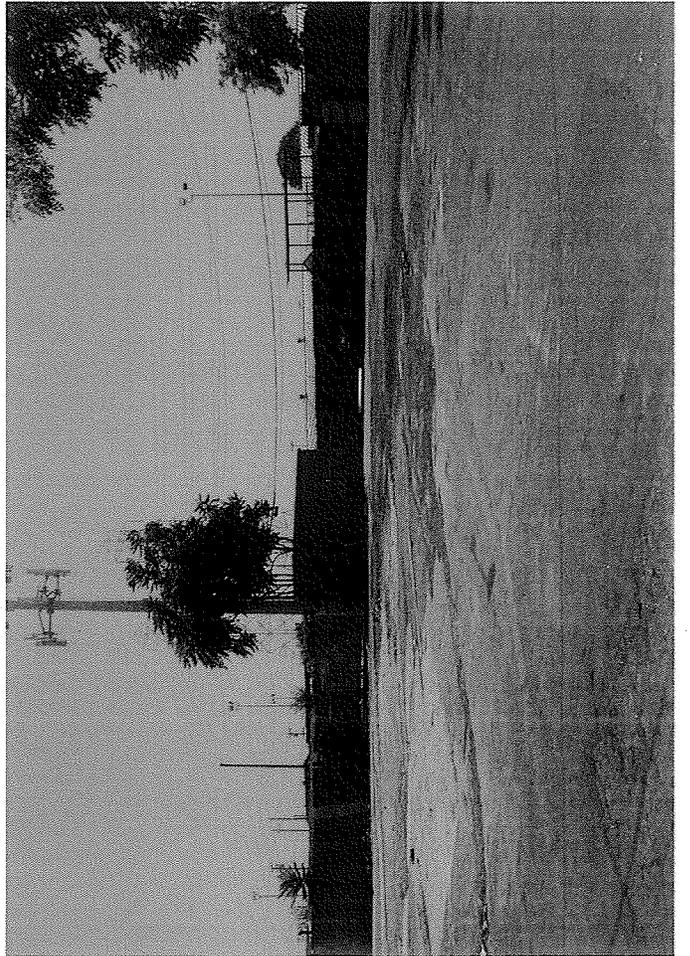
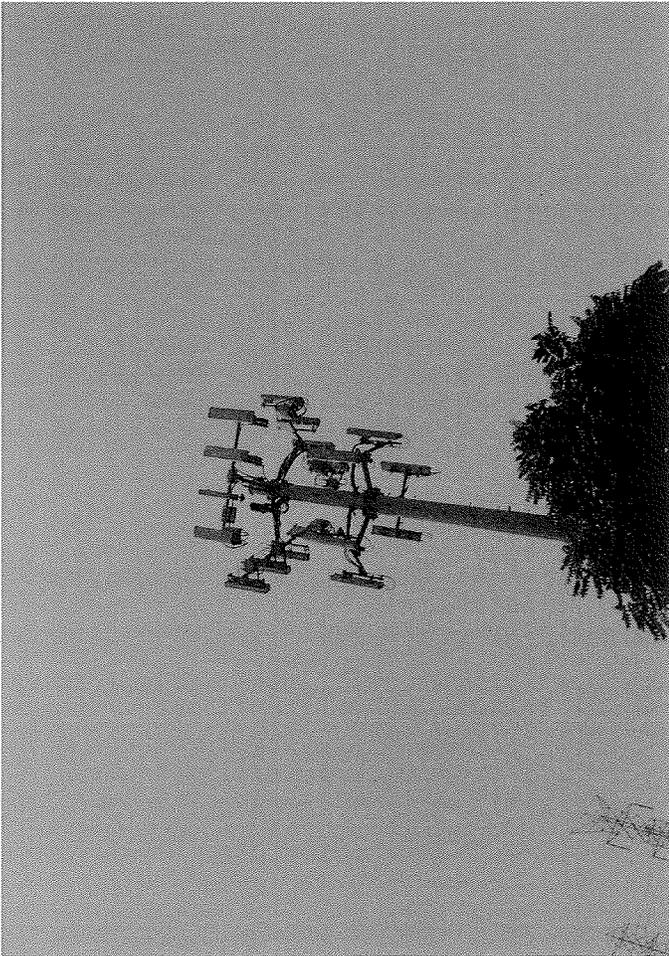
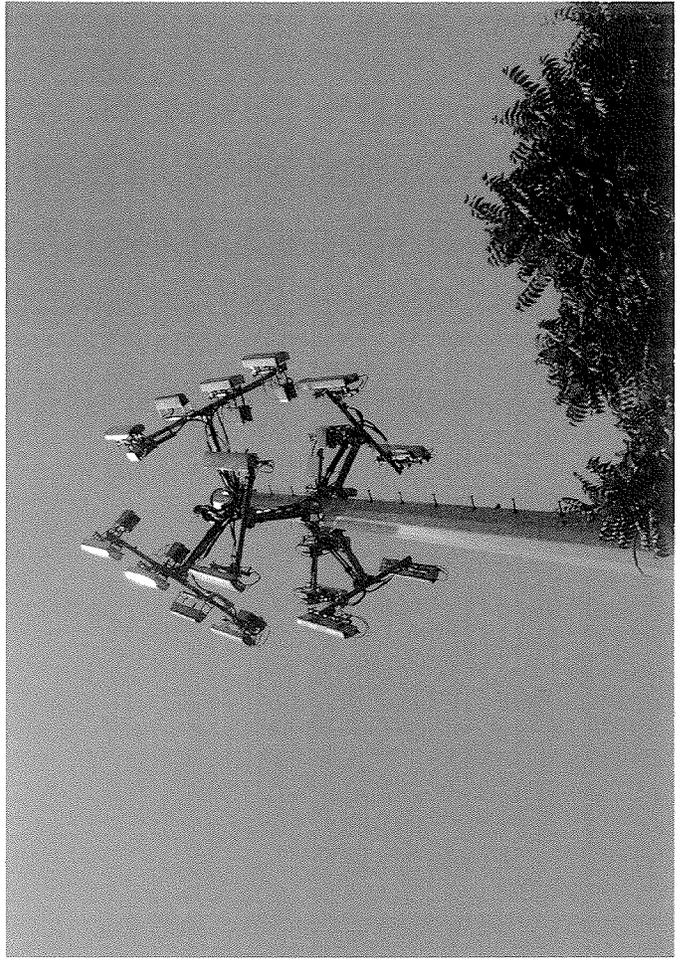
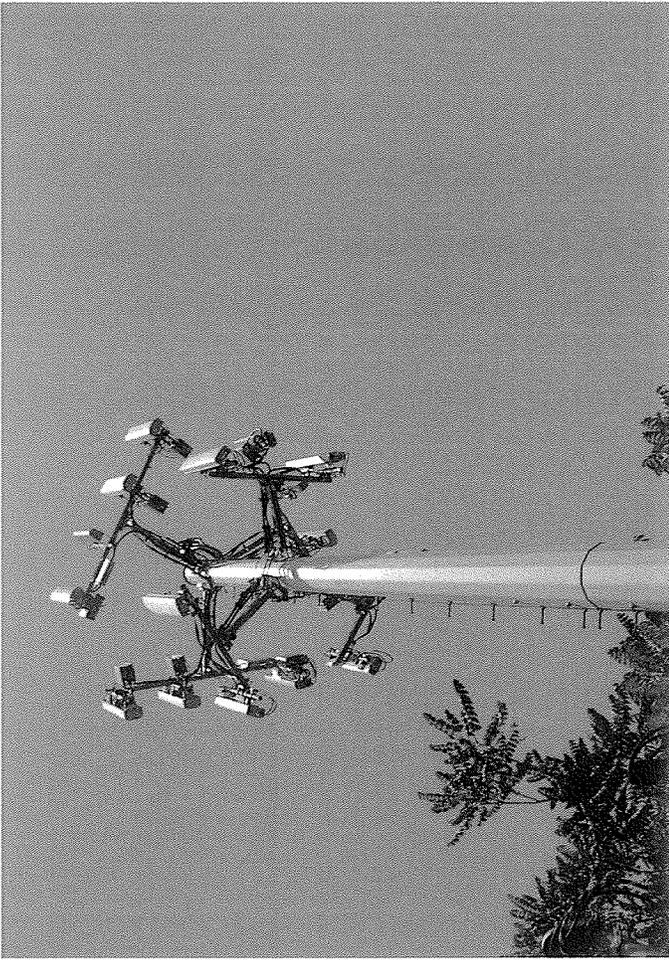
9. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. All structures shall conform with the requirements of the Division of Building and Safety of Los Angeles County Department of Public Works.

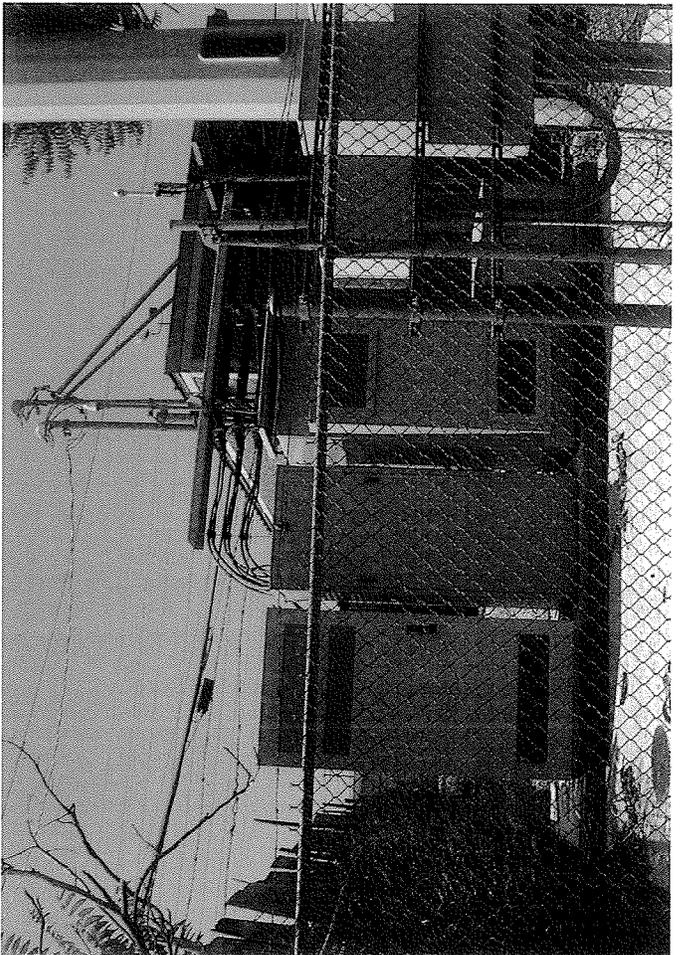
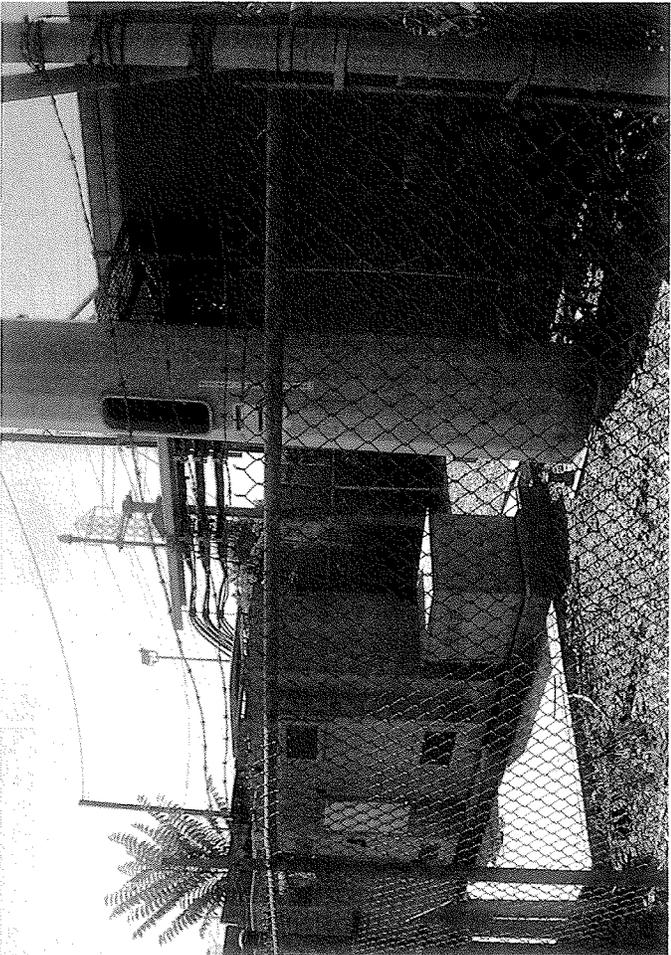
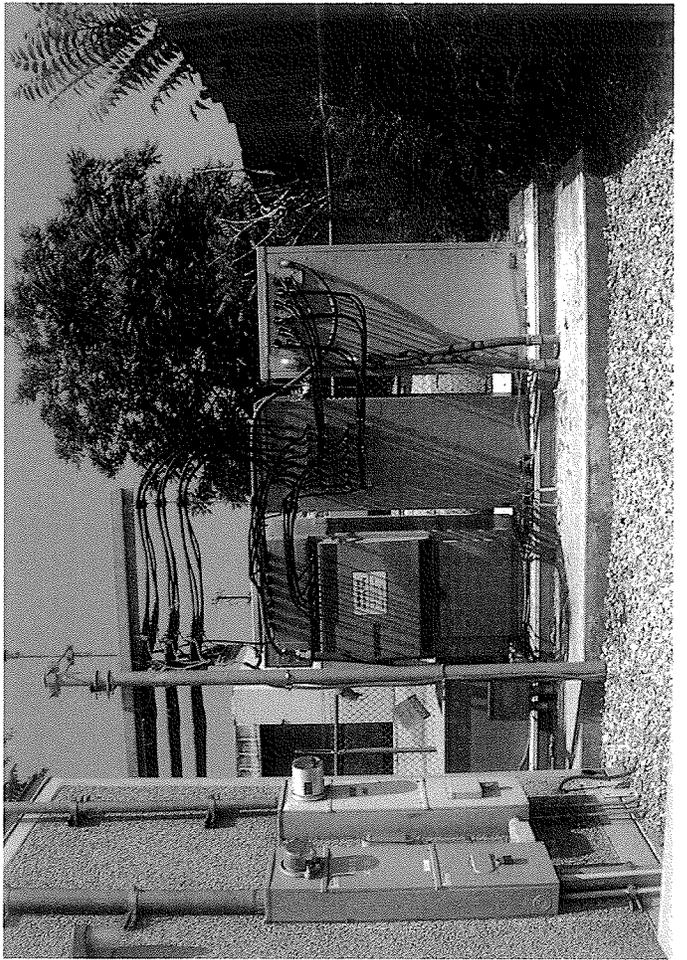
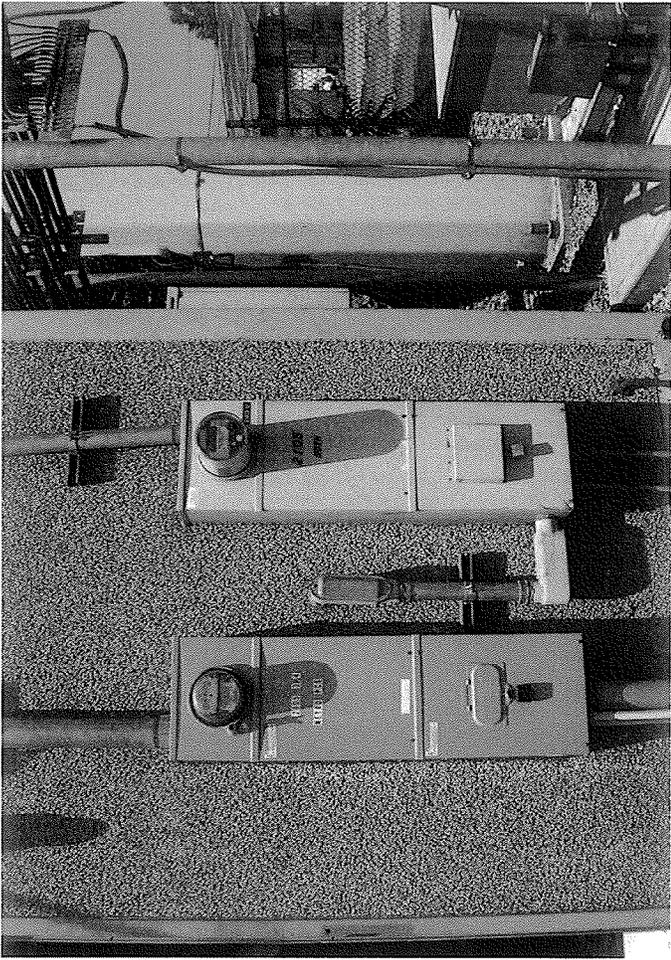
12. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
13. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours, 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
14. This grant allows the construction, operation and maintenance of a wireless telecommunications facility consisting of a monopole, with appurtenant panel antennas and microwave dishes mounted at the top of the monopole, and an equipment shelter, subject to the following restrictions as to use:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said wireless telecommunications facility shall not exceed 60 feet in overall height above grade including antennas;
 - c. The exterior color of the monopoles, antennas and equipment cabinet shall be of a grey tone, or any other tone, satisfactory to the Director of Planning, that would be compatible with other structures at the site;
 - d. Said facilities shall be removed if in disuse for more than six (6) months;
 - e. 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 applications will be subject to approval of a separate permit as is required by the regulations in effect at the time.
15. 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.

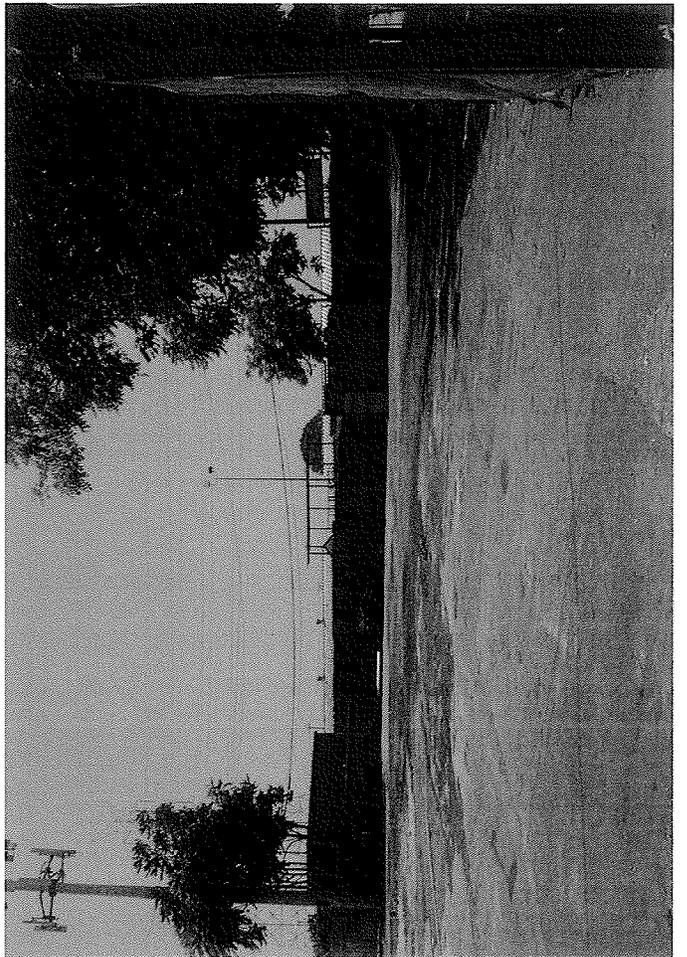
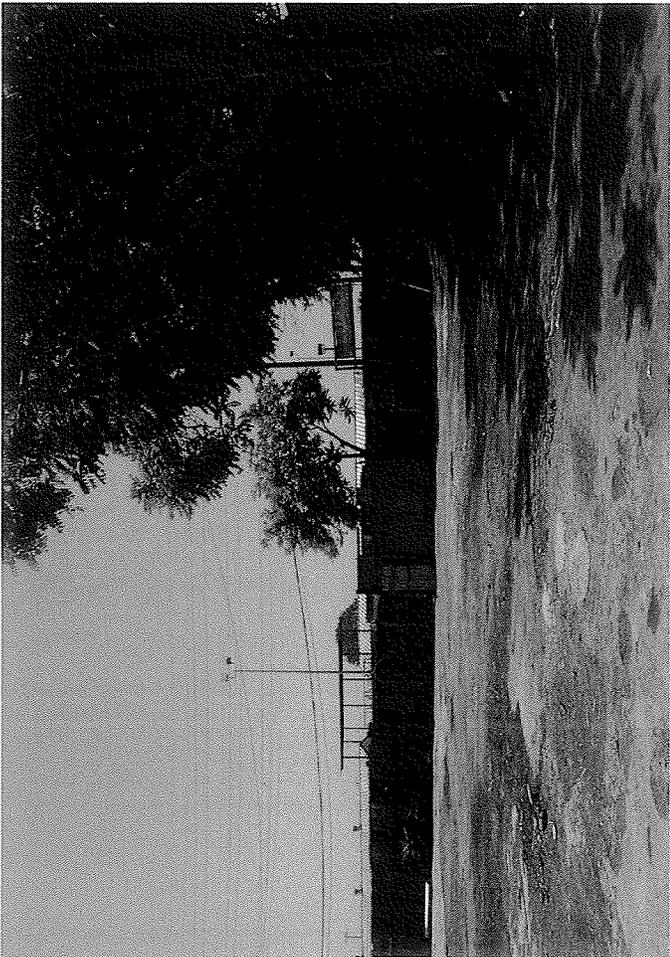
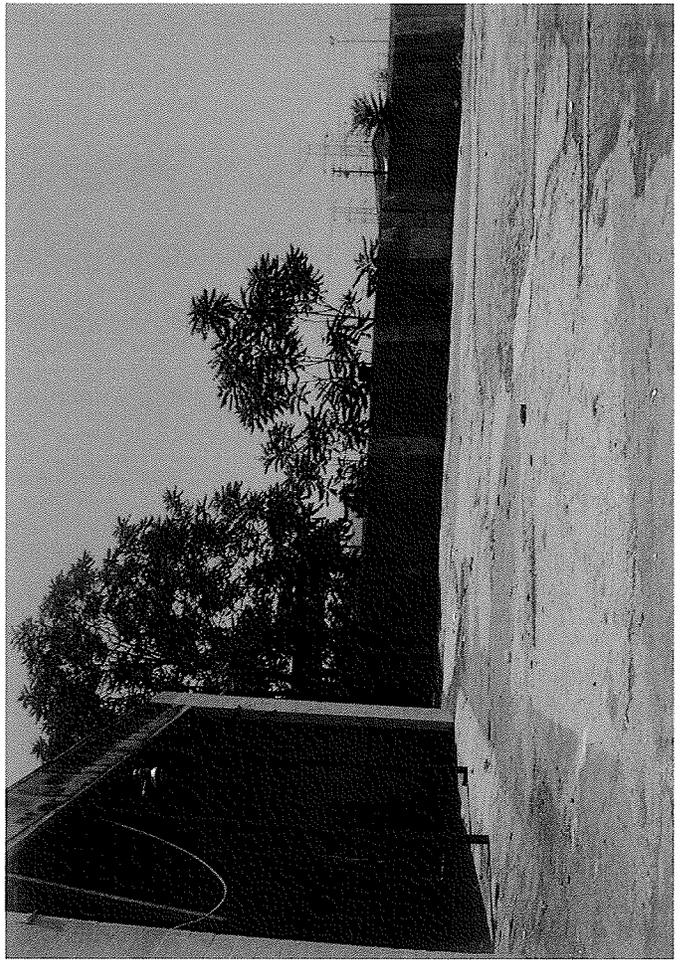


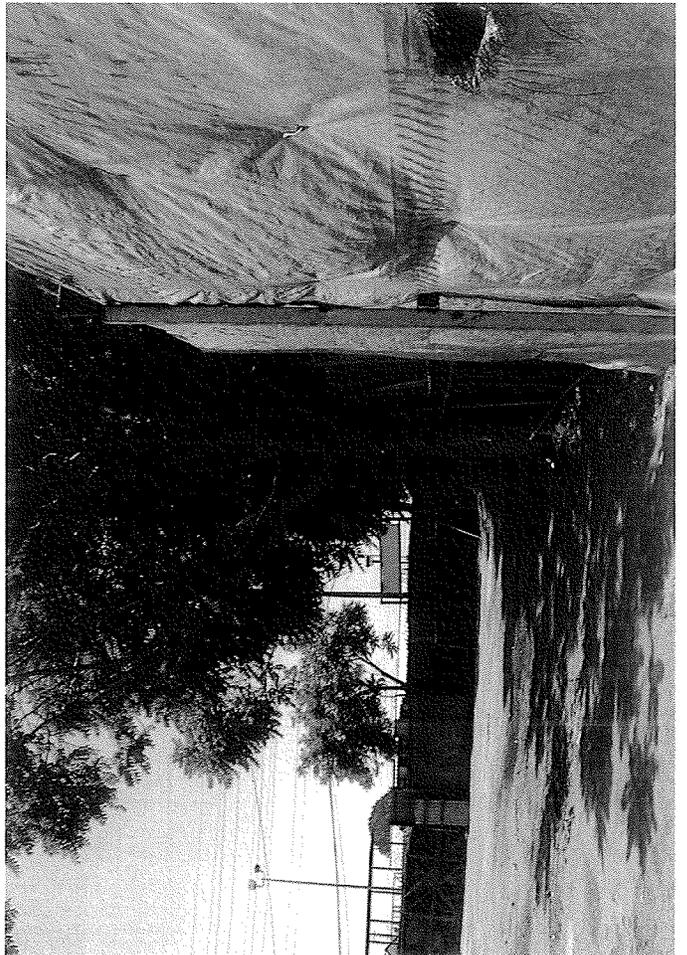
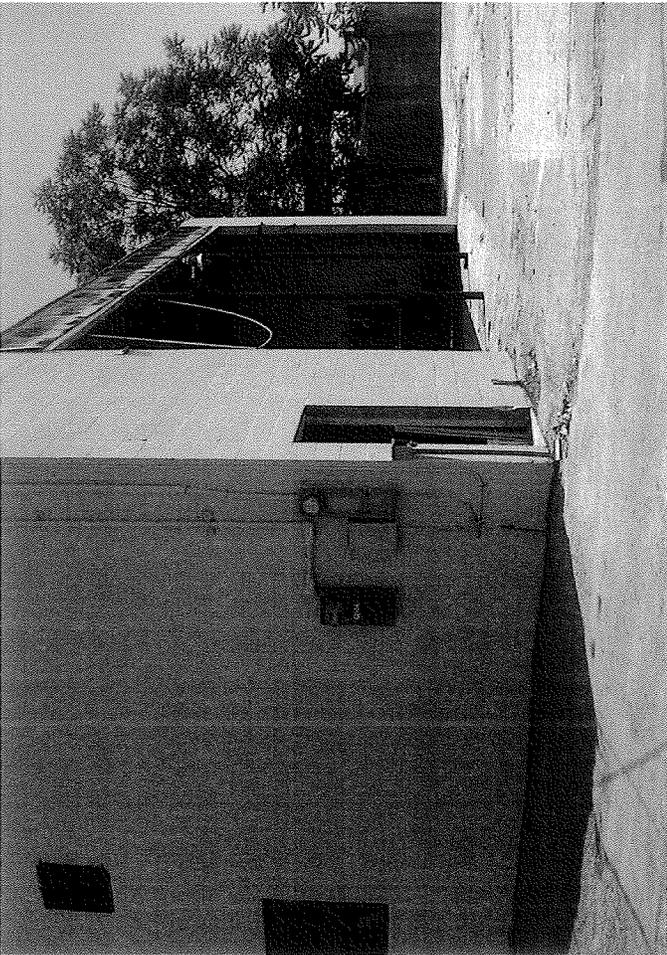
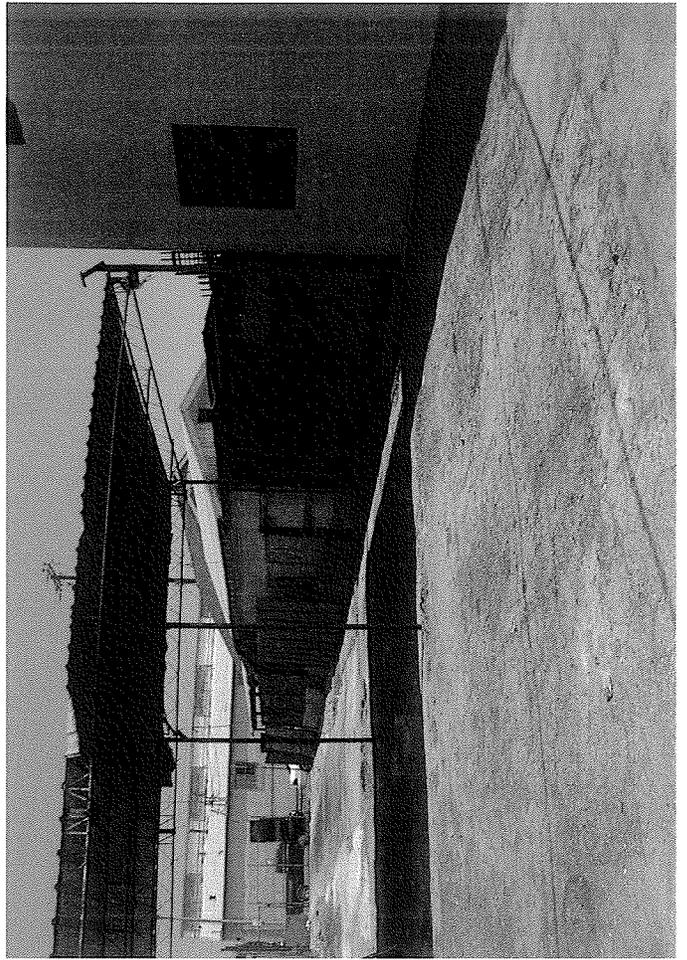
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NO
PARKING









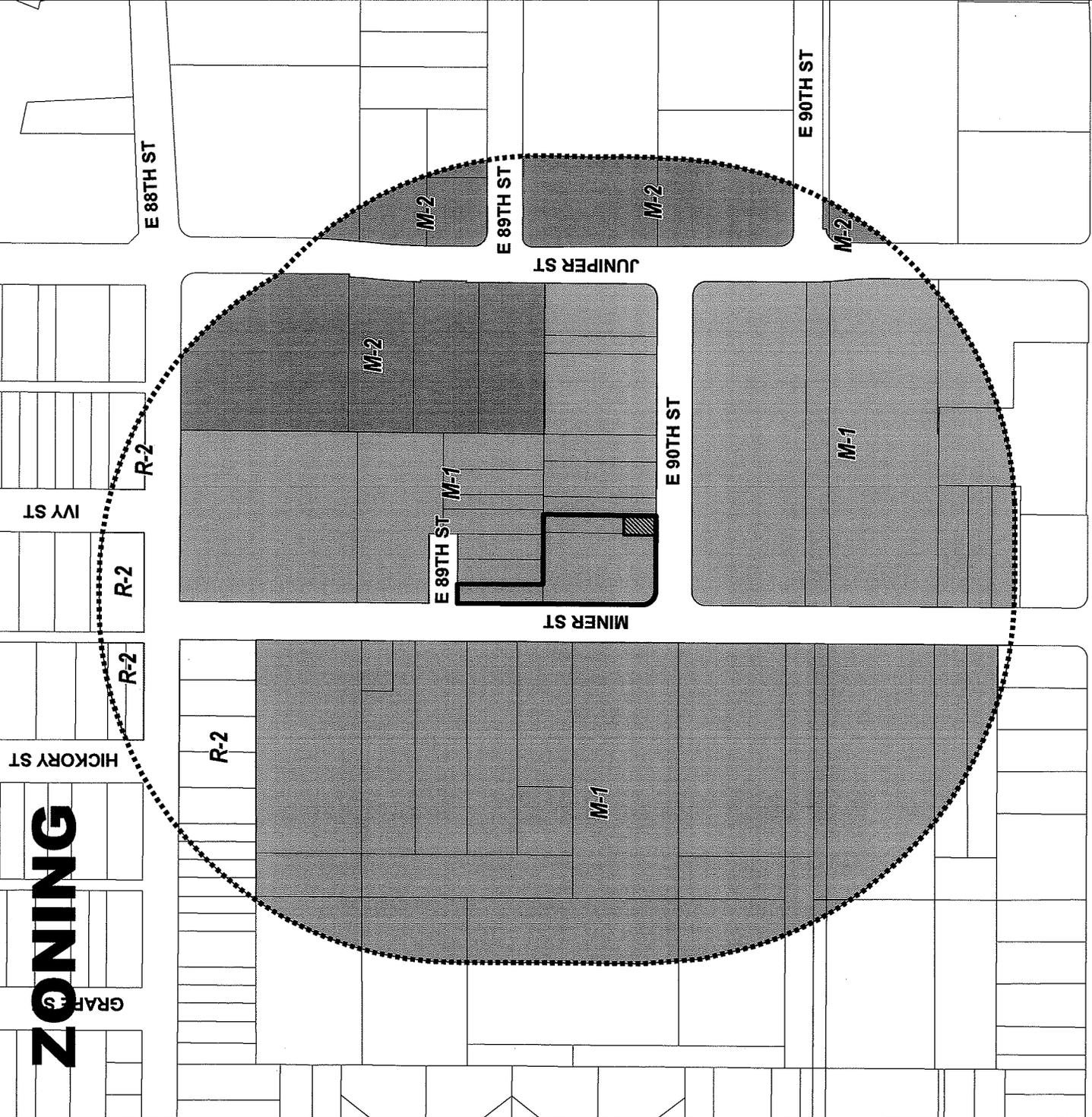
ZONING

500 FOOT RADIUS MAP

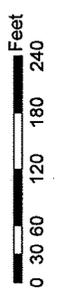
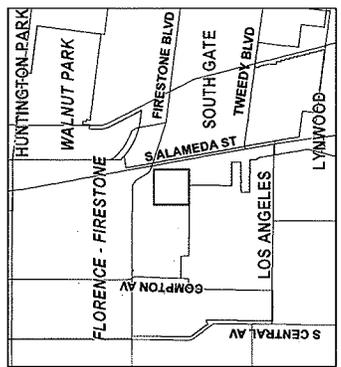
Proj. 96187 (2)
RCUP 2007-00145

Legend

-  R-2 - TWO-FAMILY RESIDENCE
-  M-1 - LIGHT MANUFACTURING
-  M-2 - HEAVY MANUFACTURING



VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012