

Hearing Officer Transmittal Checklist

Hearing Date
8/16/2011
Agenda Item No.
4

Project Number: R2010-01707-(1)
Case(s): Conditional Use Permit No. 2010 00161
Planner: Phillip Estes, AICP *PE*

- 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)
- Previous Entitlement (CUP No. 99-172 Approval Letter)
- Correspondence
- Photographs
- GIS-Net Map
- Aerial Image(s)
- Tentative Tract / Parcel Map
- Site Plan, Elevation Plan
- Exhibit Map
- Landscaping Plans

Reviewed By: *Phillip Estes*



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435
PROJECT NO. R2010-01707-(1)
CONDITIONAL USE PERMIT 2010 00161

PUBLIC HEARING DATE 8/16/2011	AGENDA ITEM 4
RPC CONSENT DATE	CONTINUE TO

APPLICANT T-Mobile West Corp.	OWNER Downey Real Estate Holdings, Inc.	REPRESENTATIVE Anthony Serpa
---	---	--

PROJECT DESCRIPTION
 To authorize the continued operation and expansion of a wireless telecommunications facility (WTF) located in the C-3 (Unlimited Commercial) zone, East Los Angeles Community Standards District, Eastside Unit No. 4 Zoned District.

REQUIRED ENTITLEMENTS
 A conditional use permit to authorize the continued operation and expansion of a wireless telecommunications facility, located in the C-3 zone, pursuant to Sec. 22.28.210.

LOCATION
 5161 Pomona Avenue, East Los Angeles, CA 90022

SITE DESCRIPTION
 The site plan shows an existing two-story, multi-tenant commercial building. There are 50 surface parking spaces indicated between the building and the street. There is landscaping located along the south and east property lines and within the parking area. The existing 60 ft. monopole is located at the rear of the building, at the northeastern corner of the parcel. New canister antennas are proposed below the existing canister antenna on the monopole. There is no proposed height increase. New equipment cabinets are proposed adjacent to the existing equipment cabinets, which are located on the roof of the building.

ACCESS Pomona Blvd. and S. Atlantic Blvd.	ZONED DISTRICT Eastside Unit No. 4
---	--

ASSESSORS PARCEL NUMBER 5250-009-037	COMMUNITY East Los Angeles
--	--------------------------------------

SIZE 1.01 acres	COMMUNITY STANDARDS DISTRICT East Los Angeles
---------------------------	---

	EXISTING LAND USE	EXISTING ZONING
Project Site	Multi-tenant commercial building, parking	C-3
North	Parking, single-family residential	R-3-P (Limited Multiple Residence – Parking), R-1 (Single-Family Residence)
East	Parking, medical building, gas station, retail, Pomona Freeway (CA 60)	C-2 (Neighborhood Business), C-3
South	Gold Line Atlantic Station, retail, restaurants, parking, auto repair	C-3
West	Parking, medical building	C-3

GENERAL PLAN/COMMUNITY PLAN East Los Angeles	LAND USE DESIGNATION CC (Community Commercial)	MAXIMUM DENSITY N/A
--	--	-------------------------------

ENVIRONMENTAL DETERMINATION
 Class 3 Categorical Exemption (New Construction or Conversion of Small Structures)

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

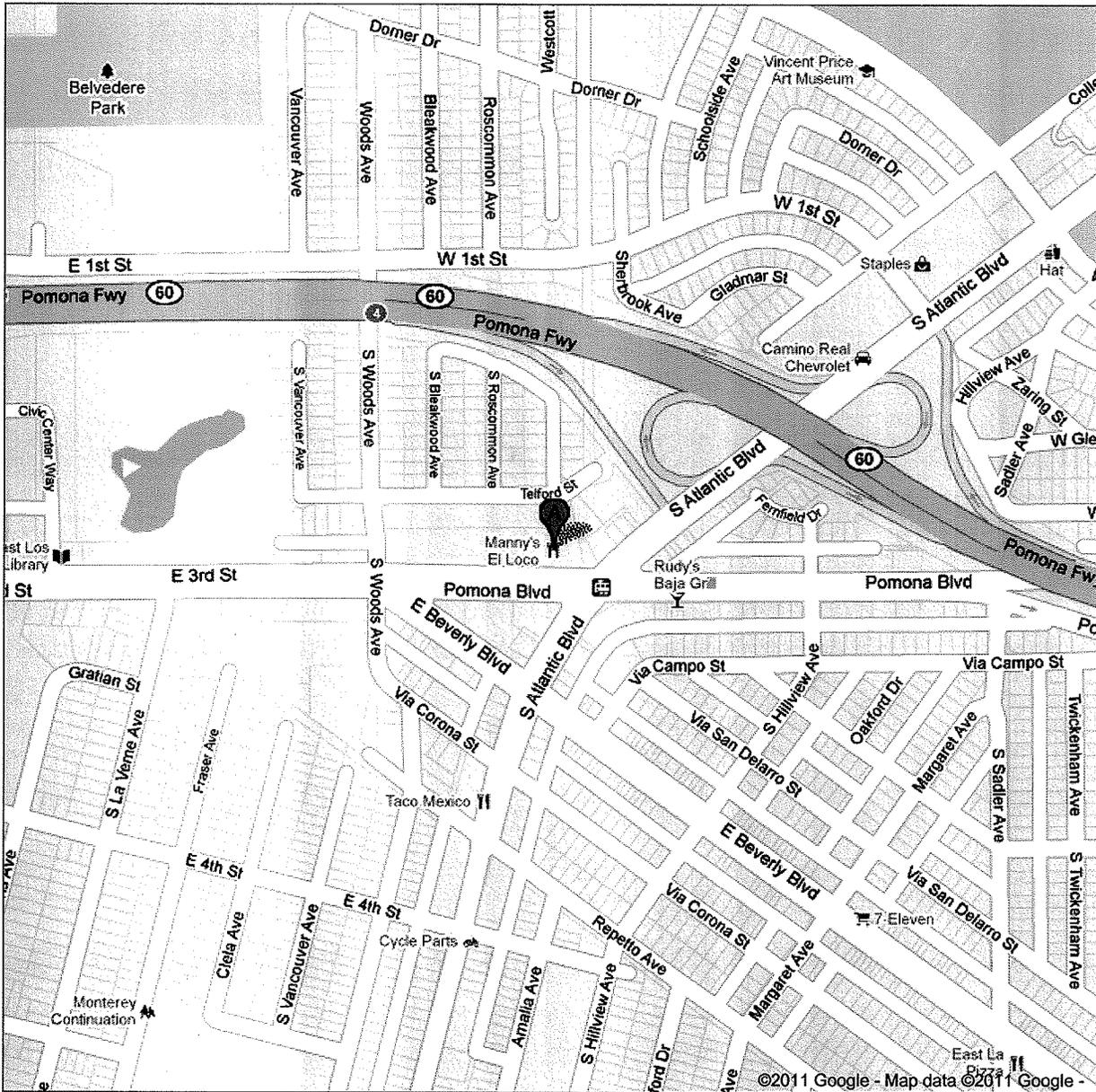
STAFF CONTACT PERSON: Phillip Estes (pestes@planning.lacounty.gov)		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

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

Google maps

Address 5161 Pomona Blvd
Los Angeles, CA 90022

Notes PROJECT NO. 2010-01707-(5)
CONDITIONAL USE PERMIT
2010 00161



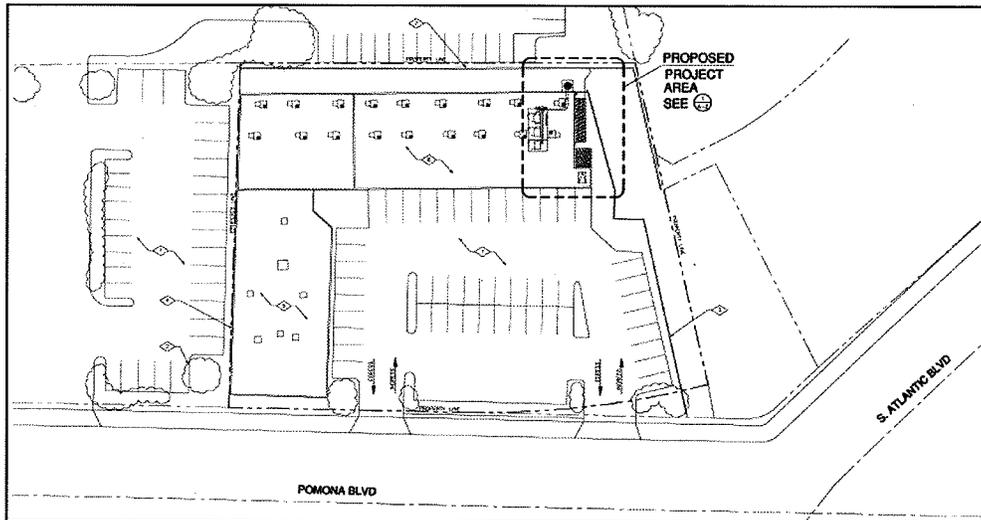


Figure 2 Site Plan

LAND USE

The property is currently developed with a multi-tenant commercial building, parking, and a 60 foot monopole wireless telecommunications facility.

The following indicates the existing land uses within 500 feet of the subject property, as indicated on the applicant's land use map:

- North: Parking, single-family residential
- East: Parking, medical building, gas station, retail, Pomona Freeway (CA 60)
- South: Gold Line Atlantic Station, retail, restaurants, parking, auto repair
- West: Medical building, parking



Figure 3 - Aerial view perspective (2008)

ZONING

The following indicates the existing zoning within 500 feet of the subject property:

- North: C-3
- East: R-3-P (Limited Multiple Residence – Parking), R-1 (Single-Family Residence)
- South: C-2 (Neighborhood Business), C-3
- West: C-3

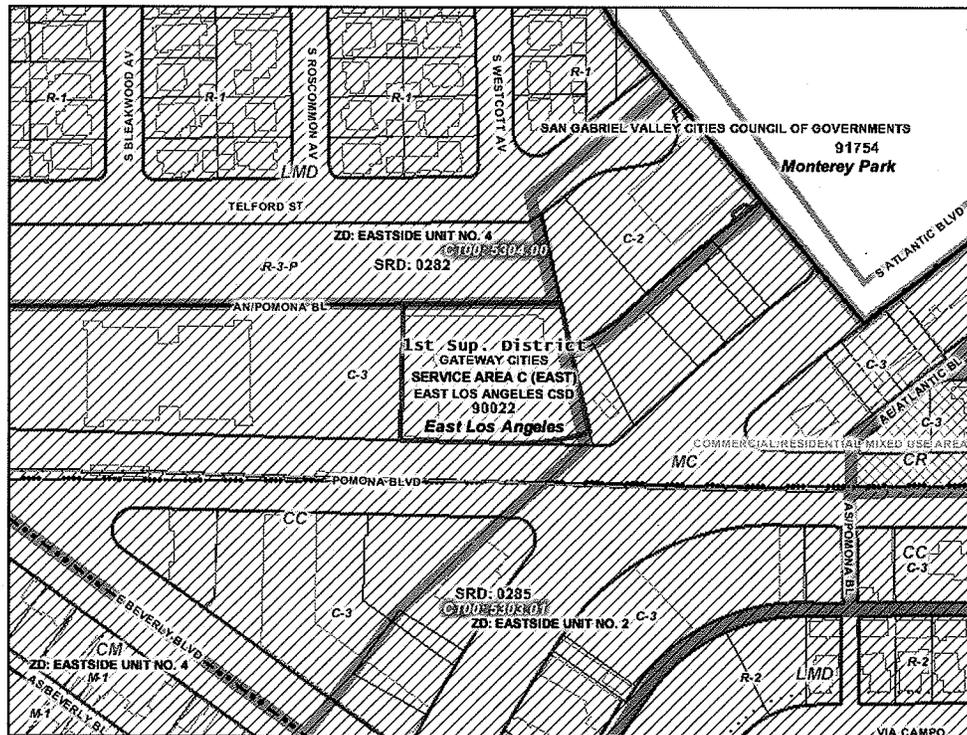


Figure 4 - Land Use Plan and Zoning Map

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt Class 3 – New Construction or Conversion of Small Structures, pursuant to the California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to Sections 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was adequately notified of the public hearing by mail, a legal advertisement, posting of a hearing notice sign, library package distribution, and case-related materials were published on the Los Angeles County Department of Regional Planning (“Regional Planning”) website.

PREVIOUS ZONING PERMIT CASES

CUP No. 99-172 authorized a wireless telecommunication facility. The permit was approved on March 8, 2000 and expired on March 8, 2010.

Plot Plan No. 35692 approved a two-story, multi-tenant commercial building, parking, and landscaping on March 11, 1987.

STAFF EVALUATION

East Los Angeles Community Plan Consistency

The property is located in the Community Commercial (CC) category of the East Los Angeles Community Plan. This category encourages a mix of retail, office, and general commercial uses. Generally, these uses are neighborhood-serving in scale and intensity. The intent of this classification is to maintain a compatible scale and mix of commercial land uses in the area. With project conditions designed to obscure, camouflage, and to reduce the visual impact of the facility, the Project would be compatible with the surrounding land uses. Additionally, the Project directly serves the adjoining commercial and residential customers by increasing the capacity of the existing wireless communication system.

Zoning Ordinance and Development Standards Compliance

The property is located in the C-3 zone, which permits a radio communication tower (wireless telecommunications facility), with an authorized CUP. The plans show adequate parking, vehicular circulation, and landscaping. The property is in substantial compliance with the previously approved CUP No. 99-172.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Zoning Ordinance. The applicant's Burden of Proof statements are attached.

The Zoning Ordinance identifies the burden of proof criteria which must be met in order for a CUP to be granted. Upon reviewing the merits of this request and the criteria for granting a CUP, staff concludes that the applicant has satisfied the Burden of Proof.

Conditional Use Permit Burden of Proof Analysis

1. That the requested use at the location will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety of general welfare.

Staff Comments:

The facility was authorized by CUP No. 99-172 on March 8, 2000. It has continuously operated without known complaints from surrounding property owners or residents. There are no open zoning violation complaints. Staff concludes that with appropriate project design conditions related to minimizing the aesthetic impact of the facility, the Project will not be detrimental to the health, peace, comfort and welfare of persons in the surrounding area and will not negatively affect property values.

2. 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Staff Comments:

The subject property is in substantial compliance with the previously approved CUP No. 99-172. The site plan provides adequate setbacks, landscaping, parking, and vehicular circulation. Staff concludes that with appropriate project design conditions related to minimizing the aesthetic impact of the facility, the Project will be adequately integrated with the surrounding area.

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

Staff Comments:

The Project design, as conditioned, is compatible with the surrounding area. The size of the property is sufficient to accommodate the proposed use and will not unduly burden existing traffic flows, water or sewer services. The facility is unmanned and, therefore, will have less than a significant impact on traffic in the area.

PUBLIC COMMENTS

To date, staff has received no comments.

FEES / DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony or documentary evidence presented at the public hearing.

Staff concludes that the applicant has satisfied the burden of proof and, therefore, recommends **APPROVAL** of Conditional Use Permit No. 2010 00161, for a fifteen (15) year term, subject to the attached conditions.

Prepared by: Phillip Estes, AICP, Principal Regional Planner
Reviewed by: Susan Tae, AICP, Supervising Regional Planner

Attachments: Draft Findings, Draft Conditions, Burden of Proof, Photographs, Site Plan, Land Use Map.

SMT:PE
6/30/11

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

PROJECT NO.: R2010-01707-(1)

CONDITIONAL USE PERMIT NO.: 2010 00161

REQUEST: A conditional use permit (CUP) for the continued operation and expansion of a wireless telecommunications facility (WTF) located in the C-3 (Unlimited Commercial) zone, East Los Angeles Community Standards District, Eastside Unit No. 4 Zoned District.

HEARING DATE: August 16, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

August 16, 2011 Public Hearing

To be completed after the proceedings.

Findings

1. The applicant requested a conditional use permit to authorize the continued operation and expansion of a wireless telecommunications facility ("Project").
2. The Project is located at 5161 Pomona Boulevard, East Los Angeles, Eastside Unit No. 4 Zoned District.
3. The Assessor's parcel number is 5250-009-037.
4. Plot Plan No. 35692 approved the existing two-story commercial building, parking, and landscaping on March 11, 1987.
5. CUP No. 99-172 approved the existing wireless telecommunications facility in March 8, 2000. This permit expired on March 8, 2010.
6. The property is located in the C-3 (Unlimited Commercial) zone.
7. The property is located in category CC – Community Commercial of the East Los Angeles Community Plan.
8. The Project does not conflict with surrounding land uses, as the Project has successfully operated for 10 years without a conflict with surrounding residential land uses.
9. The existing monopole is 60 feet tall. There is no proposed increase in the height of the monopole.
10. The existing and proposed equipment cabinets are located on the roof of the building.
11. The expansion consists of three, flush-mounted canister antennas placed on the existing monopole and one equipment cabinet placed on the roof of the building.
12. In order for the Project to be compatible with surrounding land uses, the monopole, antenna, and cables shall be painted to match either the sky (dull matte grey) or the facility shall resemble other prevalent architectural or natural features such as a mono-palm or mono-pine. Roof-mounted equipment cabinets and cable run tray shall be painted to

match the exterior building color, or placed behind a parapet or other architectural treatment that is consistent with the building architecture.

13. There are no known zoning violation cases.
14. Surrounding properties are located in the following zones:
 - North: R-3-P (Limited Multiple Residence – Parking), R-1 (Single-Family Residence)
 - East: C-2 (Neighborhood Business), C-3
 - South: C-3
 - West: C-3
15. Surrounding land uses within 500 feet are:
 - North: Parking, single-family residential
 - East: Parking, medical building, gas station, retail, Pomona Freeway (CA 60)
 - South: Gold Line Atlantic Station, retail, restaurants, parking, auto repair
 - West: Parking, medical building
16. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
17. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
18. The Project, with design conditions, is compatible with the exterior appearance of existing structures located within the adjacent area. For this reason, the project will not cause blight, deterioration, or substantially diminish or impair property values within the area.
19. The project is Categorically Exempt Class 3 (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.
20. Pursuant to Sections 22.60.174 and 22.60.175 of County Code, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package, and published on the Los Angeles County Department of Regional Planning ("Regional Planning") website.
21. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to fifteen (15) years with seven (7) periodic inspections.
22. The location of the documents and other materials constituting the record of proceedings upon which the decision is based is located at Regional Planning, 320 W. Temple St., Los Angeles, CA 90012.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

CONDITIONAL USE PERMIT – Burden of Proof

1. The proposed use is consistent with the adopted general plan for the area;
2. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, and 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 and general welfare;
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features; and
4. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.040, 22.56.090, Title 22, of the County Code.

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption Class 3 for this project and certify that it is consistent with the finding by the State Secretary for Resources and 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 No. 2010 00161 is **APPROVED** for a fifteen (15) year term, subject to the attached conditions.

CC: Zoning Enforcement

SMT:PE
6/30/11

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

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 Number 6, and until all required monies have been paid pursuant to Condition Number 9.

Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.

3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. 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 pay the Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant shall terminate on June 7, 2036.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant will expire unless used within six months from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date. Submittal of the recorded affidavit and payment of all required fees shall constitute use of the permit. Submitting the recorded Affidavit of Acceptance and applicable fees shall constitute using the grant and permit.
9. 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. The permittee shall deposit with the County the sum of **\$1,400.00**. 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 deposit provides for **seven (7) periodic inspections**. Inspections may be unannounced.
10. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is 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.

12. All requirements of Title 22 of the County Code ("Zoning Ordinance") shall be complied with unless otherwise set forth in these conditions or shown on the approved plan.
13. All structures shall conform to the requirements of the County Fire Department, as applicable.
14. All structures shall conform to the requirements of the County Department of Public Works, as applicable.
15. All structures, walls and fences open to public view shall remain free of 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.
16. 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 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.
18. 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, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit, or as modified by the Director of Regional Planning.
19. All litter and trash shall be regularly collected from the premises and the adjacent sidewalks or right-of-way.
20. The facility shall operate in accordance with regulations of the California Public Utilities Commission, as applicable.
21. The facility shall be removed, to the satisfaction of the Director of Regional Planning, if in disuse for more than six months.

22. Insofar as feasible, the operator shall cooperate with subsequent applicants for a co-located facility. Subsequent co-located antenna(s), with no increase in the monopole height, may be permitted, subject to an approved Revised Exhibit "A".
23. The monopole, antenna, and cables shall be painted to match either the sky (dull matte grey) or the facility shall resemble other prevalent architectural or natural features such as a mono-palm or mono-pine, as approved by the Director of Planning.
24. Roof-mounted equipment cabinets and cable run tray shall be painted to match the exterior building color or placed behind a parapet or other architectural treatment that is consistent with the building architecture, as approved by the Director of Planning.
25. One parking space shall be made available for periodic maintenance vehicle parking.

SMT:PE
6/30/11



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.

PLEASE SEE ATTACHED PAGE

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.

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.

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF

SEC. 22.56.040

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed 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.

1. The existing facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to continue to provide wireless communications to this particular area of Los Angeles County, City of Los Angeles and other surrounding communities. Wireless communications are also used to promote efficient and effective non-emergency personal, business, and governmental communications. These services have been established and are accepted as an integral part of the nation's telecommunications infrastructure and promote the public health, safety, morals, comfort and general welfare. The proposed continuation of operation of the telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use.

The existing wireless telecommunication which T-Mobile operates is necessary in order to provide PCS services to the surrounding community, including traditional wireless services such as wireless digital telephone service and new data transmission services. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to signal interference are within the sole province of the FCC.

2. The facility does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and commercial areas. Substantially no additional noise, smoke, odor impacts will be generated and no additional parking will be required for the proposed facility. Further, the proposed facility will not interfere with the quiet enjoyment of neighboring land uses.

3. This telecommunication facility will not endanger the public health, safety or general welfare. In fact, this site, as part of a larger network, provides access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "E911" and other emergency situations.

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 facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To the contrary, enhanced wireless communications has a positive influence on personal, business, governmental, and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area.

The facility is ancillary to the primary established use on the property. The existing 60 ft. tower with the antennas concealed within a radome cover is consistent with the use of property, and utilities within the area of the facility. Further, the existing equipment compound is located on the roof of the existing commercial office building and the requested action includes the request to add one (1) additional UMTS equipment cabinet as part of the requested entitlement application.

C. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width an 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.

1. The facility is not staffed and requires only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated.

2. The proposed facility only utilizes minimal electric service, which is available on the property. No water, sewer, refuse or other additional services shall be required.

10-01707



Authorized Agent for T-Mobile West Corporation

T-Mobile Project Number: **IE04439**

T-Mobile Project Name: **Kim Monopole**

County of Los Angeles

Application for a CUP renewal – Additional Information

Project Information and Justification

T-Mobile West Corporation ("T-Mobile") is requesting approval of a CUP renewal for the continued use and operation of an unmanned Wireless Telecommunications Facility (WTF – cell site) and presents the following project information for your consideration.

Project Location:

Address: 5161 E Pomona Blvd, Los Angeles, CA 90022
APN: 5250-009-037
Zoning: C-3

Project Representative:

Name: Anthony Serpa
Company: SureSite Consulting Group
1607 Terra Bella, Irvine, CA 92602
(310) 903-8640
a.serpa@sure-site.com

T-Mobile Contact:

Linda Paul, Real Estate & Zoning Manager
3257 E. Guasti Road, Suite 200, Ontario, CA 91761
(909)975-3698

Project Description:

This proposal is for a CUP renewal to enable the continued use and operation of an unmanned WTF as shown in the attached application and plans.

Project Objectives:

There are several reasons that a wireless telecommunications service provider has the need to maintain a (WTF) cell site at a specific location:

Coverage – Our goal is to prevent a situation of no service, or an insufficient level of service that would be expected to arise in the vicinity of the existing site if it were to be removed. Namely, that there would be a service coverage gap and an infill coverage gap in the area and surrounding commercial and residential areas nearby in the County of Los Angeles if this WTF were to be removed.

Capacity – A level of service does currently exist in the area, but is currently overloaded or approaching overload, preventing successful call completion during times of high usage.

Quality – While service does exist at some level, signal strength is inadequate or inconsistent.

E911 – Effective site geometry within the overall network is needed to achieve accurate location information for mobile users through triangulations with active cell sites. (Fully half of all 911 calls are made using mobile phones.)

Enhanced Voice and Data Services – Current service would provide adequate radio-support for advanced services as this location and will increase with the additional antennas and equipment cabinet proposed.

All of these factors combine to constitute a potential “significant gap” in coverage or quality of service provided if this WTF were to be removed.

Project Benefits

More than 80% of all Americans subscribe to cell phone service. People of all ages increasingly rely on their cell phones to talk, text, send media, search the internet, find their way via mapping applications, and conduct daily personal and business activities. It takes a robust physical network of antennas and supporting radio equipment to successfully provide those wireless connections, virtually anywhere and at anytime, as expected by each of our customers.

The installation and operation of the proposed facility will also offer improved:

- Communications for local, state, and federal emergency service providers, such as police, fire, paramedics, and other emergency first-responders.
- Personal safety and security for community members who are experiencing emergencies, or have an urgent need to reach family members or friends. Safety is the primary reason parents provide cell phones to their children. Currently 25% of all preteens, ages 9-12, and 75% of all teens, aged 13-19, have cell phones.
- Capability of local businesses to better service their customers
- Opportunity for a city or county jurisdiction to attract businesses to their community for greater economic and physical development.

Alternative Site Analysis

The following sites were evaluated as possible locations for the wireless telecommunications facility:

- **No alternative sites were researched as this is an existing WTF**

General Findings / Burden of Proof

The site for the proposed use is adequate in size and shape:

The T-Mobile facility will be enclosed and T-Mobile will continue to only access the site approximately once a month for periodic maintenance or if an emergency requires a site visit. Site is located close to the parking lot and driveway and will not interfere with existing parking or usable space.

The proposed location has sufficient access to streets and highways that are of adequate width and pavement type to carry the quantity and quality of traffic generated by the proposed use:

T-Mobile will have access from the existing parking lot and driveway; no easements crossings are proposed.

The proposed use will not have an adverse effect upon adjacent or abutting properties:

The proposed renewal continues to be in harmony with the general goals of, and the spirit and intent of the General Plan in that the proposed antennas do not significantly alter the positive characteristics of the natural and building surroundings (i.e. the scale, height of existing buildings, bulk and appearance.) The existing WTF has been established for over ten years.

The proposed use is deemed essential and desirable to the public convenience or welfare.

Wireless Telecommunication is now and indispensable part of everyday life and wireless customers have come to expect to be provided with nearly flawless radio coverage at all locations and at all times. The proposed T-Mobile facility will not only service the local community on a day to day basis, but it will also support emergency personnel and the County of Los Angeles during a time of crisis. The welfare and the quality of life to the neighborhood will not only gain from continued and improved coverage in the area, but both neighbors and travelers alike will have a dependable communications network that will also assist during an emergency.

T-Mobile Company information

T-Mobile is one of the fastest growing nationwide service providers offering all digital voice, messaging and high-speed data services to nearly 30 million customers in the United States.

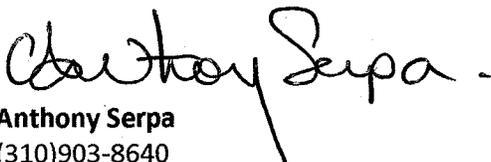
T-Mobile is a "Telephone Corporation" licensed by the Federal Communications Commission (FCC) to operate in the 1950.2-1964.8, 1965.2-1969.8 MHz and 1880.2-1884.8-1889.8 MHz frequencies, and is a state-regulated Public Utility subject to the California Public Utilities Commission (CPUC.) The CPUC has established that the term "Telephone Corporation" can be extended to wireless carriers, even though they transmit signals without the use of telephone lines.

T-Mobile will operate this facility in full compliance with the regulations and licensing requirements of the FCC, Federal Aviation Administration (FAA) and the CPUC, as governed by the Telecommunications Act of 1996, and other applicable laws.

The attached application is presented for your consideration, and T-Mobile respectfully requests a favorable determination and approval of the CUP renewal request as proposed.

Please do not hesitate to contact me with any comments or questions.

Respectfully submitted,



Anthony Serpa

(310)903-8640

a.serpa@sure-site.com

Authorized Agent for T-Mobile



04439A12



*Los Angeles County
Department of Regional Planning*

Director of Planning James E. Hartl, AICP

LA-439-04

12



March 9, 2000

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

O'Neal Communications Group, Inc.
18500 Von Karman, Suite 870
Irvine, CA 92612
Attn: Mr. Pete Shubin

RE: CONDITIONAL USE PERMIT 99-172-(1)

To authorize the construction, operation & maintenance of a monopole and wireless telecommunications facility on property developed with a retail commercial building located at 5161 Pomona Boulevard, Los Angeles.

Dear Mr. Shubin:

The Regional Planning Commission, by its action on March 8, 2000, **APPROVED** the above referenced conditional use permit to authorize the construction, operation and maintenance of a monopole and wireless telecommunications facility on property located at 5161 Pomona Boulevard, Los Angeles.

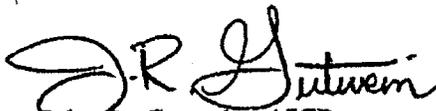
The applicant or **ANY OTHER INTERESTED PERSON MAY APPEAL** the Regional Planning Commission's decision to the Board of Supervisor's Executive Office, Room 383, Kenneth Hahn Hall of Administration, 500 Temple Street, Los Angeles, California 90012. You may contact the Executive Office for the necessary forms and the amount of the appeal fee by calling (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen (15) days after this notice is received by the applicant.

If no appeal is made during this fifteen day period, the Regional Planning Commission action is final. Upon the completion of the fifteen appeal time limit, the applicant may submit the signed and notarized affidavit attached, three (3) copies of the revised site plan (if applicable), and, the required fees, as a prerequisite to obtaining building permit approval.

If you have any questions regarding this matter, please do not hesitate to call me at (213) 974-6443.

Very Truly Yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning



John R. Gutwein, AICP
Supervising Regional Planner
Zoning Permits Section

JRG:rc

Attachments: Affidavit
Findings
Conditions

Cc: Board of Supervisors
Zoning Enforcement
All testifiers

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

CONDITONAL USE PERMIT 99-172-(1)

COMMISSION HEARING DATE:

February 2, 2000 and March 8, 2000

SYNOPSIS:

The applicant has requested a conditional use permit to authorize the use, operation and maintenance of a monopole and wireless telecommunications facility. The proposed facility consists of a sixty (60) foot high monopole with three (3) top-mounted antennae, two (2) base transceiver station electronic equipment cabinets, six (6) low noise amplifiers, and related utility equipment. The low noise amplifiers are to be mounted on the monopole along with the antennae. The project site is located at 5161 Pomona Boulevard, Los Angeles, within the Eastside Unit #4 Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

February 2, 2000 Public Hearing

A duly noticed public hearing was held. Four (4) Commissioners were present, with Commissioner Feldman being absent. The applicant's representative was the only one sworn in who spoke in support of the request. There was no opposition. There was discussion regarding the design treatment of the proposed monopole. Commissioner Toy indicated that he was looking for something "artistic" that would allow the monopole to be "artistically camouflaged." The Commission voted to approve conditional use permit 99-172 subject to their final approval of an acceptable design option.

March 8, 2000 Consent Calendar

Continued discussion was held regarding the design options for the proposed monopole. All five Commissioners were present. Staff presented a brief update report explaining that a public hearing had previously been held on February 2, 2000 at which time the Commission voted to approve the project subject to design modifications being brought back on a future consent calendar. Staff explained that the applicant had considered five different design options and had presented four of these in a the report sent to the Commissioners. These four included: (1) painting the monopole to resemble a utility pole as originally proposed by the applicant, (2) painting a soft white to blend in with the horizon as recommended by staff, (3) painting clinging ivy on the pole, and, (4) flying an American flag on the pole below the top-mounted antennae.

Commissioner Toy made the motion to approve both the clinging ivy and American flag design options for the proposed monopole and the Commission unanimously voted 5-0 for approval of these two design options.

Findings:

1. The applicant has requested a conditional use permit to authorize the installation, operation and maintenance of a monopole and wireless telecommunications facility on property developed with an existing commercial building located in the C-3 (Unlimited Commercial) zone.
2. The .89 acre subject site is located at 5161 Pomona Boulevard, in the Eastside Unit #4 Zoned District.
3. Surrounding zoning consists of R-3-(P) to the north; C-3 to the south, east and west. Monopole and telecommunications facilities are considered conditionally permitted uses in the C-3 zone.
4. The site plan, labeled as Exhibit "A," shows the .89 acre site developed with an existing two-story commercial building and appurtenant parking and landscaping. There are two lease areas proposed. The ground lease area is a 5 foot by 20 foot area located adjacent to and to the rear of the commercial building which is the proposed location for the sixty foot high monopole. The second lease area is a 12 foot by 12 foot area on the building roof-top which is the proposed location for the two base transceiver station electronic equipment cabinets and cable run tray. Access to the site is taken off of Pomona Boulevard to the south.
5. A Negative Declaration has been recommended for this project pursuant to CEQA reporting requirements.
6. Pursuant to section 22.56.010, Title 22 of the Los Angeles County Zoning Ordinance, a monopole and wireless telecommunications facility is a conditionally permitted use in the C-3 zone.
7. The existing parking available on the site will adequately accommodate the one required parking space as determined by the Planning Director. No existing parking spaces will be eliminated due to the proposed monopole siting, nor will vehicular circulation be impaired.
8. All apparatus within fifteen feet of ground level will be removed from the monopole to keep anyone from climbing it. In addition, heavy steel pipes mounted in the ground will be placed around the structure to keep vehicles from striking it.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

AND, 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 22.56.090 of Title 22 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence that the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
- 2. In view of the findings of fact presented above, Conditional Use Permit no. 99-172-(1) is **APPROVED** subject to the attached conditions.

VOTE

Concurring: Pederson, Toy, Campbell, Vargo

Dissenting: None

Abstaining: None

Absent: Feldman

CONDITIONAL USE PERMIT 99-172-(1)

Page 4 of 4

Action Date: March 8, 2000

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within two (2) years from the date of approval. A one year time extension may be requested before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. This grant will terminate March 8, 2010.

Entitlement to use the property for an unmanned wireless telecommunications facility thereafter shall be subject to the regulations then in effect.

8. 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.

The permittee shall deposit with the County of Los Angeles the sum of **\$1,000**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for **ten (10) annual inspections**.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

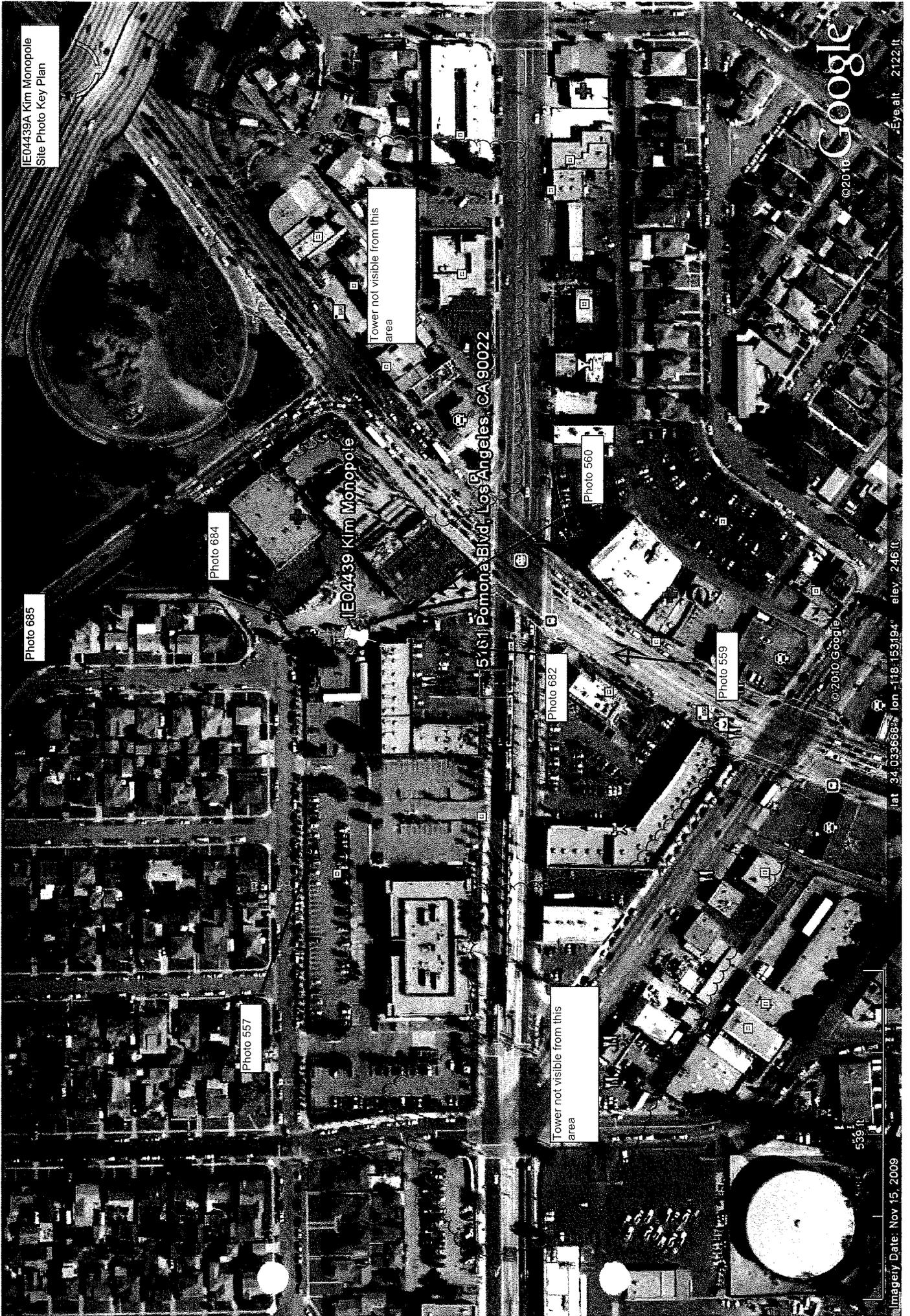
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds 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.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. That three (3) copies of the revised plans, similar to Exhibit "A" sheets C-1, A-1, A-2, A-3, and A-4, as presented at the public hearing and showing the revised ground lease area 5' x 20' on sheet C-1 on both the site plan and elevations; and, the final approved design option for the monopole (painted clinging ivy and hanging American flag) shall be submitted for the approval of the Director of Planning within thirty (30) calendar days of final approval. The property shall be developed and maintained in substantial conformance with the approved plans. All revised plot plans must be accompanied by the written authorization of the property owner.
16. This grant allows for the construction, operation, and maintenance of an unmanned wireless telecommunications facility including a sixty (60) foot high monopole with antennae and appurtenant equipment subject to the following restrictions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
 - b. Said facility shall be removed if in disuse for more than six months.
 - c. 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.
 - d. The exterior finish for the monopole shall be a design approved by the Regional Planning Commission (painted clinging ivy and hanging American flag).

- e. That one of the sixty-six (66) existing parking spaces shall be made available for maintenance vehicle parking.
 - f. That the roof-mounted BTS equipment cabinets and cable run tray be painted to match the exterior building color.
17. That the project will require the filing of a Notice of Determination in compliance with section 21108 and 21152 of the Public Resources Code. The Notice of Determination will not be filed until the appropriate fees required by the California Department of Fish and Game are paid. The fees are based on the type of environmental document approved for this project. The current maximum amount to be paid is \$1,275 (\$1,250 Fish & Game Fee and \$25 document handling fee).

JRG:RC:rc 3/9/00

10-01707



IE04439A Kim Monopole
Site Photo Key Plan

Photo 685

Photo 684

Photo 557

Tower not visible from this
area

IE04439 Kim Monopole

5481 Pomona Blvd, Los Angeles, CA 90022

Photo 682

Tower not visible from this
area

Photo 560

Photo 559

Google

©2010 Google

©2010

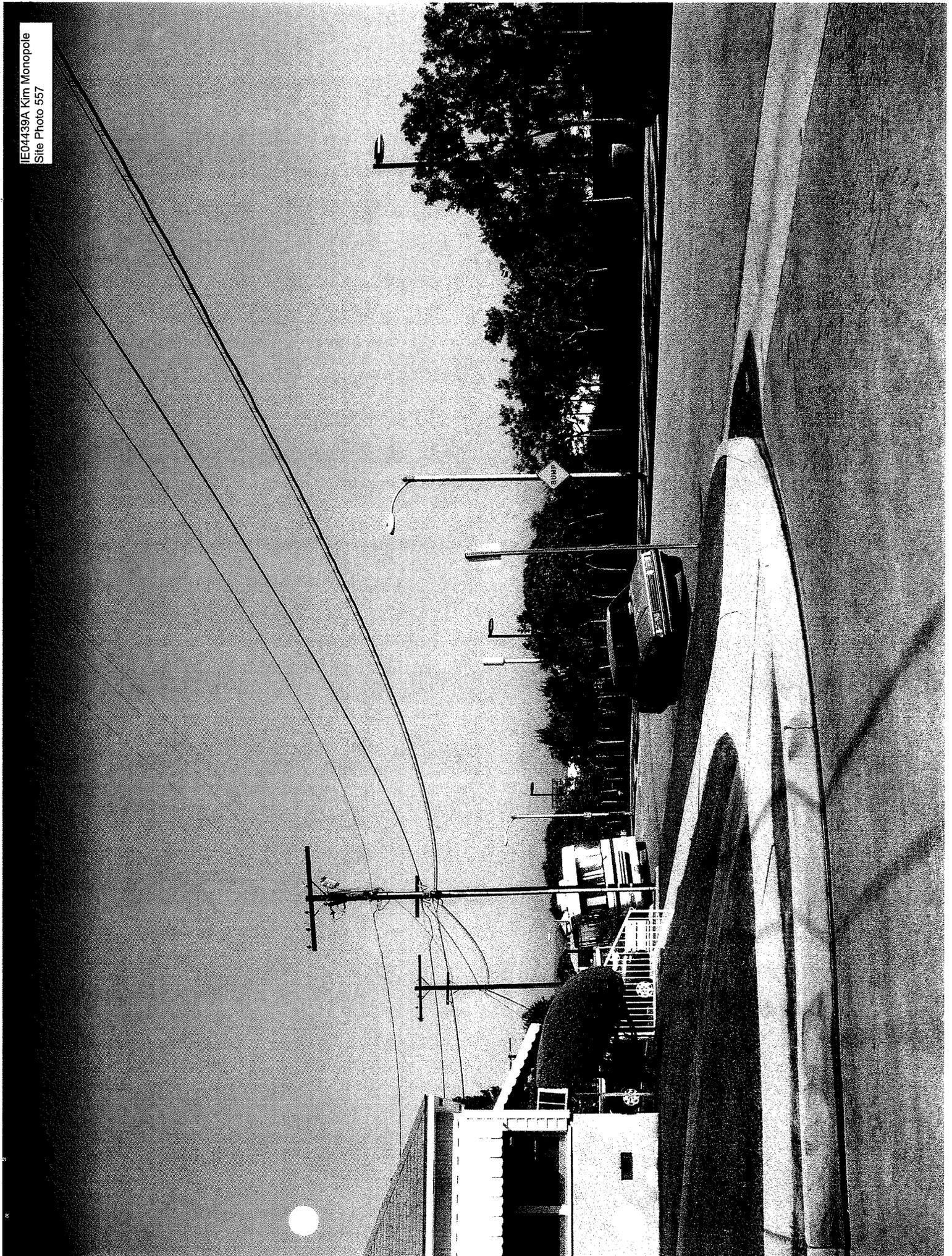
Eye alt. 2122 ft

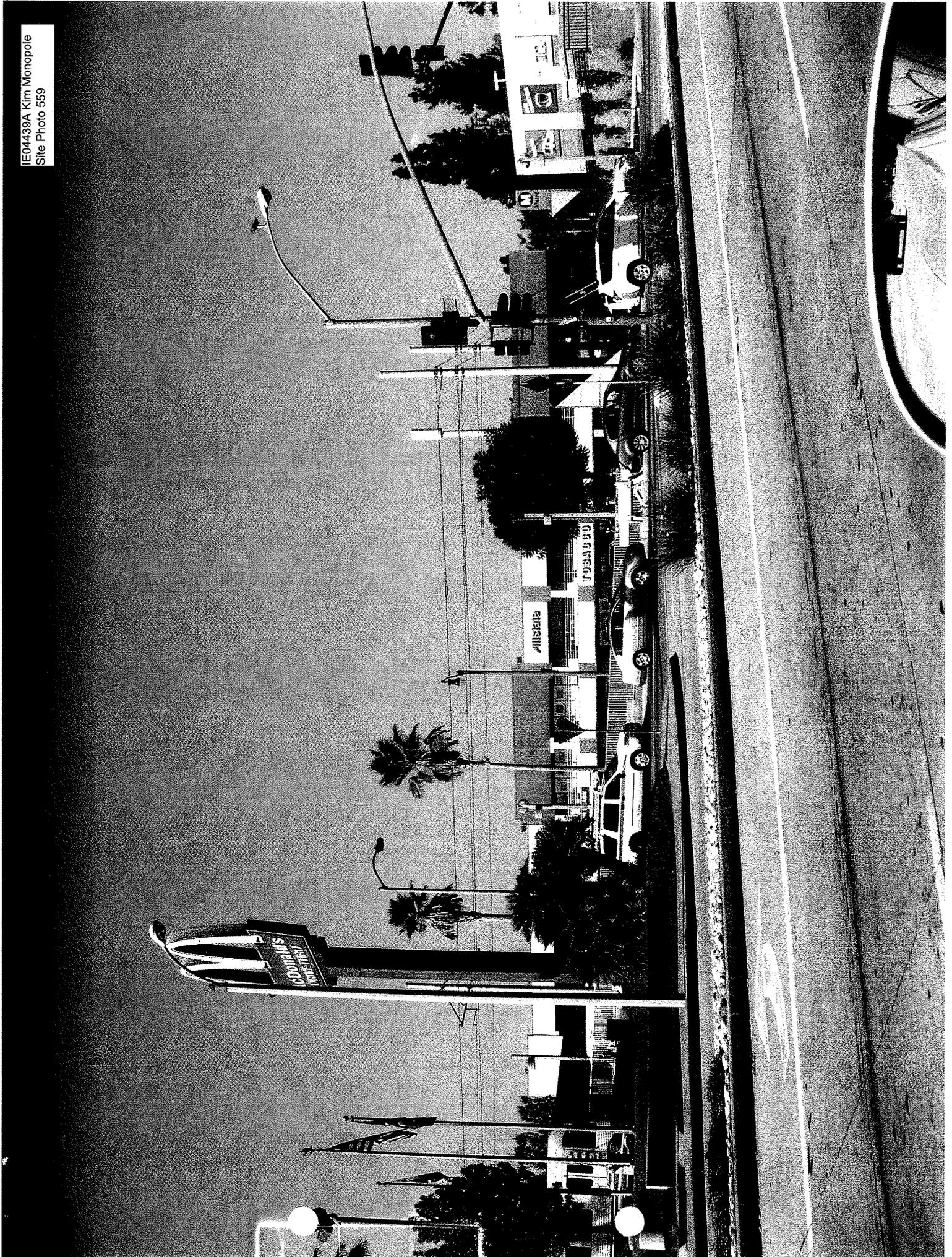
lat 34.033668° lon -118.153194° elev. 246 ft

©Imagery Date: Nov 15, 2008

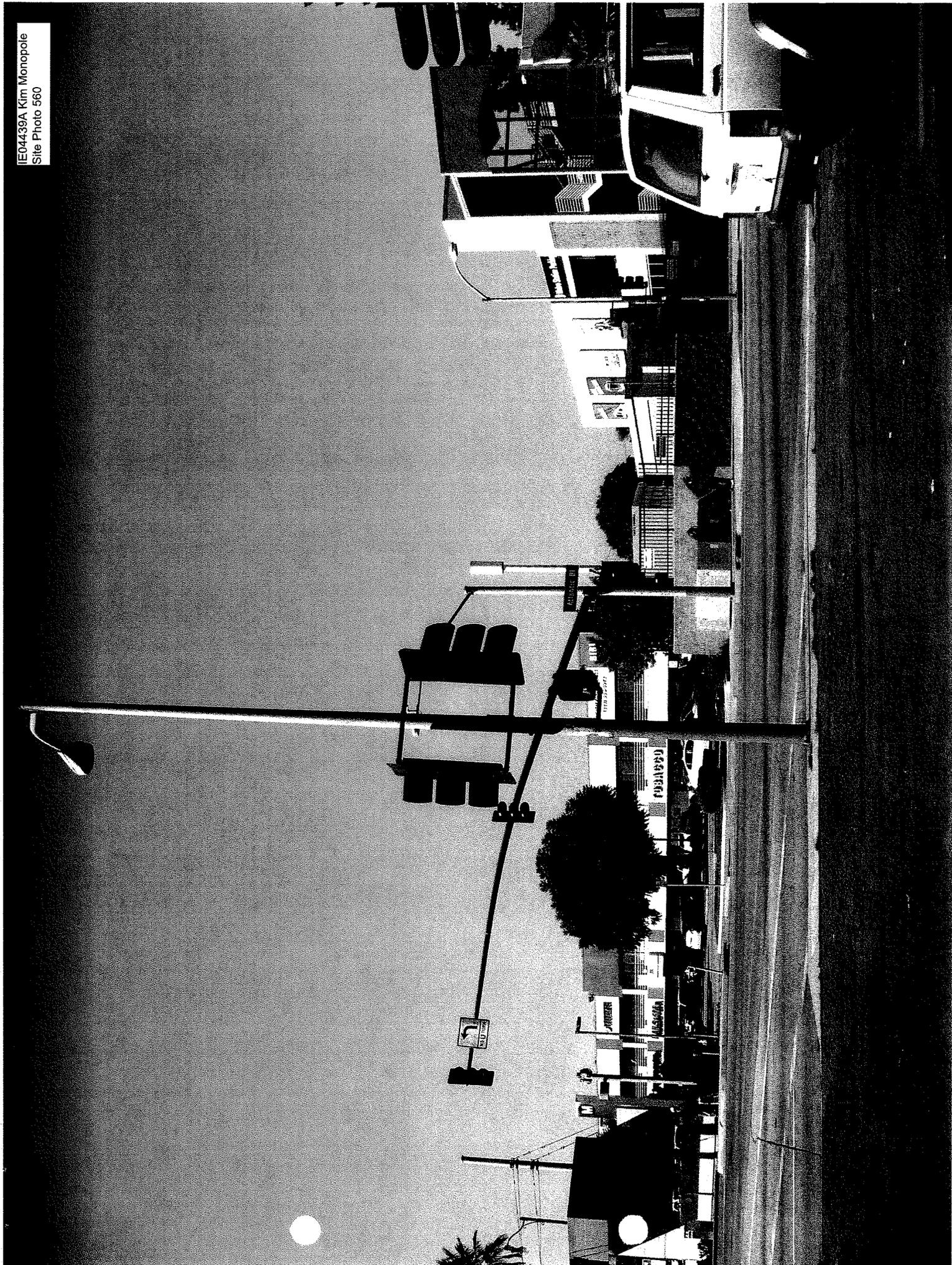
539 ft

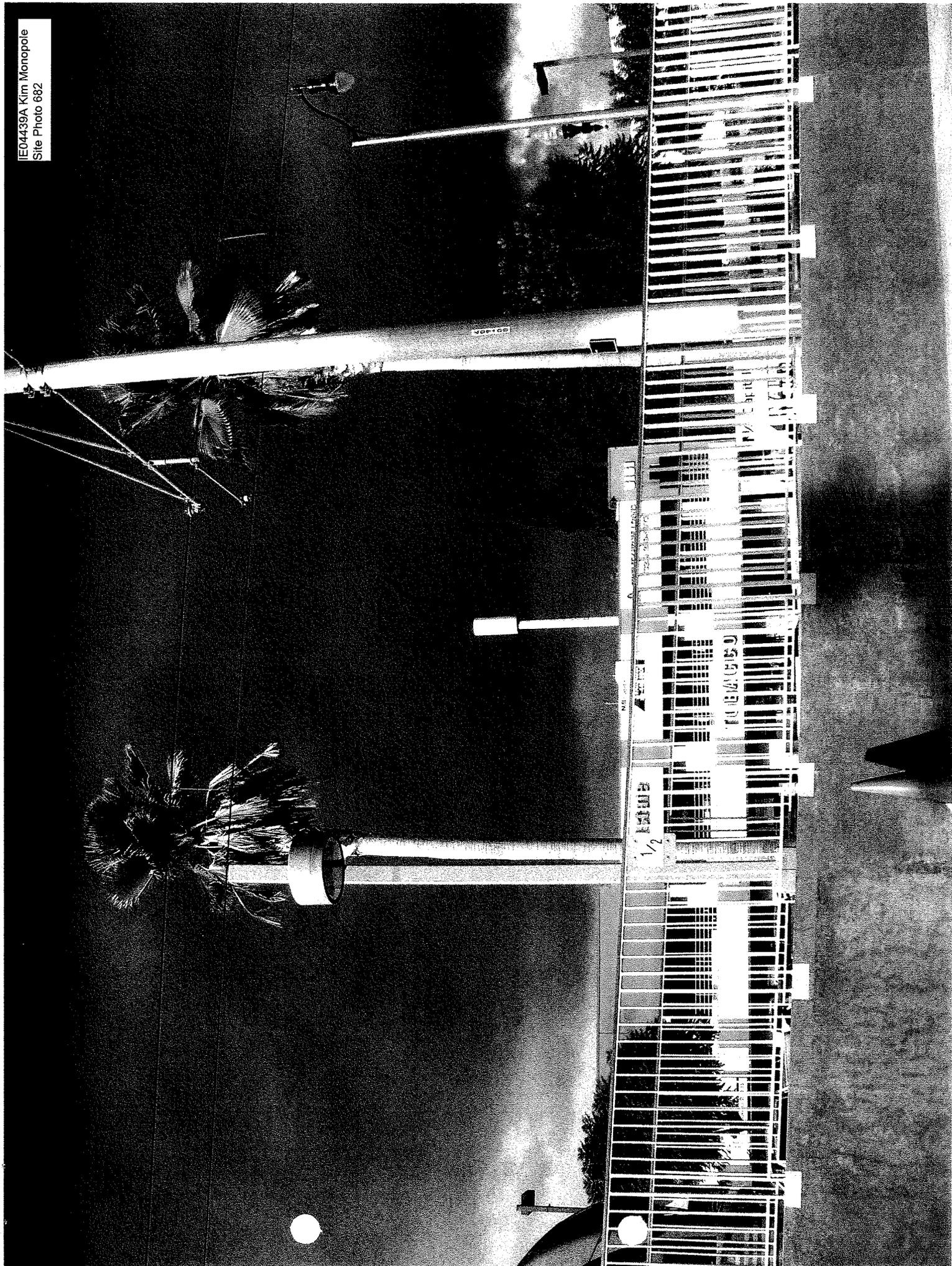
IE04439A Kim Monopole
Site Photo 557





IE04439A Kim Monopole
Site Photo 560

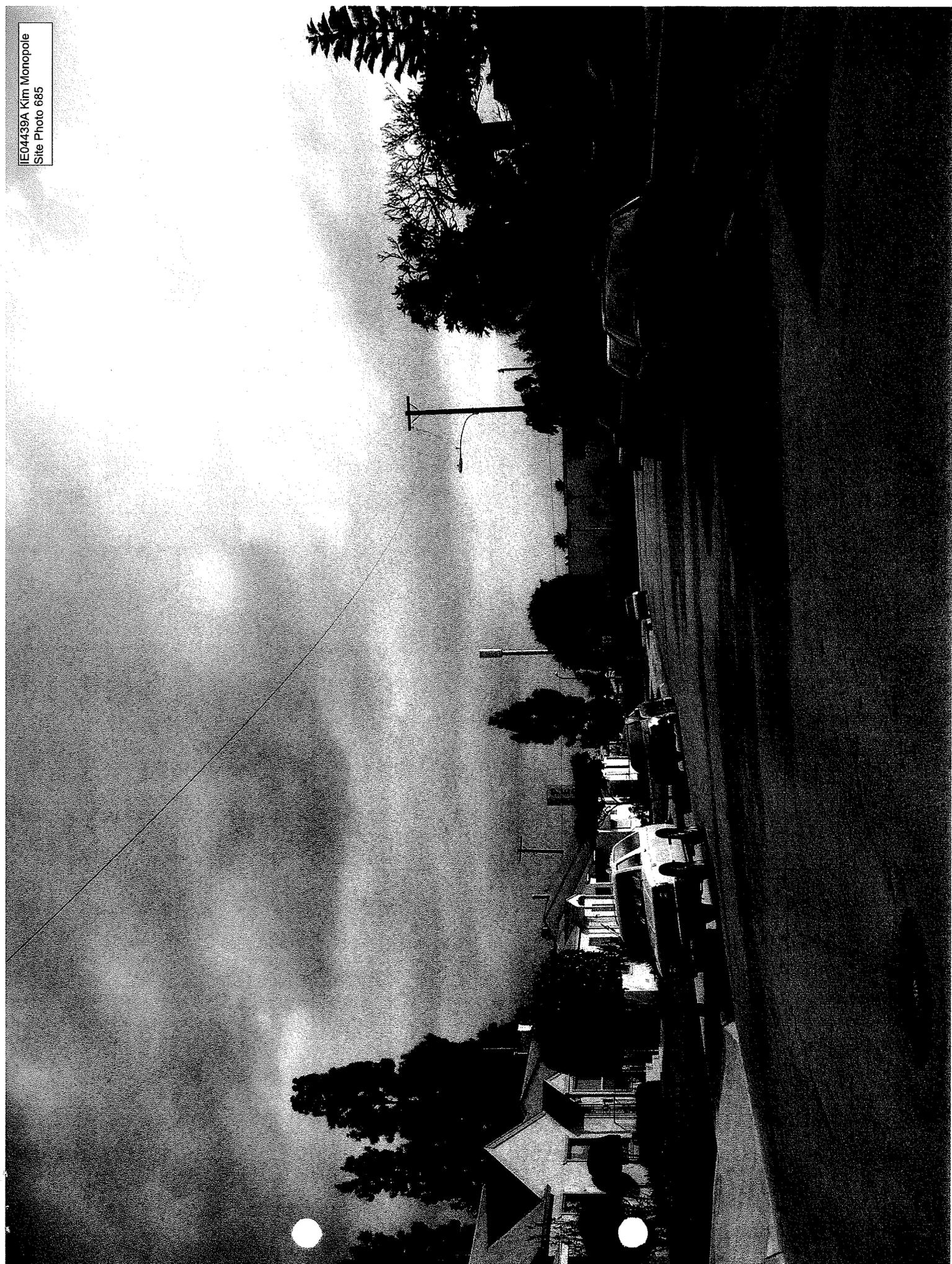


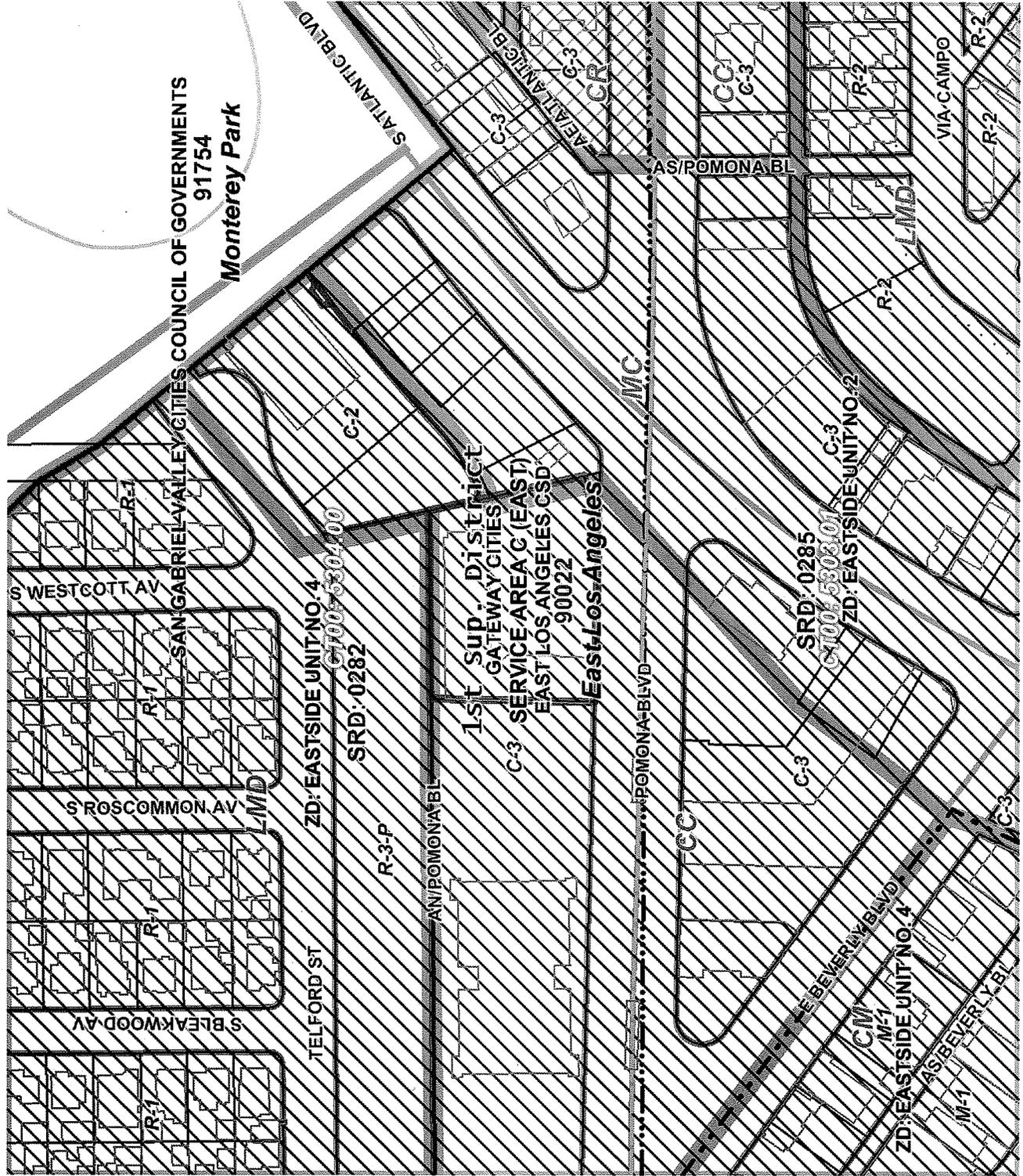


IE04439A Kim Monopole
Site Photo 684



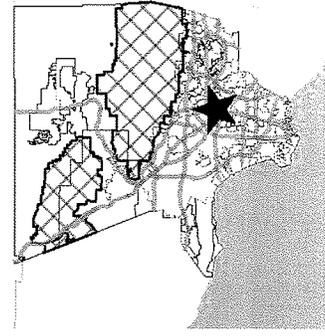
IE04439A Kim Monopole
Site Photo 685

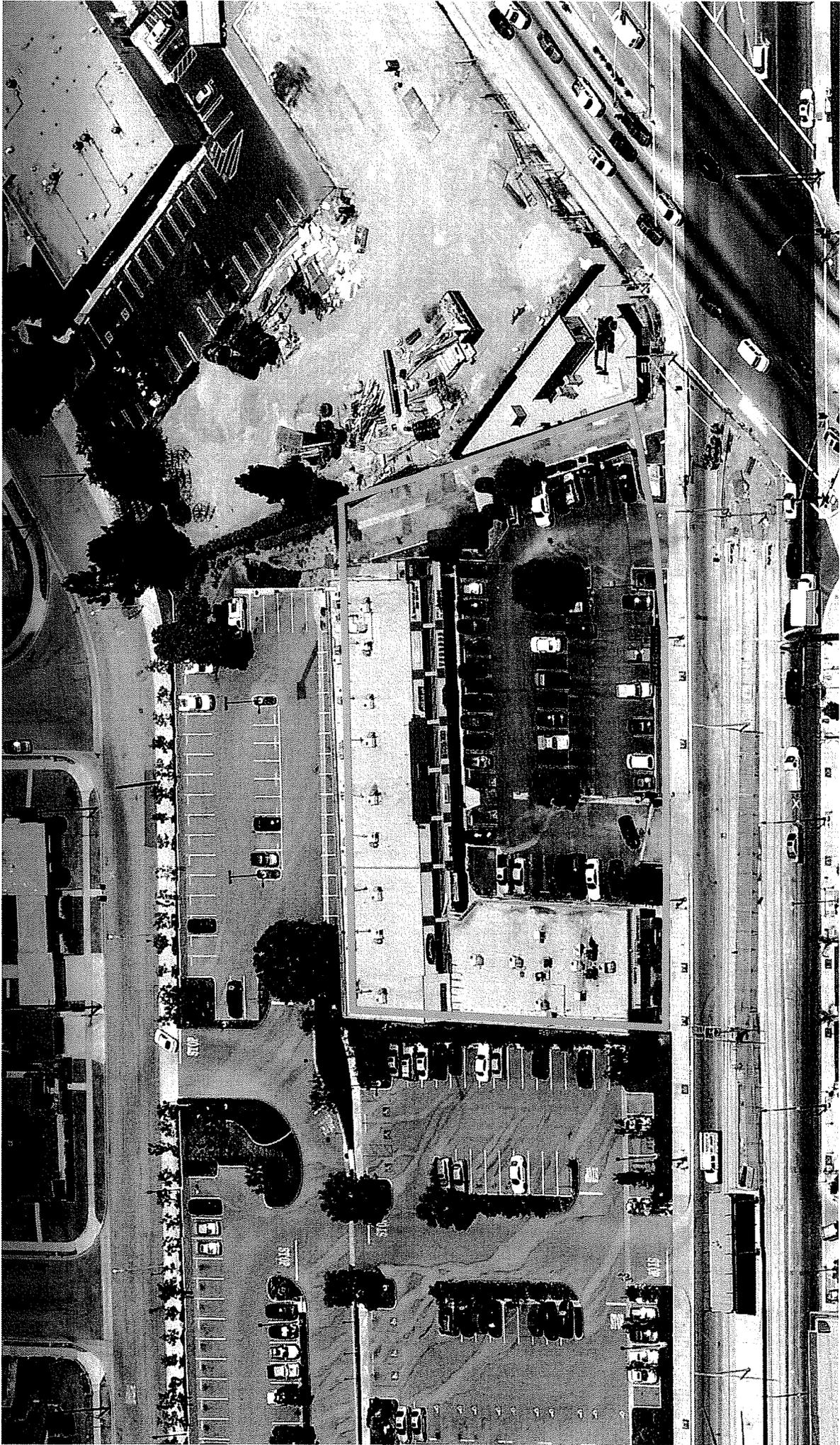




- Legend**
- Zoning (Boundary)
 - Parcel Boundary
 - Aerial Street
 - Highway
 - Master Plan of Highways
 - Expressway - (E)
 - Ltd. Secondary Highway - (L)
 - Arterial - (A)
 - Major Highway - (M)
 - Minor Highway - (M)
 - Secondary Highway - (S)
 - Proposed Highway - (P)
 - Railroad or Rapid Transit
 - Railroad
 - Light Rail
 - Underground Rapid Transit
 - Significant Ridgelines
 - Catastrophic CSD Primary
 - Catastrophic CSD Secondary
 - SWANA Segment
 - Census Tract (2000)
 - Assessor Map Book (AMB) Bay Area
 - Topographic Map Grid
 - UBOS Quad Sheet Grid
 - The Thomas Guide Grid
 - Very High Fire Hazard Severity
 - Zone
 - Community Standards District
 - CSD (has Specific Boundary)
 - ESHA (Coast Only)
 - Significant Ecological Area (SEA)
 - Line
 - Township and Range
 - National Forest
 - Equation District (EQD)
 - Subarea District (SAD)
 - Subarea District (SAD)
 - Supervisory District Boundary
 - Safety Related Stations (from TB)
 - Fire Station
 - Highway Patrol
 - Police Station
 - Ranger Station
 - Sheriff Station
 - Inland Waterbody
 - Perennial
 - Intermittent
 - dry
- Landmarks Policy (Not in Comm / Arterial Policy)
- 1 - Low Density Residential (1 to 6 a/c)
 - 2 - Low Medium Density Residential (6 to 12 a/c)
 - 3 - Medium Density Residential (12 to 22 a/c)
 - 4 - High Density Residential (22 or more a/c)
 - 5 - Major Industrial
 - 6 - Open Space
 - 7 - Public and Semi-Public
 - 8 - Office, Commercial
 - 9 - Non-Urban
 - TC - Transportation Corridor

Note: This is a static legend which includes only a portion of layers. To get the full legend, please use "Display Map Legend Tab" on the top left side of screen.





Copyright ©2008 Pictometry International Corp.