



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 2, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

John Tandy
613 Wilshire Blvd., Suite 105
Santa Monica, CA 90401

**REGARDING: PROJECT NUMBER 96142 – (4)
CASE: CONDITIONAL USE PERMIT NO. 200800177**

Dear Applicant:

The Hearing Officer, Mitch Glaser, by his action on November 2, 2010, **APPROVED** the above described project and entitlement. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 6 requires that the permittee file an affidavit accepting the conditions before the grant becomes effective.

The applicant or/and 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 amount of the appeal fee at (213) 974-6409. The **appeal period for the project will end at 5:00 p.m. on November 16, 2010**. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specific period, the Hearing Officer's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form 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 Steve Mar of my staff at (213) 974-6461 or email at smar@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,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner

Director


Maria Masis, Supervising Regional Planner
Zoning Permits II (East Service Area) Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement, John Tandy

RJB:MM:sm

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER 96142 - (4)
CONDITIONAL USE PERMIT NO. 200800177**

REQUEST: The applicant, Crown Castle USA, is requesting a Conditional Use Permit (CUP) for the continued use of an existing co-located unmanned wireless telecommunications facility (WTF) consisting of a 51-foot high monopole with accompanying equipment cabinets and related facilities for an unlimited term (under Section 22.56.10 for the general CUP request and under Sections 22.28.160 and 22.28.210, for the C-2-BE (Neighborhood Commercial) and C-3-BE (Unlimited Commercial) Zones respectively). WTF is not a use recognized by Title 22 but a similar use of radio/television tower is a use subject to permit in the C-2 and C-3 Zones.

HEARING DATE: November 2, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on November 2, 2010 before the Hearing Officer. Hearing Officer Mitch Glaser was in attendance for the Public Hearing. Staff presented the applicant's request.

The applicant's representative, Mr. John Tandy, summarized the request and gave an overview of the project. Mr. Tandy requested to change the CUP grant term from staff's recommendation of 15 years to 20 years with two 5 year extensions. Mr. Glaser confirmed with staff that a 15 year CUP term initially recommended was appropriate based on the fact that the existing WTF has been operating and maintained for several years with no prior record of issues or complaints. Mr. Glaser asked Mr. Tandy what the expected lifespan of a WTF may be. Mr. Tandy responded that the expected lifespan would be hard to predict due to the uncertainty of the level of technology in the future. Mr. Glaser responded that a 30 year CUP term is an exceptionally long term for any type of use, and decided that a 20 year term is appropriate.

There being no further testimony, Mr. Glaser closed the public hearing and approved the applicant's request with findings and conditions for approval with the modification as discussed.

Findings

1. The subject property is located at 18410 Colima Road in Rowland Heights and in the Puente Zoned District.

2. The subject property is zoned C-2-BE (Neighborhood Commercial – Billboard Exclusion) and C-3-BE (Unlimited Commercial – Billboard Exclusion). The existing zoning for the surrounding properties are as follows:
 - North: C-2-BE (Unlimited Commercial-Billboard Exclusion) zone.
 - East: R-1-6000 (Single-family Residence-6,000 sq. ft. Minimum Required Area).
 - South: R-3 (Limited Multiple Residence) zone.
 - West: R-3-30U (Limited Multiple Residence) zone.
3. The existing land use for the subject property contains an existing wireless telecommunications facility. The existing land use for the surrounding properties are as follows:
 - North: Shopping Center, Supermarket
 - East: Single-family residences, Office, Retail
 - South: Multi-family residences
 - West: Multi-family residences, Office, Retail
4. This approval is for the continued operation and maintenance of an existing unmanned Wireless Telecommunications Facility (WTF). The facility is located within the lease area of approximately 18 ft. x 22 ft. (396 square feet) enclosed area containing one 51-ft. high monopole with two tiers (levels) of accompanying arrays on the monopole and equipment cabinets located on the ground level. The subject facility is surrounded by existing concrete block walls and chain link fencing.
5. Conditional Use Permit 96142 - (4) was approved on January 14, 1997, which authorized the construction, operation, and maintenance of an unmanned wireless telecommunication facility.
6. A Revised Exhibit A for Conditional Use Permit 96142 - (4) was approved on December 15, 1999, which authorized a co-location of an additional antenna array on the existing 51 ft. high wireless monopole.
7. The subject property is designated Commercial in the Rowland Heights Community Plan. Currently, the area is being used as a shopping center with various retail and commercial uses. The existing design of the WTF is consistent with the land use compatibility goals and policies of the Countywide General Plan.
8. Pursuant to Section 22.28.210 of the County Code, development of wireless telecommunication facilities is not a recognized use but a similar use of radio/television towers is permitted in the C-3-BE (Neighborhood Commercial – Billboard Exclusion) zone, provided that a CUP is obtained.
9. Allowing the wireless telecommunication facility to continue operating will ensure that the cellular service will remain readily available.

10. The facility is located 275 feet south of the centerline of Colima Road and 175 ft. west of the centerline of Jellick Ave. The facility lease area is behind an adjacent one-story carwash on its eastern face, a trash bin storage area on its northern face, a recycling collection bin on its southern face, and a parking lot on its western face. The subject property is surrounded by commercial shopping development to the north, multi-family housing to the south and west, and single-family residential and offices to the east. No physical or other alterations are being proposed for the current existing facility.
11. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require additional or significant alteration to the existing facility.
12. 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.
13. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 20 years.
14. 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 Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request to continue the operation and maintenance of the unmanned WTF, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features

prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

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

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200800177 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

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This grant allows for the continued operation and maintenance of an existing collocated wireless telecommunications facility (WTF). No additional construction or equipment is being proposed for the site. The facility is located on a 9.91 acre shopping center site within an existing 18 ft. x 22 ft. 400 square-foot lease area enclosed by concrete block walls and chain link fencing. The 51-foot high monopole supports two antenna arrays with six antenna panels on each array. The subject property is located at 18410 Colima Road in Rowland Heights and is subject to the following restrictions:

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 Department of 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. 6, and until all required fees have been paid pursuant to Condition No. 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 reasonably 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 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. 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 will terminate on November 2, 2030.** 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 the Department of 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 two years from the date of approval by the County. A single one-year time extension may be requested in writing and with payment of the applicable fee no earlier than six (6) months prior to such expiration date.
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 of Los Angeles the sum of **\$2,000.00**. The deposit 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 deposit provides for **ten (10) biennial (once every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of 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.

10. 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.
11. 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.
12. 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.
13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency.
14. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.
15. 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 the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit. In the event the subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the director for review and approval. All revised plans must be accompanied by written authorization of the property owner.
16. The WTF shall be removed if in disuse for more than six (6) months.
17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with

adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

19. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to regulations in effect at that time.
20. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities.
21. External lighting, including security lighting, shall be on motion sensors, be of low intensity, and be directed away from residences. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
22. The project shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".
23. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
24. The maximum height of the facility shall not exceed 51 ft. above finished grade.
25. 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.
26. 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. Any and all graffiti shall be removed by the operator or property owner within 48 hours.
27. 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.

28. 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.
29. The facility shall be secured by fencing, gates and/or locks.