

LOS ANGELES COUNTY LETTERGRAM

TO	Alex Garcia Hearing Officer	FROM	Carolina Blengini Special Projects
-----------	--------------------------------	-------------	---------------------------------------

SUBJECT: DENIAL DUE TO INACTIVITY

DATE: 22/9/11

AGENDA ITEM NO. 9

PROJECT: R2008-00082-(2)

CASE NUMBER: 200800005

Conditional Use Permit No. 200800005 is an application to authorize the construction, operation and maintenance of a wireless telecommunications facility in a county-owned park (Victoria Park), located within the City of Carson.

Staff sent letters to the applicant and applicant's agent on September 2, 2008, July 20, 2011, and August 24, 2011. In addition, staff attempted to contact the applicant and applicant's agent on the phone with no response. Staff has not received the requested information or materials to enable further project evaluation. Copies of the abovementioned letters are attached.

Pursuant to County Code Section 22.56.060 staff requests this application be **Denied** for lack of submittal of proper information to process the case.

HEARING OFFICER ACTION:

I concur with the requested action.

Conditional Use Permit No. 200800005 is hereby denied.

Alex Garcia, Hearing Officer DATE: _____

Attachments:

Staff/Applicant Correspondence

**HEARING OFFICER'S FINDINGS AND ORDER:
PROJECT NUMBER R2008-00082-(2)
CONDITIONAL USE PERMIT NO. 200800005**

HEARING DATE: October 4, 2011

SYNOPSIS:

The applicant, T-Mobile, is requesting to authorize the construction and maintenance of a wireless telecommunications facility in a county-owned park (Victoria Park), located within the City of Carson.

PROCEEDINGS BEFORE THE HEARING OFFICER:

May 17, 2011 Public Hearing

(Hold for Hearing Officer meeting proceedings).

Findings

1. The applicant, T-Mobile, is requesting to authorize the construction and maintenance of a wireless telecommunications facility in a county-owned park (Victoria Park), located at 419 E 192nd St, within the City of Carson.
4. The project was filed on January 15, 2008. Since 2008 the project was placed on hold for various reasons. Staff has sent repeated letters to the applicant and applicant's agent asking for additional materials needed to proceed with the project. Recently, staff has sent letters to the applicant and applicant's agent requesting additional materials on September 2, 2008 and July 20, 2011. In addition, staff attempted to contact the applicant and applicant's agent on the phone with no response. Staff has not received the requested information or materials to enable further project evaluation.
5. Staff sent a letter to the applicant dated August 24, 2011, informing the applicant that pursuant to Section 22.56.060 (Denial For Lack Of Information) of the County Code, the case would be scheduled before a Hearing Officer for denial due to inactivity on October 4, 2011.
6. The August 24, 2011 letter also directed the applicant to contact Regional Planning staff by September 26, 2011 for the project to remain active.
7. The applicant has failed to submit the required materials within the required timeframe.
8. During the October 4, 2011 Hearing Officer public meeting, staff made a brief presentation summarizing the process for denial of a project due to inactivity.
9. During the October 4, 2011 Hearing Officer public meeting, the project applicant was not present. There were no testifiers in support of or in opposition to the project.
10. During the October 4, 2011 Hearing Officer public meeting, the Hearing Officer denied Conditional Use Permit Case No. 200800005 due to inactivity.

Therefore, in view of the findings of fact presented above, **Conditional Use Permit No. 200800005 is DENIED.**

SD:CB:cb
09/22/2011



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 24, 2011

Parsons – Jim Todaro
2201 Dupont, Suite 200
Irvine, CA 92612

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SUBJECT: HEARING NOTICE – DENIAL DUE TO INACTIVITY
PROJECT: 2008-00082
CASE: CUP200800005
ADDRESS: 419 E 192nd ST, CITY OF CARSON

Dear Project Representative:

The following information/material was requested on September 2, 2008:

1. Revised Burden of Proof

To date, we have not received the above mentioned materials. We are unable to proceed further in processing your application. Los Angeles Zoning Ordinance, Section 22.56.060 provides that the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040. We have scheduled your application for **denial** with the Hearing Officer on October 4, 2011. If our office receives the materials, and they are found to be adequate by September 26, 2011, the case will be removed from the Hearing Officer agenda and processing will resume.

If you have any questions regarding this matter, please contact Carolina Blengini at (213) 974-1522, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at cblengini@planning.lacounty.gov. Our offices are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Samuel Z. Dea, Supervising Regional Planner
Special Projects Permits Section

SZD:MT

cc: Applicant (T-Mobile; 3 Imperial Promenade, Ste 1100, Irvine, CA 92707)



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 20, 2011

Parsons – Jim Todaro
2201 Dupont, Suite 200
Irvine, CA 92612

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**SUBJECT: PROJECT NO. 2008-00082, CUP200800005
419 E 192nd ST, CITY OF CARSON
NOTICE OF INCOMPLETE FILING AND REQUEST
FOR MATERIALS/INFORMATION**

Dear Project Representative:

In our initial review of your project, the Department of Regional Planning requested, in our letter dated September 2, 2008, additional material in order to continue processing your case. The requested materials are outlined in the attached correspondence.

Quite some time has passed since last communication. Although this office endeavors to complete the review of your project in a timely manner, we are unable to proceed further without the stated additional materials. We are also unable to leave your case open indefinitely. We, therefore, have no choice but to give you this final notice.

Please be informed that unless the stated additional review materials are submitted to this office by August 22, 2011 further processing by the Special Projects Section will cease and your case will be scheduled with the Hearing Officer for denial. If clarification on this matter is needed, please contact Carolina Blengini at (213) 974-1522, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at cblengini@planning.lacounty.gov. Our offices are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Samuel Z. Dea, Supervising Regional Planner
Special Projects Permits Section

SZD:MT

cc: Applicant (T-Mobile; 3 Imperial Promenade, Ste 1100, Irvine, CA 92707)



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

September 2, 2008.

Parsons – Jim Todaro
2201 Dupont, Suite 200
Irvine, CA 92612

**SUBJECT: PROJECT NO. 2008-00082, CUP200800005
419 E 192nd ST, CITY OF CARSON
NOTICE OF INCOMPLETE FILING AND REQUEST
FOR MATERIALS/INFORMATION**

Dear Applicant:

A review of the materials submitted by you in this case indicates that your application is incomplete. Please submit the following information to initiate further processing:

1. Elaborate on Burden of Proof (please see attached example).

Please note that failure to disclose all pertinent information for consideration in the review of this case could result in delays, continuation of public hearings, new environmental analysis or additional costs.

Please note that any zoning violations on the property discovered after the filing of this case may affect the scheduling of a public hearing pursuant to the "Clean Hands" provisions of the County Code in Section 22.04.110.

We request that you expeditiously comply with the above requirements. If no activity occurs within 60 days of this letter, your case will be scheduled before a Hearing Officer for denial pursuant to Section 22.56.060 of the County Code.

If you have any questions, please contact Carolina Blengini at (213) 974-1522 Monday through Thursday from 7:30 to 5:30 or via email at cblengini@planning.LAcounty.gov. Our offices are closed on Fridays.

Conditional Use Permit Case-Burden of Proof
Section 22.56.040
CUP 94-105

A)

1) The existing telecommunications facility will not further affect the health, peace and comfort or welfare of persons residing or working in the surrounding area. The telecommunications facility does not emit dangerous electromagnetic frequencies, excessive noise or require substantial maintenance and regular site visits. The operation is unmanned and is visited by a technician once every 4-6 weeks. No conclusive evidence has been shown that these types of facilities cause illnesses of any type. This wireless communications facility meets and exceeds the standards of the American National Standards Institute, the scientific body charged by the Federal Communications Commission to provide rigorous scientific standards for transmission of licensed wireless frequency. In addition, The federal government has pre-empted local jurisdictions from affirming the contrary. Nowhere directly adjacent to the site are sensitive residential uses. The site will not disturb the workers and/or travelers in or nearby Calabasas due to its remote location on a hilltop.

2) The use will not be detrimental to the primary vacant use. The site does not require additional parking. The site will also not materially affect the value of property. One, the site can be re-located with sufficient notice and negotiation with the LL, if the need arises. Second, the cell site is an ongoing 25 year revenue stream that continues to be at equity with inflation. This will directly benefit the value and equity of the property.

3) The site will have no known health affects and continues to have no health affects since the beginning of its operation. In essence, the site will bolster public safety by providing emergency 911 services to the surrounding area. The general welfare of the community is not in danger because of this use. In fact, the welfare of the community could only benefit from this type of use.

B)

1) The monopole is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The existing facility is approximately 100 square feet. The fence is comprised of a small chain link fence surrounding the equipment, pole and general lease area. The side yard setbacks are easily met due to the size of the lot and the location of the equipment and pole. Again, the site is approximately 100 sq. ft., while the site is several acres. The existing use of the parcel is vacant. The site requires the use of one space every 4-6 weeks for routine

maintenance. Therefore, no further provisions for parking need to be taken at this time.

C)

1) This site is served by existing roads, highways and private easements (access roads). The parking lot of the storage facility is sufficient to carry the load and provide adequate clearance for any and all activities that need to be accomplished in regards to maintenance of the site. Since the site is built, Sprint will not need to perform any heavy construction.

2) Not applicable