



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 6, 2011

Justin Davis
4060 Campus Drive, Ste. 200
Newport Beach, CA 92660

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NO. 97-156-(4)
CONDITIONAL USE PERMIT NO. 201100048
10634 INEZ STREET, WHITTIER**

Dear Applicant:

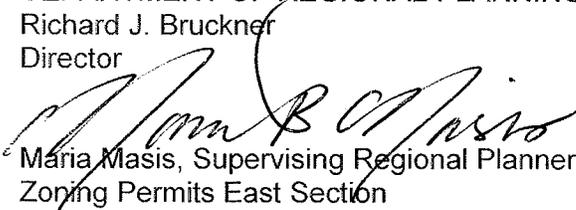
Hearing Officer Gina Natoli, by her action of December 6, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on December 20, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435 or e-mail at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety), Zoning Enforcement, AT&T Mobility.
MM:SM

HEARING OFFICER'S FINDINGS AND ORDER:

**PROJECT NUMBER 97-156 - (4)
CONDITIONAL USE PERMIT NO. 201100048**

HEARING DATE: December 6, 2011

REQUEST: The applicant, AT&T Mobility, is requesting a conditional use permit (CUP) for the upgrade of an existing wireless telecommunications facility (WTF) consisting of the removal of six (6) existing 4-foot long panel antennas on an existing 50-foot high monopole (52 ½ feet to the top of the antenna array) and replacing them with twelve (12) new six-foot long panel antennas mounted in three (3) sectors located in the lot of an existing auto body and paint shop (Rube's Body & Paint) in the M-1-BE (Light Manufacturing – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.32.070. Four (4) new equipment cabinets will be added in a 186-square foot expansion to the existing equipment enclosure area and will be screened behind a chain link fence with slats.

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on December 6, 2011 before the Hearing Officer. The applicant's representative, Justin Davis, was present at the hearing but chose not to testify. The Hearing Officer requested minor changes to the project's findings and conditions and closed the public hearing and approved project 97-156-(4) with conditions.

Findings

1. The subject property is located at 10634 Inez Street in unincorporated Whittier and in the Sunshine Acres Zoned District.
2. The subject property is zoned M-1-BE (Light Manufacturing – Billboard Exclusion). The existing zoning for the surrounding properties are as follows:
 - North: M-1-BE (Light Manufacturing – Billboard Exclusion) Zone.
 - East: M-1-BE (Light Manufacturing – Billboard Exclusion) Zone.
 - South: M-1-BE (Light Manufacturing – Billboard Exclusion) Zone.
 - West: M-1-BE (Light Manufacturing – Billboard Exclusion) Zone.
3. The existing land use for the subject property contains an existing auto body and paint shop. The existing land use for the surrounding properties are as follows:
 - North: Auto Shop Services
 - East: Light Industrial
 - South: Light Industrial Warehouse, Auto Body & Paint
 - West: Auto Shop Services, Single-family Residences
4. This approval is for the upgrade of an existing unmanned wireless telecommunications facility (WTF). The WTF is located in the lot of an existing auto body and paint shop. The WTF upgrade consists of the removal of six (6) existing four-foot long panel antennas and replacing them with twelve (12) new six-foot long panel antennas mounted in three (3) sectors on an existing 50-foot tall monopole (52 ½ feet to the top of the antenna array). Four (4) new equipment cabinets will be added in a 186-square foot expansion to the existing equipment enclosure area and will be screened behind a chain link fence with slats. The total lease area will be 426 sq. ft.

5. CUP 97-156 was approved on January 20, 1998. This CUP authorized the construction and operation of a 55-foot tall monopole containing an unmanned wireless telecommunications facility and appurtenant equipment.
6. CUP 200800072 was approved August 16, 2010. This CUP authorized the renewal of CUP 97-156 and an additional co-location for the existing WTF.
7. The subject property is designated 1 – Low Density Residential (1 to 6 du/ac) in the General Plan. Currently, the subject property is being used as an auto body and paint shop. The General Plan Update proposes that the subject property be reclassified as “IL” for Light Industrial to correspond with the industrial nature of the established uses in the area.
8. Pursuant to Section 22.32.070 of the County Code, development of wireless telecommunication facilities is not a recognized use but a similar use of radio/television towers is permitted in the M-1 (Light Manufacturing) Zone, provided that a CUP is obtained.
9. Allowing the wireless telecommunication facility to be upgraded and continue operations will ensure that local cellular service will remain readily available. The facility is located 205 feet east of the centerline of Inez Street. The WTF is located on the southeast corner of an existing auto body and paint shop. Four (4) new equipment cabinets will be added in a 186-square foot expansion to the existing chain link enclosed equipment area for a total lease area of 426 sq. ft. The subject property is surrounded by auto shop services to the north, light industrial warehouse and auto body and paint services to the south, light industrial to the east, and auto shop services and single-family residences to the west.
10. One parking space for maintenance vehicles is required. The facility provides adequate parking for maintenance vehicles.
11. Maintenance visits to the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
12. The Hearing Officer finds that a Categorical Exemption, Class 1 Categorical Exemption – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project consists of a minor alteration to an existing wireless telecommunication facility.
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. No public comments were received on this project at the time of the public hearing.
15. 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 Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request for the construction, operation, and maintenance of the said unmanned WTF, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and 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;
- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other 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 existing 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.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100048 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MM:SM:sm

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 97-156-(4)
CONDITIONAL USE PERMIT NO. 201100048**

PROJECT DESCRIPTION

The project is a conditional use permit for the upgrade of an existing wireless telecommunications facility (WTF) consisting of the removal of six (6) existing panel antennas on an existing monopole located in the lot of an existing auto body and paint shop and replacing them with twelve (12) new panel antennas mounted in three (3) sectors and the addition of four (4) new equipment cabinets in an expansion to the existing equipment enclosure area in the M-1-BE (Light Manufacturing – Billboard Exclusion) Zone subject to the following conditions of approval:

GENERAL 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 Conditions No. 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 \$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 December 6, 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 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 (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,400.00**. Any remaining balance from permittee's previous conditional use permit shall be applied to this deposit. 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 **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 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 requirements of Title 22 (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.
14. All development pursuant to this grant shall conform with the requirements of 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." Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A." The facility shall be built as depicted in the photo simulations presented at the public hearing. If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT-SPECIFIC CONDITIONS

17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs

are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

19. 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.
20. 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.
21. 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 the permittee shall obtain an encroachment permit if deemed necessary.
22. 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.
23. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
24. 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.
25. The maximum height of the facility shall not exceed 52'-6" above finished grade.
26. 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.
27. 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.
28. 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; and, visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee 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.
29. 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.

30. The Department of Regional Planning project number, conditional use permit number and leaseholder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
31. The facility shall be secured by fencing, gates and/or locks. All fencing used for screening or securing the facility shall be composed of chain link with slats.
32. Appurtenant equipment boxes shall be screened or camouflaged.