



WTF HEARING PACKAGE
PROJECT NUMBER 96142-(4)
CONDITIONAL USE PERMIT 200800177

HEARING DATE
11/02/2010
ITEM
5
CONTINUED TO

HEARING OFFICER: Mitch Glaser

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PREPARED BY: Steve Mar, Impact Analysis

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REVIEWED BY: Mark Child

A handwritten signature in black ink, appearing to be 'm' or 'Mark Child'.



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461

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

PUBLIC HEARING DATE
TBD

AGENDA ITEM
TBD

RPC CONSENT DATE
N/A

CONTINUE TO
N/A

APPLICANT Crown Castle USA, Jon Dohm	OWNER Lazben Investment Rowland Heights, LLC / Tone Yee Investments and Dev LLC	REPRESENTATIVE Moss & Associates, John Tandy
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PROJECT DESCRIPTION
 The applicant, Crown Castle USA, is requesting a Conditional Use Permit (CUP) for the continued operation and maintenance of an existing 51 ft. high monopole unmanned wireless telecommunications facility (WTF) with appurtenant equipment in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210.

REQUIRED ENTITLEMENTS
 A Conditional Use Permit is required to allow the continued operation of a wireless telecommunications facility (WTF) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210.

LOCATION/ADDRESS
 18410 Colima Rd., Rowland Heights

SITE DESCRIPTION
 The site plan depicts an existing wireless facility located along Colima Rd. (a designated Major Highway), lease area of approximately 18 ft. x 22 ft. (400 square feet), located on a 9.91 acre shopping center site (Hong Kong Plaza). A parking lot lies immediately west and commercial uses (office/retail) are located to the north and south of the wireless tower all located on the shopping center site. Surrounding land uses consist of more commercial shopping center development to the north, multi-family housing to the south and west, and single-family residential and offices to the east. The lease area is enclosed by 6 ft. high concrete block walls and a 6 ft. high chain link fence and gate. The facility consists of a 46 ft. monopole that supports two tiers (levels) of co-located antenna arrays with six antenna panels on each array and a total height of 51 ft. to the top of the antenna array. Appurtenant equipment cabinets and electric meters & panels are contained within the lease area.

ACCESS Via Colima Road, Jellick Avenue, Sierra Leone Avenue	ZONED DISTRICT Puente
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ASSESSORS PARCEL NUMBER 8253-001-002	COMMUNITY Rowland Heights
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SIZE 9.91 Acres (site), 396 sq. ft. (tower lease area)	COMMUNITY STANDARDS DISTRICT Rowland Heights CSD
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Shopping plaza w/appurtenant parking, bank, car wash, and retail office	C-3-BE (Unlimited Commercial – Billboard Exclusion)
North	Shopping center, supermarket	C-2-BE (Neighborhood Commercial – Billboard Exclusion)
East	Single-family Residences, Office, Retail	R-1-6000 (Single-family Residence – 6,000 sq. ft. Minimum Required Area)
South	Multi-family Residences	R-3 (Limited Multiple Residence)
West	Multi-family Residences, Retail, Office	R-3-30U (Limited Multiple Residence – 30 Units Per Acre)

GENERAL PLAN/COMMUNITY PLAN Rowland Heights Community Plan	LAND USE DESIGNATION C - Commercial	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Categorical Exemption, Class 1 – Existing Facilities

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: Steve Mar		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

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

STAFF REPORT
PROJECT NUMBER 96142-(4)
CONDITIONAL USE PERMIT NUMBER 200800177

REQUIRED ENTITLEMENTS

The applicant, Crown Castle USA, is requesting a Conditional Use Permit (CUP) for the continued operation and maintenance of an existing 51 ft. high monopole unmanned wireless telecommunications facility (WTF) in the C-3-BE Zone pursuant to Los Angeles County Code Section 22.28.210.

REPRESENTATIVE: Moss & Associates, Inc., John Tandy

APPLICANT: Crown Castle USA, Jon Dohm

OWNER: Lazben Investment Co. / Tone Yee Investments and Dev LLC

SITE PLAN DESCRIPTION

The site plan depicts an 18' x 22' lease area of approximately 400 sq. ft. for an existing unmanned wireless telecommunications facility. The facility is enclosed by concrete block walls and chain link fencing and contains a monopole supporting two co-located antenna arrays and appurtenant communication equipment cabinets. The facility is located adjacent to a 1-story car wash and within the property boundaries of a shopping center. The site takes access from Colima Road and through Jellick Avenue.

LOCATION

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

Assessor's Parcel Number: 8253-001-002

EXISTING ZONING

Subject Property: The subject property is zoned C-2-BE (Neighborhood Commercial-Billboard Exclusion) and C-3-BE (Unlimited Commercial-Billboard Exclusion).

Surrounding Zoning:

- North: C-2-BE (Neighborhood Commercial-Billboard Exclusion) zone.
- East: R-1-6000 (Single-family Residence-6,000 sq. ft. lot size required) zone.
- South: R-3 (Limited Multiple Residence) zone.
- West: R-3-30U (Limited Multiple Residence) zone.

Community Standards District (CSD): Rowland Heights CSD

Town Council / Homeowners Association: Rowland Heights Community Coordinating Council

SITE DESCRIPTION:

The existing wireless facility is located on the corner of Colima Rd., a designated Major Highway, and Jellick Ave. The facility is located adjacent to a 1-story car wash in the parking lot of a 9.91 acre shopping center (Hong Kong Plaza) at 18410 Colima Road in Rowland Heights. The WTF contains two tiers (levels) of co-located antenna arrays on

a monopole 46 ft. in height and a total height of 51 ft. to the top of the antenna array. The facility is located within an 18' x 22' (400 sq. ft.) lease area enclosure surrounded by concrete block walls and chain link fencing. The lease area contains appurtenant equipment contained in cabinets at the base of the monopole. Access to the site is via Colima Rd., Jellick Ave., and Sierra Leone Ave. The site is flat and contains some landscaping.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- 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 addition or significant alteration to the existing facility.

STAFF ANALYSIS

Previous Case/Zoning History

Conditional Use Permit Case No. 96-142-(4) – Approved on January 14, 1997. This CUP authorized the construction, operation, and maintenance of an unmanned wireless telecommunication facility.

CUP 96-142-(4) – Approved on December 15, 1999. This Revised Exhibit A approved a co-location of an additional antenna array on the existing 51 ft. high wireless monopole.

The Zoning History of this parcel is as follows: A1-10,000 (1948), C-4 Restricted Commercial (April 19, 1955), C-3-BE (April 24, 1980)

General Plan Consistency

The existing design of the WTF is consistent with the land use compatibility goals and policies of the Countywide General Plan. The Rowland Heights Community Plan land use designation of the subject property is C-Commercial. 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.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County code (Zoning Ordinance) does specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.28.210 of the County Code, development of radio and television stations and towers is a permitted use in Zone C-3-BE (Unlimited Commercial-Billboard Exclusion), provided that a CUP is obtained.

Neighborhood Impact/Land Use Compatibility

Allowing the wireless telecommunication facility to continue operating will ensure that cellular service will remain readily available. The WTF 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 attached behind an adjacent 1-story carwash on its eastern face, 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.

EXISTING LAND USE

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

Surrounding Land Uses:

- North – Shopping center, supermarket
- East – Single family homes, office, retail
- South – Multi-family apartments
- West – Shopping center, Multi-family apartments

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached (**Attachment A**). Staff is of opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.

PUBLIC COMMENTS

No public comments had been received at this time of this report.

FEES/DEPOSIT

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

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on September 24, 2010 and in The San Gabriel Valley Tribune, on September 24, 2010. A total of 150 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on September 20, 2010. This number also includes notices sent to the local community groups and residents on The Puente Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Staff Report and Site Plan were forwarded to the Rowland Heights County Library, Los Angeles, on September 20, 2010. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant is required to post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on September 30, 2010.

RECOMMENDATION

Staff recommends **APPROVAL** of Conditional Use Permit No. 200800177, subject to the attached conditions because, the existing wireless telecommunication facility has been operating and been maintained for eleven years without any complaint or problem for the community. This facility is consistent with the goals and policies set forth in the Countywide General Plan.

DRAFT 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 for the continued use of an existing 51 ft. high monopole co-located unmanned wireless telecommunications facility (WTF) 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:

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. CUP 96-142-(4) was approved on January 14, 1997. This CUP authorized the construction, operation, and maintenance of an unmanned wireless telecommunication facility.
6. CUP 96-142-(4) was approved on December 15, 1999. This Revised Exhibit A approved 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. 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 attached behind an adjacent 1-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.
10. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- 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 addition or significant alteration to the existing facility.
11. 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.

12. 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 15 years.
13. 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 said radio transmission facility and the installation, operation and maintenance of an 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 22.56.040 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

MC:SM:sm

This grant allows for the continued operation and maintenance of an existing 51-ft. collocated wireless telecommunications facility (WTF) monopole. 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 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, 2025.** 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 **\$1,600.00**. 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 **eight (8) 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.

Approved 1/15/99

CONDITIONAL USE PERMIT NO. 96-142-(4)

CONDITIONS
PAGE 1 OF 3

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 65907. 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 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 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 Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate January 15, 2007.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

7. 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.
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 \$ 500.00. 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 five biennial inspections.

If any future 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. This grant allows the construction, operation and maintenance of a wireless communications facility consisting of a monopole, 54 ft. in height, with appurtenant antennas mounted at the top, and accessory equipment cabinets at an existing shopping plaza, subject to the following restrictions as to use:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said wireless communications facility shall not exceed 54 feet in overall height;
 - c. Said facilities shall be removed if in disuse for more than six (6) months;

- d. The exterior color of the monopole shall be of a grey tone, or any other tone, satisfactory to the Director of Planning, that would be compatible with other structures at the site;
 - e. 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 applications will be subject to approval of a separate permit as is required by the regulations in effect at the time.
10. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
 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. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden 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.
 13. All structures shall conform with the requirements of the Division of Building and Safety of Los Angeles County Department of Public Works.
 14. 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.
 15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours, 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.

In addition to the information required in the application, the Applicant shall substantiate to the satisfaction of the Hearing Officer 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 or 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.

Public health and safety: The use will not adversely affect the health, peace or safety of the persons working on the premises, residing in or commuting through the surrounding area, as it will comply with all applicable rules and standards of the FCC contained in Bulletin OET 65 for RF emissions.

Constant Operation for 11 years: The use of the site as an unmanned Wireless Telecommunication Facility ("WTF") has been in peaceful co-existence with the surrounding area for 11 years. The expansion of the site was reviewed nine years ago, when a collocation was approved.

No noise or nuisance: The proposed project does not create additional noise, smoke or odor, require additional parking, or interfere with the quiet enjoyment of neighboring land uses – which include a car wash and a neighborhood shopping center.

No change of density: The proposed project does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and commercial areas.

Emergency services: The WTF, as part of a larger network, will continue to provide access to wireless communications in the event of emergencies. During emergencies such as the Northridge earthquake, wireless telecommunications services were instrumental in maintaining the flow of information and providing communication alternatives to inoperative landline telephones. In addition, municipal users (fire, police, sheriff) will be able to use the site if co-location is requested and feasible.

Promote co-location: The Applicant will agree to additional co-location subject to physical and lease constraints.

No noise or nuisance: The proposed project does not create additional noise, smoke or odor, require additional parking, or interfere with the quiet enjoyment of neighboring land uses.

No change of density: The proposed project does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and commercial areas.

Visual issues: The proposed project will not adversely affect any existing viewsheds nor will it adversely affect any scenic areas. The surrounding commercial and residential buildings are unaffected by the existing installation.

Character of surrounding development: Because the existing WTF is located in the interior part of the shopping center, there is a minimum of visual exposure to the surrounding areas.

Co-location: Applicant is willing to further co-locate at this site, subject to physical limitations and lease constraints. There are already two wireless carriers with equipment on this site.

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.

Lack of Impact: There are no unmitigated impacts - continued use of the WTF will not adversely impact existing facilities, property values, or normal development with the surrounding residentially-zoned areas. The proposed project will not generate any smoke, odor, or other adverse impact to the adjacent land uses. Being unmanned, the proposed project has no impact on traffic, circulation or density, and will not utilize any leasable space.

Character of Existing Neighborhood Development: The existing neighborhood will continue to be dominated by shopping center, on which the WTF is sited in an interior location – and with surrounding land uses – more shopping area to the north, commercial and multi-family to the

south and west and single-family and office to the east. Approval of the proposed project will have no impact on the immediate or area-wide neighborhood.

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.

Traffic and Access: The proposed project does not require public access. Technical personnel will visit the WTF for routine maintenance approximately once per month. Existing access at the site is adequate to serve the proposed project.

Utility Service: The proposed project is unmanned and does not require water or sanitation services. The project will continue to be served by upgrading existing on-site commercial power and telephone service for operation. The use of utilities will not be detrimental to public health and safety.



NOTICE OF EXEMPTION
COUNTY OF LOS ANGELES
320 West Temple Street
Los Angeles, CA 90012

TO: Register Recorder/County Clerk
County of Los Angeles
12400 Imperial Hwy., Room 2001
Norwalk, CA 90650
(562) 462-2073

Project Title: 96-142-(4) / RCUPT200800177

Project Location: 18410 Colima Rd., Rowland Heights (within the unincorporated area of the County of Los Angeles), CA

Description of Nature, Purpose, and Beneficiaries of Project:

Request for a Conditional Use Permit (CUP) for the continued operation and maintenance of an existing 51 ft. high monopole unmanned wireless telecommunications facility (WTF) with appurtenant equipment in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210.

Lead Agency:

County of Los Angeles
Department of Regional Planning
320 West Temple Street, room 1348
Los Angeles, California 90012

Division:

Contact Person:
Steve Mar
(213) 974-6164

Project Applicant:

Crown Castle, USA
510 Castillo St., Suite 303
Santa Barbara, CA 91301

Contact Person:
John Tandy
(310) 395-3481

Exempt Status:

- Ministerial (Public Resources Code (PRC) Section 21080(b)(1); CEQA Guidelines 15268)
- Declared Emergency (PRC Section 21080(b)(3); CEQA Guidelines 15269(a))
- Emergency Project (PRC Section 21080(b)(4); CEQA Guidelines 15269(b)(c))
- Categorical Exemption (PRC Section 21084; CEQA Guidelines 15301, 15303, 15315)
- Statutory Exemption (State code number)

Explanation: It is our opinion that the project qualifies for a Categorical Exemption since it meets the criteria set forth in Class 1(b) of the State CEQA Guidelines (Article 19, Categorical Exemptions) and Class 1(b) of the County Guidelines for Environmental Reporting (Appendix G, Categorically Exempt Projects).

Filed by Lead Agency:

Signature

Steven Mar

Steven Mar

Date: October 18, 2010

Title:

Regional Planning Assistant II

CERTIFICATE OF POSTING

DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES
HALL OF RECORDS
320 WEST TEMPLE STREET
ROOM 383
LOS ANGELES, CA 90012

PROJECT NO.: 96142-(4)

CONDITIONAL USE PERMIT NO.: 200800177

Hearing Officer: Steven Mar (213) 974-6461

CERTIFICATE OF POSTING

This Certifies that I/We have posted the "NOTICE OF PUBLIC HEARING" sign(s) for: _____
RCUP 200800177

Located at: 18410 Colima Road, Rowland Heights

Public Hearing Scheduled: Tuesday, November 2, 2010 at 9:00 a.m.

I hereby certify under penalty of perjury that we posted the above-mentioned
NOTICE OF PUBLIC HEARING. On the 30th Day of September, 2010.

POSTING AGENT
GC MAPPING SERVICE, INC.
3055 W. VALLEY BLVD.
ALHAMBRA, CA 91803
(626)441-1080

Edward Lopez Jr.

Agent


Signature

September 30, 2010

Date

OCT - 4 2010



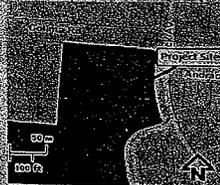
NOTICE OF HEARING

Case Number

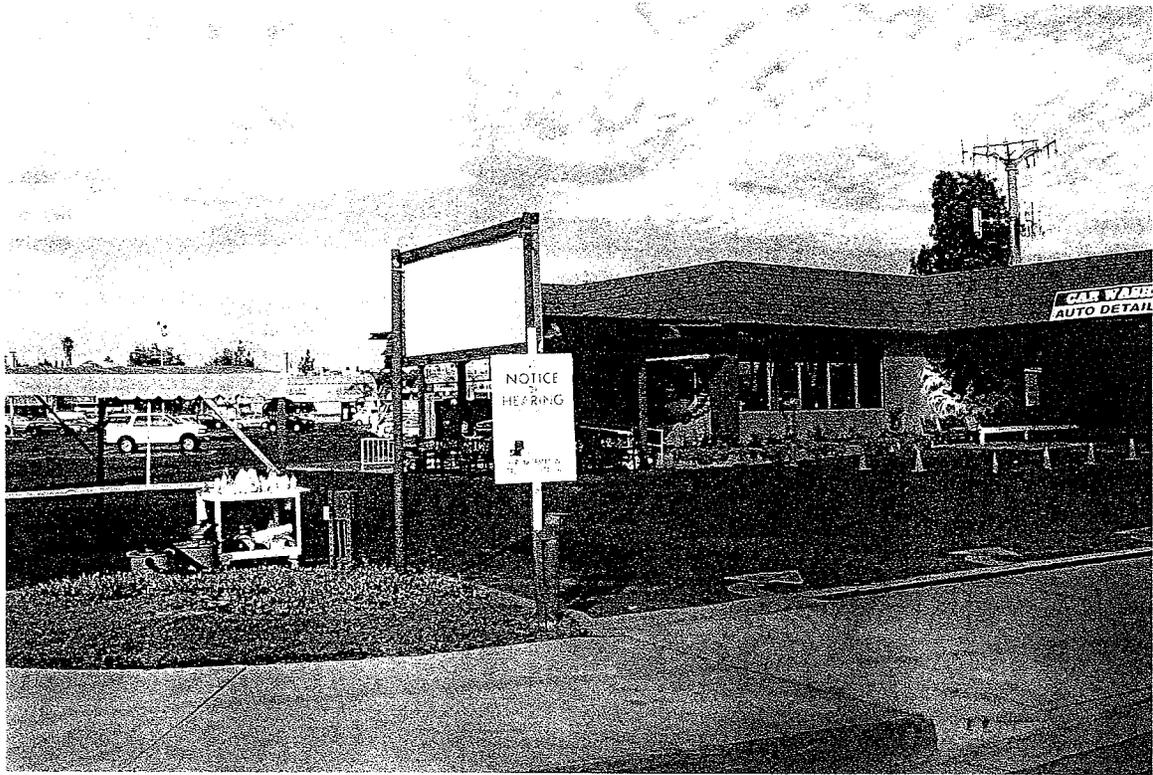
PROJECT NO.
96142-(4)
C.U.P. NO.
200800177

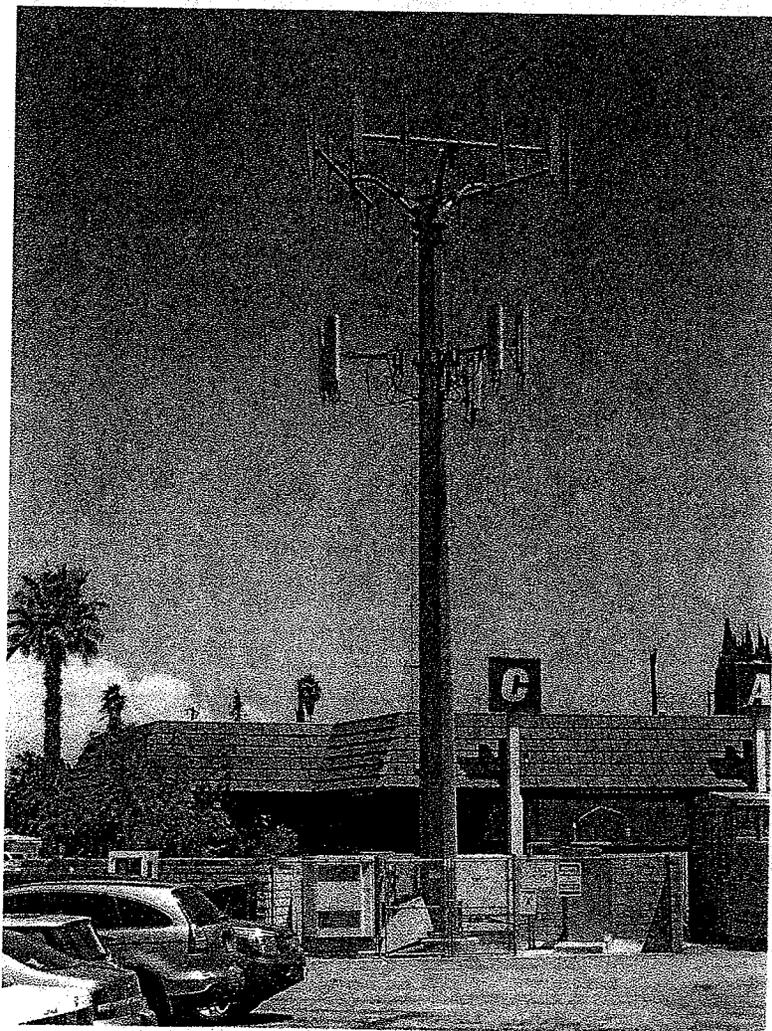
NOVEMBER 7, 2010 AT 9:00 A.M.

Room 150
320 West Temple St.
L.A. 90012

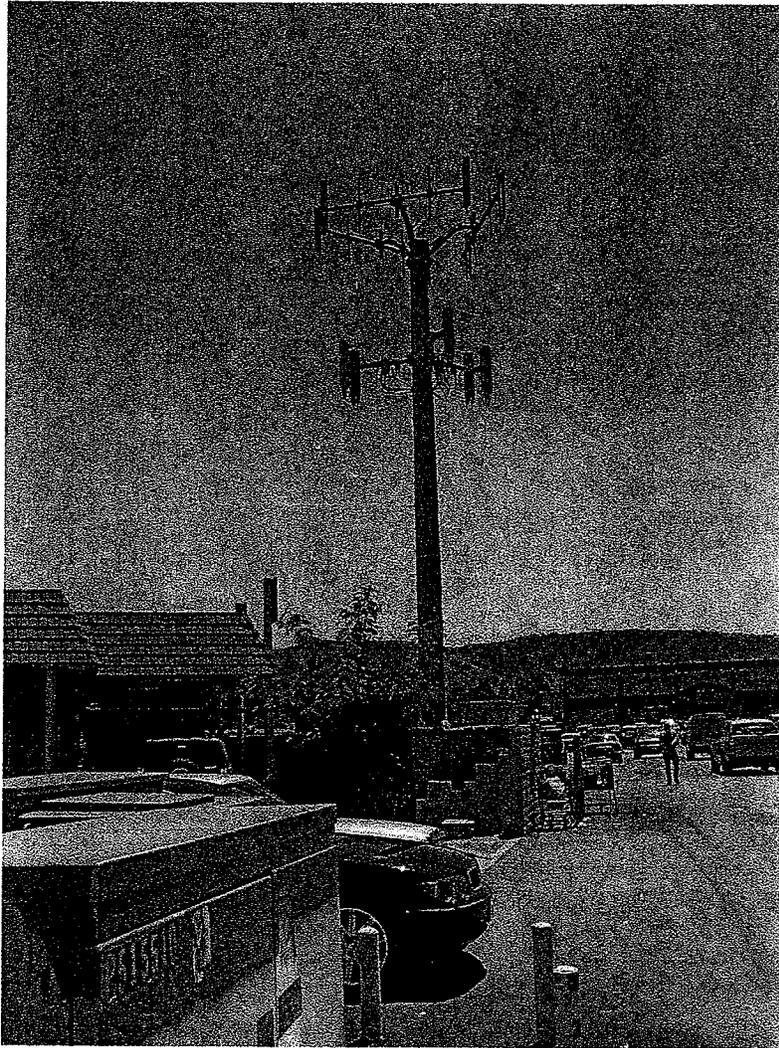


**FOR INFORMATION
CALL (213) 974-6461**

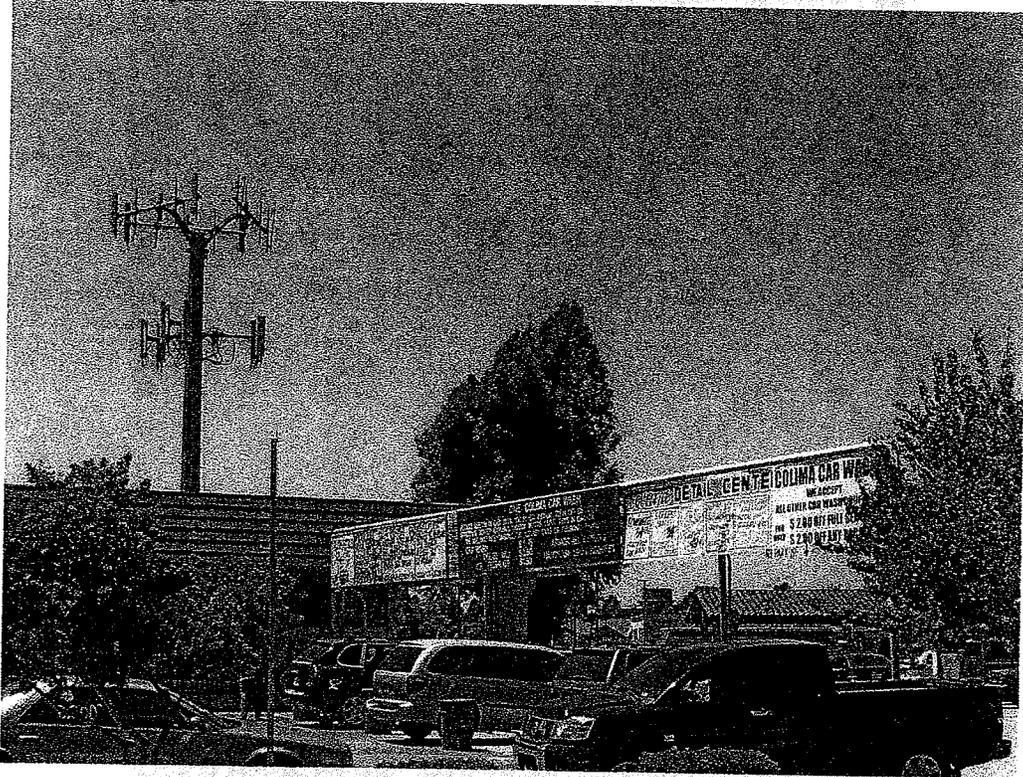




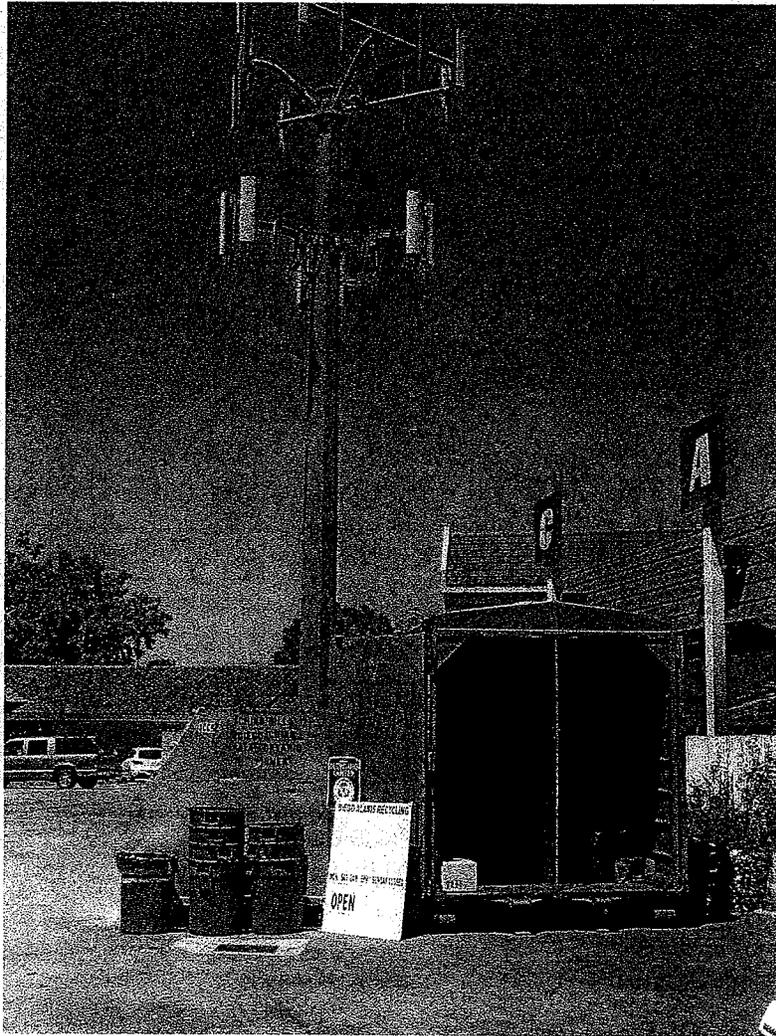
VIEW 1 – Easterly view of collocated monopole from within the shopping center site – behind the wireless facility is car wash, which fronts on Jellick Ave.



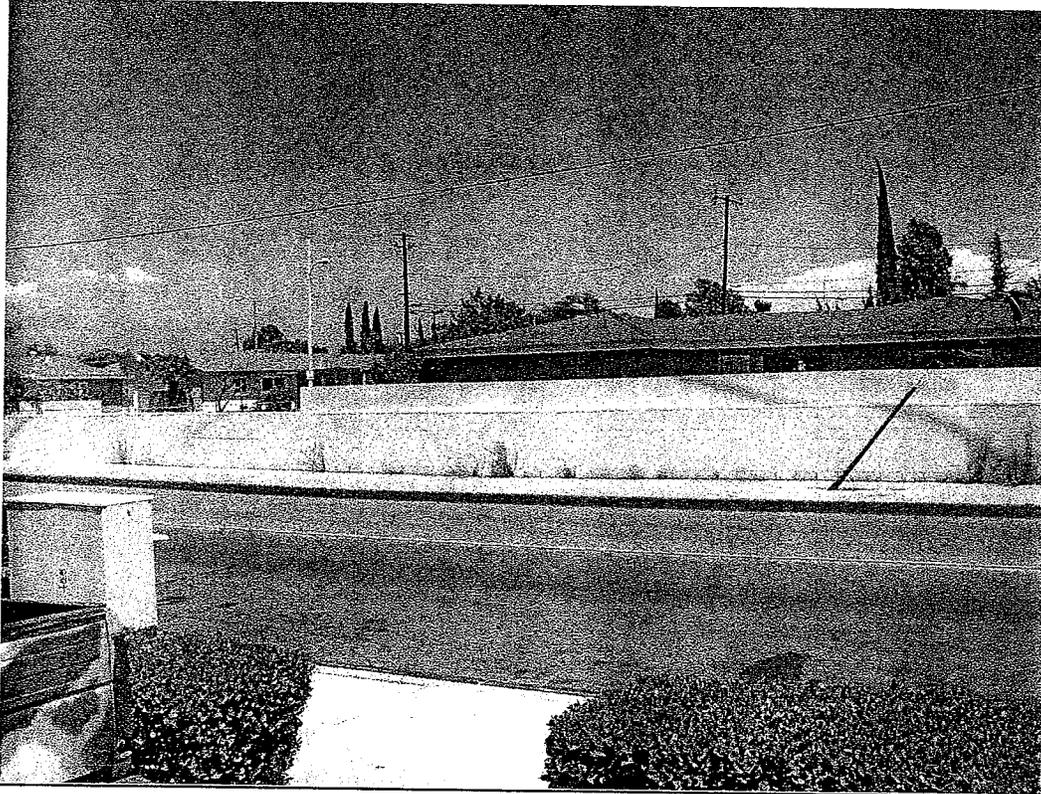
VIEW 2 – Looking south, the monopole is shown, with carwash at left. Commercial retail building is shown in background at right.



VIEW 3 – View to the west from the sidewalk along Jellick Ave., toward the car wash and collocated monopole.



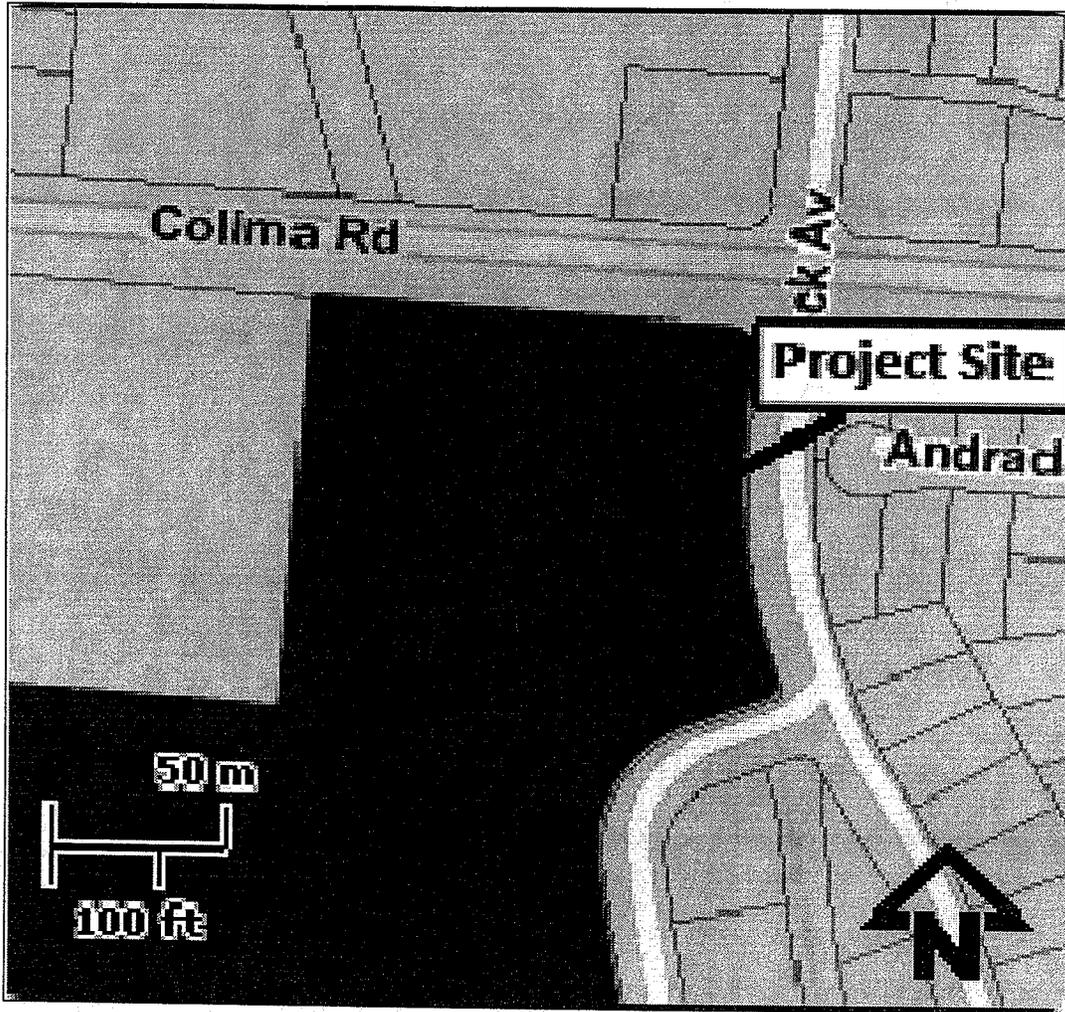
VIEW 4 – Looking south toward monopole – recycling operation is shown in foreground at right – behind it at right is carwash.

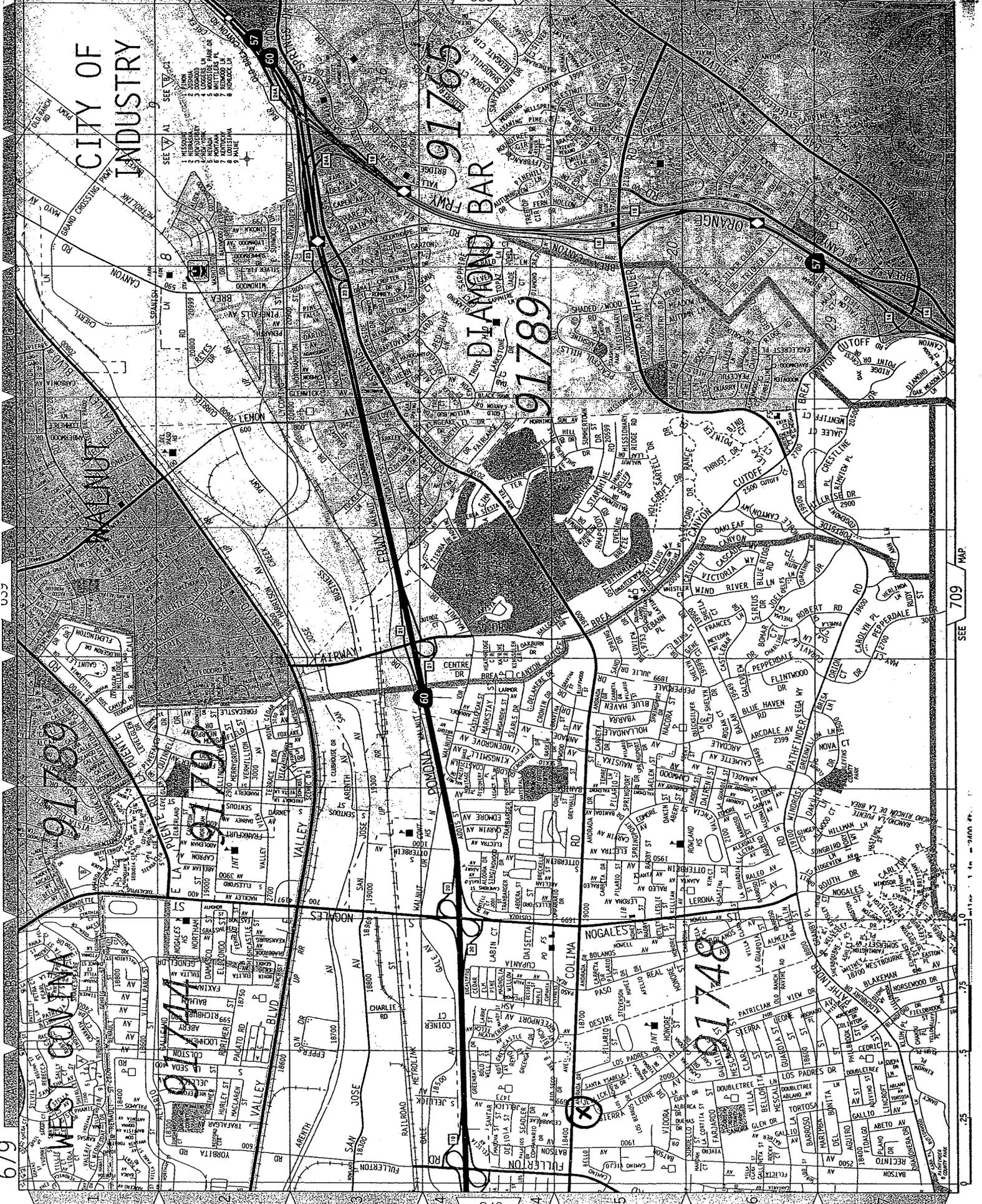


VIEW 5 – Looking east, from sidewalk adjacent to carwash – toward residential units along Jellick – which have fences/walls and views not oriented toward wireless communication facility and shopping center.



VIEW 6 – Looking south from wireless communication facility – across parking lot, with commercial retail and multi-family residential shown.





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SEE 709 MAP

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