Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 28, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Justin Robinson - Sprint
1750 E. Ocean Blvd., #906
Long Beach, CA 90802

REGARDING: **PROJECT NUMBER 99-227-(4)**
CUP 201000084
3816 N. Woodruff Avenue, Long Beach, CA 90808

Dear Applicant:

Hearing Officer, Paul McCarthy by his action of Tuesday, March 20, 2012, **APPROVED** the above described application ***(CUP 201000084).*** The applicant and/or 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 Tuesday, April 3, 2012**. 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.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** these forms and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Michele Bush of the Zoning Permits East Section at (213) 974-6435 or e-mail at mbush@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,

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
Wayne G. Anastasi c/o Clayton Hill, 1200 Aviation Blvd., Ste. 100, Redondo Beach, CA 90278

MM:mrb

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER 99-227-(4)
CONDITIONAL USE PERMIT 201000084

REQUEST

The applicant, Sprint, is requesting a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility (WTF) consisting of a three-sector antenna array with four (4) antennas per sector and one (1) panel antenna and one (1) microwave dish per sector mounted on an existing building with equipment cabinet mounted on an existing platform on the rooftop, and seven (7) existing equipment cabinets inside an existing room on the 2nd floor of the referenced building. A Revised Exhibit "A" (REA) 200900102 was approved on September 27, 2009. The previous CUP expired on May 2, 2010. No alteration or modifications are proposed as a part of this request.

HEARING DATE: 3/20/2012

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on March 20, 2012 before Hearing Officer Paul McCarthy. The applicant's representative, Justin Robinson, presented testimony in favor of the request. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.

FINDINGS

1. The proposed is a request for a Conditional Use Permit (CUP) for the continued operation of a previously approved unmanned wireless telecommunications facility consisting of a three-sector antenna array with four (4) antennas per sector and one (1) panel antenna and one (1) microwave dish per sector mounted on an existing building with equipment cabinet mounted on an existing platform on the rooftop, and seven (7) existing equipment cabinets inside existing room on the 2nd floor of the referenced building.
2. The subject property is located at 3816 N. Woodruff Avenue, in the unincorporated community of Long Beach Island in the Lakewood Zoned District.
3. The project site is an existing medical building with appurtenant parking and landscaping. The existing unmanned wireless telecommunications facility and appurtenant equipment are located on the rooftop and within the 2nd floor of the existing building. The parcel is accessed by Woodruff Avenue.
4. The proposed project is consistent with the Countywide Land Use Policy. The land use designation of the subject property is 1-Low Density Residential (1 to 6 du/ac). There are no policies in the Plan that specifically prohibit, discourage or limit the use of WTFs.
5. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. Similar uses, such as radio/television stations/towers, are subject to permit.
6. The height of the structure-mounted WTF is fifteen (15) feet above the roof line of the existing structure. The height of structure-mounted wireless facilities is restricted to 16 feet above the building roof line, pursuant to the Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities.
7. The 2.04 acre subject property is adequate in size and shape to accommodate the existing WTF. One parking space is provided for site visits done on a monthly basis by maintenance personnel.

8. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
9. The subject property is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project. The facility will generate approximately one maintenance vehicle trip a month.
10. The subject property is surrounded by church/office uses to the north and residential uses to the south, east and west.
11. The design is appropriate for the site and area because it is designed and conditioned to be visually non-obstructive.
12. There was no opposition to the project.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. This project was determined to be categorically exempted (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).
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 Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and

C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION

1. I have considered the Class 1 Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000084 is **APPROVED,** subject to the attached conditions.

c: Hearing Officer, Building and Safety

MM:mrb

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 99-227-(4)
CONDITIONAL USE PERMIT NO. 201000084

GENERAL CONDITIONS

This grant authorizes the continued operation and maintenance of a wireless telecommunications facility (WTF), subject to all of the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

   If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on 03/20/2027**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two years from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the 32,250 square foot commercial building and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 8 biennial inspections. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

13. All 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 to the requirements of the County Department of Public Works.

15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

CASE SPECIFIC CONDITIONS

17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

18. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

19. External lighting, shall be used for maintenance only, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

20. 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.

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 property owner.

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. 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.

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. 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.

27. The facilities shall be removed if in disuse for more than six months.

28. The antenna sectors mounted on the screen walls shall not exceed 4'-6" in height.

03/20/12