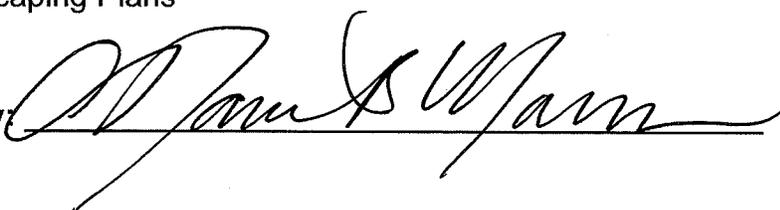


Hearing Officer Transmittal Checklist

Hearing Date
12/06/2011
Agenda Item No.
5

Project Number: 97-156-(4)
Case(s): Conditional Use Permit Case No. 201100048
Planner: Steve Mar

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

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435

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

PUBLIC HEARING DATE
 December 6, 2011

AGENDA ITEM
 5

RPC CONSENT DATE
 N/A

CONTINUE TO
 N/A

APPLICANT AT&T Mobility	OWNER Dorothy L. Vlach	REPRESENTATIVE Arvin Norouzi – FMHC Corp.
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PROJECT DESCRIPTION
 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' panel antennas on an existing 50' tall monopole (52'-6" to top of antenna array) located in the lot of an existing auto body and paint shop (Rube's Body & Paint) and replacing them with twelve (12) new 6' panel antennas mounted in three (3) sectors 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 15'-6" x 12' expansion to the existing 240 sq. ft. equipment enclosure area for a total lease area of 426 sq. ft. and will be screened behind a chain link fence.

REQUIRED ENTITLEMENTS
 A conditional use permit is required to allow the construction and operation of a wireless telecommunications facility (WTF) in the M-1 (Light Manufacturing) zone pursuant to Los Angeles County Code Section 22.32.070.

LOCATION/ADDRESS
 10634 Inez St., Whittier

SITE DESCRIPTION
 The site plan depicts the existing auto body and paint shop (parcels 8029-005-066 & 8029-002-041) along Inez Street with the existing WTF and proposed new equipment cabinets located on the southeast corner of the property. The proposed twelve (12) antenna panels will be mounted 37' up the existing monopole in three (3) sectors and replace six (6) existing panel antennas. Two other antenna arrays, mounted at 44'-9" and 50', are currently co-located on the monopole. Four (4) new equipment cabinets will be added in a 15'-6" x 12' expansion adjacent to the existing chain link enclosed equipment area for a total lease area of 426 sq. ft. An unnamed alley adjoins the property along the southern property line and allows direct access to the WTF. Surrounding land uses consist of auto shop services to the north, light industrial warehouse and auto body and paint shop to the south, light industrial to the east, and auto shop services and single-family residences to the west.

ACCESS via Inez Street and unnamed alley along the southern property line	ZONED DISTRICT Sunshine Acres
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ASSESSORS PARCEL NUMBER 8029-005-066	COMMUNITY South Whittier – Sunshine Acres
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SIZE 0.25 acres (parcel 8029-005-066), 426 sq. ft. (lease area)	COMMUNITY STANDARDS DISTRICT N/A
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Auto Body & Paint	M-1-BE (Light Manufacturing – Billboard Exclusion)
North	Auto Shop Services	M-1-BE (Light Manufacturing – Billboard Exclusion)
East	Light Industrial	M-1-BE (Light Manufacturing – Billboard Exclusion)
South	Light Industrial Warehouse, Auto Body & Paint	M-1-BE (Light Manufacturing – Billboard Exclusion)
West	Auto Shop Services, Single-family Residences	M-1-BE (Light Manufacturing – Billboard Exclusion)

GENERAL PLAN/COMMUNITY PLAN General Plan	LAND USE DESIGNATION 1 – Low Density Residential	MAXIMUM DENSITY 1 to 6 du/ac
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ENVIRONMENTAL DETERMINATION
 Categorical Exemption, Class 1 – Existing Facilities

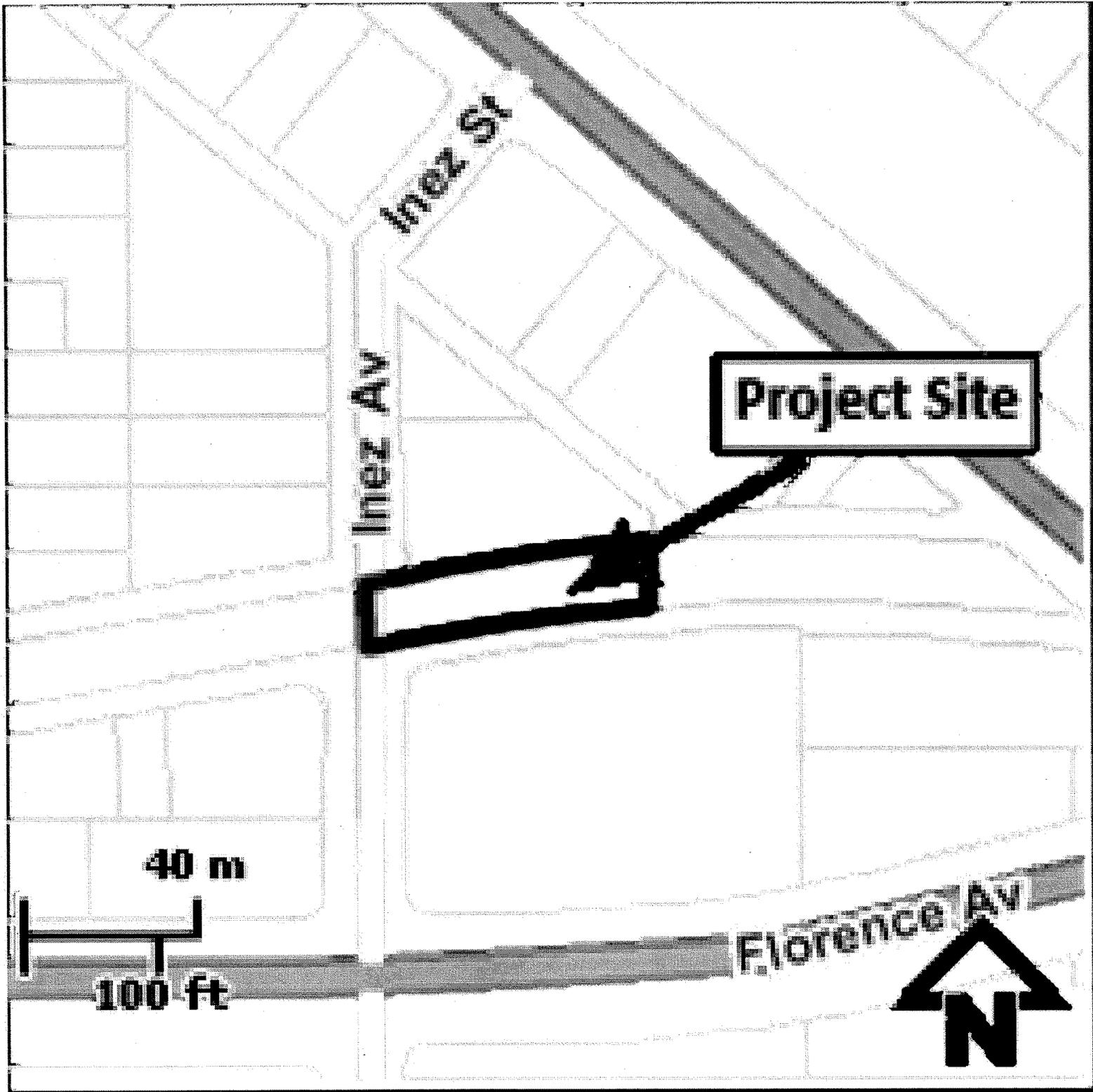
RPC LAST MEETING ACTION SUMMARY

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

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



STAFF REPORT
PROJECT NUMBER 97-156-(4)
CONDITIONAL USE PERMIT NUMBER 201100048

REQUIRED ENTITLEMENTS

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' panel antennas on an existing 50' monopole (52'-6" to top of antenna array) located in the lot of an existing auto body and paint shop (Rube's Body & Paint) and replacing them with twelve (12) new 6' panel antennas mounted in three (3) sectors 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 15'-6" x 12' expansion to the existing equipment enclosure area.

REPRESENTATIVE: Arvin Norouzi – FMHC Corp.

APPLICANT: AT&T Mobility

OWNER: Dorothy L. Vlach

SITE PLAN DESCRIPTION

The site plan depicts the existing auto body and paint shop (parcels 8029-005-066 and 8029-002-041) along Inez Street with the existing WTF and proposed new equipment cabinets located on the southeast corner of the property. The proposed twelve (12) antenna panels will be mounted 37' up the existing monopole in three (3) sectors and replace six (6) existing panel antennas. Two other antenna arrays, mounted at 44'-9" and 50', are currently co-located on the monopole. Four (4) new equipment cabinets will be added in a 15'-6" x 12' expansion adjacent to the existing 240 sq. ft. chain link enclosed equipment area for a total new lease area of 426 sq. ft. An unnamed alley adjoins the property along the southern property line and allows direct access to the WTF. Surrounding land uses consist of auto shop services to the north, light industrial warehouse and auto body and paint shop to the south, light industrial to the east, and auto shop services and single-family residences to the west.

LOCATION

The subject property is located at 10634 Inez Street in unincorporated Whittier and in the Sunshine Acres Zoned District.

Assessor's Parcel Number: 8029-005-066

EXISTING ZONING

Subject Property: The subject property is zoned M-1-BE (Light Manufacturing – Billboard Exclusion).

Surrounding Zoning:

- 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.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.32.070 of the County Code, development of radio and television stations and towers is a permitted use in Zone M-1 (Light Manufacturing), provided that a CUP is obtained.

Neighborhood Impact/Land Use Compatibility

Allowing the wireless telecommunication facility to be upgraded and continue operating will ensure that local cellular service will remain readily available. The WTF is located on the southeast corner of the subject property behind an existing auto body and paint shop and is 206 feet east of the centerline of Inez Street. The new appurtenant equipment lease area will be built adjacent to and to the north of the existing equipment lease area. 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 uses to the east, and auto shop services and single-family residences to the west.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached (**Attachment A**). Staff is of opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.

PUBLIC COMMENTS

No public comments had been received at this time of this report.

FEES/DEPOSIT

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on October 29, 2011 and in The San Gabriel Valley Tribune, on November 1, 2011. A total of 60 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on October 26, 2011. This number also includes notices sent to the local community groups and residents on the Sunshine Acres Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Staff Report and Site Plan were forwarded to the South Whittier Library on October 25, 2011. The same materials were also posted on the Department of Regional Planning's website.

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

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

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' panel antennas on an existing 50' monopole (52'-6" to top of antenna array) and replacing them with twelve (12) new 6' 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 15'-6" x 12' expansion to the existing equipment enclosure area and will be screened behind a chain link fence.

HEARING DATE: December 6, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

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 & 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)

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

**[DRAFT] 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 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.

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 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.
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." 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.

31. 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.
32. 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. 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.
33. Appurtenant equipment boxes shall be screened or camouflaged.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

The proposed project is a modification to an existing wireless telecommunications facility. The proposed installations will be upgrading at&t's wireless facility to support 4g wireless service. because the project site will continue to operate in the same harmonious manner after the upgrade, approval of this application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

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 project is in a commercial zone and The application is a request to expand an existing wireless facility. the additional antennas will be replacing the existing antennas and no changes will be made to the monopole, which currently has three existing wireless carriers on it. the expansion to the ground space will be inside the existing auto body shop and will be enclosed by a chainlink fence, providing full concealment of the new and existing equipment cabinets.

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 proposed project is a modification of an existing wireless telecommunications facilitya, which will continue to operate as an unmanned facility, with occasional maintenance required. the site has a separate locked fence with entry access through an alley.