Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 4, 2011

Sure Site Consulting Group
Attn: Anthony Serpa
1607 Terra Bella
Irvine, CA 92602

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NO. 99065 – (5)
CONDITIONAL USE PERMIT NO. 201000171
1307 E. Longden Avenue, Arcadia

Dear Applicant:

The Regional Planning Commission, by its action on August 3, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission'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 grant becomes effective.

The applicant and/or other interested persons may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on August 17, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission 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 additional information on appeal procedures or any other matter pertaining to these approvals, please contact Rob Glaser of the Zoning Permits North Section at (213) 974-6443 or e-mail at rglaser@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:00 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan Tae, AICP Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings and Conditions, Affidavits (Permittee's Completion)
c: RPC; DPW (Building and Safety); Zoning Enforcement; Anthony Serpa, Adriana Lopez
SMT:rg

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NO. 99065 – (5)
CONDITIONAL USE PERMIT NO. 201000171

REQUEST: The applicant, T-Mobile West Corporation, is requesting authorization for the continued operation and maintenance of an existing wireless telecommunication facility (WTF) located in the R-A (Residential Agricultural) zone. In addition, the applicant is also requesting to add one additional equipment cabinet to optimize the facility's performance. A conditional use permit (CUP) is required for a WTF located in the R-A zone pursuant to Section 22.20.440 of the Los Angeles County Code (County Code).

HEARING DATE: August 3, 2011

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:
A duly noticed public hearing was held on August 3, 2011 before the Regional Planning Commission. Commissioners Modugno, Valadez, Helsley and Pedersen were all in attendance for the Public Hearing and Commissioner Louie was absent. Staff presented the applicant's request. There being no testimony, the Commission voted (4-0) to close the public hearing, acknowledge the categorical exemption and approve the applicant's request with the findings and conditions for approval.

Findings

1. The subject property is located at 1307 E. Longden Avenue in the unincorporated community of South Monrovia Islands in the South Arcadia Zoned District.

2. The subject property is zoned R-A (Residential Agricultural). The existing zoning for the surrounding properties are as follows:
   North: R-A zone and the City of Monrovia.
   East: City of Irwindale.
   South: R-A zone.
   West: R-A zone and the City of Monrovia.

3. The existing land use for the subject property is developed with a church and a private school with appurtenant parking. The existing land use for the surrounding properties are as follows:
   North: Private school and City of Monrovia.
   East: City of Irwindale (light industrial uses).
   South: Multi-family residences and single-family residences.
   West: Baseball field and single-family residences.

4. The project provide for the continued operation and maintenance of an existing WTF located in the R-A zone along with the addition of equipment cabinet to optimize the

facility's performance. The proposed equipment cabinet will be located within the lease area at the base of the bell tower behind an existing five foot high block wall, which will screen the additional equipment cabinet from view. The existing WTF is located on a bell tower of an existing church/school. There are six existing antennas mounted within an existing enclosure near the top of the 65-foot tall bell tower, and no new antennae will be added as part of this project. The existing associated equipment cabinet is located at the base of the bell tower behind a five-foot high block wall and screened from view.

5. 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. Access to the subject property is through two driveways along Longden Avenue, an improved 60-foot wide public street to the south. This is an unmanned facility expected to have one of maintenance visit per month and the existing streets and parking are sufficient to accommodate the request and no other public infrastructure is required, therefore, the existing site is adequately approved for the needs of this project.

6. CUP Case No. 96065 – (5), approved on August 3, 1999, authorized the construction, operation and maintenance of an unmanned wireless telecommunication facility within a bell tower of an existing church facility, which currently exists today. This grant terminated on August 3, 2009. The applicant filed for a new CUP to continue the existing use on December 8, 2010.

7. Zone Change Case No. 5196 adopted by Ordinance No. 9440 changed the zone from A-1 (Light Agricultural) to R-A for the subject property on November 7, 1967.

8. The existing WTF is consistent with the applicable land use compatibility goals and policies of the Los Angeles Countywide General Plan (General Plan). The following general policy of the General Plan is applicable to the subject property and serves a guideline for the continued operation and maintenance of such facility:

   Public Services policy 58: *"Maintain high quality emergency response services."*
   - The existing WTF provides cellular service to this neighborhood and such service is often used to make emergency calls. The existing facility will continue to ensure that such service is readily available.

9. Title 22 of the Los Angeles County Code (County Code) does not specify WTF as a use. The use most closely matching a WTF specified in the County Code is a radio or television stations and tower. Pursuant to Section 22.20.440 of the County Code, development of radio and television stations and towers is an allowed use in Zone R-A provided that a CUP is obtained.

10. The project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. Allowing the WTF to continue operating will ensure the cellular service will remain readily available. Cellular service is often used to make emergency calls and is

important to maintain for the health and safety of the surrounding residents as well as those who may visit the community. The facility has been operating in a manner that is consistent and compatible with the surrounding area, as is evidence by the fact that there have been no complaints or problems from the community for more than ten years. Therefore, allowing continued operation of the facility will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

11. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features required for the proposed project. Parking that would be required can be accommodated by the existing on-site parking, that is a 187.89 square foot lease area in the middle of a 33,105.6 square foot site, and so the equipment cabinet structures are set back a sufficient distance from the property line, and that the five foot wall enclosure adequately screens the equipment cabinets from view.

12. Staff has determined that a Class 3 Categorical Exemption – New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since part of the project will involve the installation of one additional equipment cabinet for the WTF to optimize the facility's performance.

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. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 15 years.

15. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. That the existing use is consistent with the adopted general plan for the area;

B. That the requested use at the location proposed, 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 County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission determines that this project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to a Class 3 Categorical Exemption for the installation of one additional equipment cabinet.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000171 is **approved** subject to the attached conditions.

c: Regional Planning Commission, Zoning Enforcement, Building and Safety

VOTE: 4 – 0 – 0 – 1

CONCURRING: Modugno, Valadez, Helsley and Pedersen

DISSENTING: NONE

ABSTAINING: NONE

ABSENT: Louie

ACTION DATE: August 3, 2011

SMT:RG:rg

.CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 99065 – (5)
CONDITIONAL USE PERMIT NO. 201000171

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of an existing wireless telecommunication facility (WTF) located in the R-A (Residential Agricultural) zone and the installation of one additional equipment cabinet within the existing development footprint 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.

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 August 3, 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 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 purposes of this provision, continued operation of the **existing Wireless Telecommunication Facility** and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **8 biennial (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 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 the County Department of Public Works "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, four copies of a modified Exhibit "A" shall be submitted to Regional Planning within 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. The permittee shall submit an annual report to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels are in compliance with applicable emission limits with adopted Federal Communications Commission "FCC" limitations for general population/uncontrolled exposure.

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 the time an application for a co-located facility is submitted.

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 Regional Planning.

21. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

22. As the subject property is adjacent to residences, 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.

23. 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.

24. The maximum height of the facility shall not exceed the height of the existing bell tower structure within which it is located, or 65 feet above finished grade, whichever is lower.

25. Within 30 days of change in WTF ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new WTF owner.

26. The finished surface of the facility shall remain integrated into the design of the existing bell tower. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately with the church facility.

27. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

28. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance of the said WTF. If the WTF facility becomes unused or abandon for a six month period, then it is the permittee's responsibility to remove the WTF and all associated equipment. If the WTF equipment is removed from the bell tower and the bell tower structure is damaged during the removal process, it shall be the permittee's responsible to repair the bell tower structure.

29. 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.

30. The facility's antennae shall be secured within the bell tower and the appurtenant equipment shall be screened behind the block wall. If the facility's 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.