Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 20, 2010

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: **PROJECT NUMBER 99274 – (1)**
CONDITIONAL USE PERMIT CASE NO. 200900134
7305 SOUTH PACIFIC AVENUE, WALNUT PARK (APN NO. 6201-007-027)

Dear Applicant:

Hearing Officer, Paul McCarthy, by his action on July 20, 2010, **APPROVED** the above described Conditional Use Permit for a Wireless Telecommunications Facility.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on August 3, 2010**. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

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

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** 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 **Rob Glaser**, of the Special Projects Section at (213) 974-4971 or e-mail at rglaser@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

Mark Child, Supervising Regional Planner
Zoning Permits I Section

Enclosures: Approved Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER 99274 – (1)
CONDITIONAL USE PERMIT NO. 200900134

REQUEST: The applicant, Sprint, is requesting the approval of a conditional use permit to authorize the continued operation and maintenance of an existing unmanned Wireless Telecommunication Facility (WTF) in the C-3 (Unlimited Commercial) zone.

HEARING DATE: July 20, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed public hearing was held on July 20, 2010 before the Hearing Officer, Mr. Paul McCarthy. The applicant's representative, Justin Robinson presented testimony in favor of the request and answered questions presented by the Hearing Officer.

Mr. Robinson asked staff to correct a typo in condition number 9 to read "eight" years rather than "ten" and correct a typo in condition number 22 to read "WTF" rather than "monopole". Both corrections were agreed upon by staff. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with changes to the conditions as agreed to by staff.

Findings

1. The subject property is located at 7305 S. Pacific Avenue in the unincorporated community of Walnut Park in the Walnut Park Zoned District.

2. The subject property is zoned Unlimited Commercial (C-3). The existing zoning for the surrounding properties are as follows:
   North: C-3 (Unlimited Commercial) zone and the City of Huntington Park.
   East: C-3 and R-2 (Two-Family Residence) zones.
   South: C-3 and R-3-NR (Limited Multiple Residence – Neighborhood Revitalization) zones.
   West: C-3 and R-3-NR.

3. The existing land use for the subject property contains an existing medical office building with appurtenant parking. The existing land use for the surrounding properties are as follows:
   North: Dentist office, retail shops and a parking lot.
   East: Restaurant and a parking lot.
   South: Bakery, market, restaurant, single-family residential and multi-family residential.
   West: Single-family residential and multi-family residential.

4. This approval is for the continued operation and maintenance of an existing unmanned Wireless Telecommunications Facility (WTF). The facility is located on a one acre parcel developed with an existing two-story medical office building with appurtenant parking and landscaping. The office building is oriented toward Pacific Avenue, a designated major highway, to the east end of the site with parking and majority of the landscaping located on the west end of the site. Access to the site is taken via Walnut Street to the north. The existing WTF equipment is located on the rooftop of the building. There is an approximately 238 square foot lease area with four equipment cabinets, power panel and a telco panel surrounded by an enclosure in the center of the rooftop. The north portion of the rooftop has four antennas mounted behind a 17 foot tall parapet enclosure.

5. Zone Change Case No. 87-306 adopted by Ordinance No. 870161Z – Established the C-3 Zone for the subject property on September 24, 1987.

6. CUP 99-274 – (1) – Approved on July 6, 2000. This CUP authorized the construction, operation and maintenance of an unmanned wireless telecommunication facility.

7. The existing wireless telecommunication facility is consistent with the goals and policies set forth in the Walnut Park Neighborhood Plan. The following policy of the Walnut Park Neighborhood Plan is applicable to the subject property and served a guideline for the construction of the facility:

   Public Improvements: *"Reduce visual clutter through harmonious façade treatment of adjacent businesses."*
   - The existing wireless telecommunication facility was screened with two types of parapet enclosure façades to minimize the visual intrusion for both the antennas and appurtenant equipment.

8. The existing design of the WTF is consistent with the land use compatibility goals and policies of the Countywide General Plan. The following general policy of the Countywide General Plan is applicable to the subject property and serves a guideline for the maintenance of such facility:

   Public Services policy 58: *"Maintain high quality emergency response services."*
   - The existing wireless telecommunication facility provides cellular service to this neighborhood and such service is often used to make emergency calls. The existing facility will ensure that such service is readily available.

9. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify wireless telecommunications facility as a use. The use most closely matching a wireless telecommunications facility specified in the Zoning Ordinance is a radio or television stations and tower. 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 (Unlimited Commercial), provided that a CUP is obtained.

10. The wireless telecommunication is located in a commercial corridor along Pacific Avenue. The existing telecommunication equipment is screened with parapet facades in order to reduce visual intrusion. This facility is compatible with the surrounding area.

11. Staff 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.

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 15 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 said 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 200900134 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MC:RG:rg

This grant authorizes the continued operation and maintenance of an existing unmanned Wireless Telecommunications Facility (WTF). The facility is located on a rooftop of an existing two-story medical office building with appurtenant parking and landscaping. There is an approximately 238 square foot lease area with four equipment cabinets, power panel and a telco panel surrounded by an enclosure located in the center of the rooftop. The north portion of the rooftop has four antennas mounted behind a 17 foot tall parapet enclosure. Access to the site is taken via Walnut Street to the north. The subject property is located at 7305 S. Pacific Avenue in unincorporated community of Walnut Park. This approval is subject to the following conditions:

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 and cannot be used 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 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 7 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 July 20, 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 shall expire unless used within 2 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 **$1600.00**. 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.

14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

15. 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.

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 install an 8.5" x 11" sign made of weatherproof material on the outdoor equipment cabinets. This sign shall contain contact information for the company responsible for maintenance of the said cabinets, in case of damage or

graffiti. In addition, the Department of Regional Planning project number and conditional use permit number shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

18. The operator shall provide one parking space for maintenance vehicles that shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.

19. 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.

    The subject property shall be developed and maintained in substantial compliance with the photo simulations of the wireless telecommunication facility presented at the time of approval.

20. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on said facility's radio frequency emissions level, as required by the FCC requirements, to the Department of Regional Planning. 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. The wireless telecommunication facility shall be removed if in disuse for more than six (6) months.

22. The exterior color of the WTF shall be of a tone satisfactory to the Director of Planning, which will be compatible with and will blend in with the surroundings.

23. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless telecommunications facilities in the vicinity with regard to possible co-location. Such subsequent applications will be subject to the regulations in effect at the time.

24. The existing eight foot wall constructed around the base of the transceiver cabinets shall continue to match the existing building color and materials to screen them from public view.

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