



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 8, 2010

MetroPCS
350 Commerce, #200
Irvine, CA 92602
Attention: Jennifer Navarro-Yhap

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER 99266 – (2)
CONDITIONAL USE PERMIT CASE NO. 201000035
8145 BEACH STREET, FLORENCE/FIRESTONE (APN's 6027-015-003, 6027-015-004)**

Dear Applicant:

Hearing Officer, Alex Garcia, by his action on December 7, 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 December 21, 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 North 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 99266 – (2)
CONDITIONAL USE PERMIT NO. 201000035**

REQUEST: The applicant, Royal Street Communications California, is requesting a Conditional Use Permit (CUP) to continue the operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) in the Light Manufacturing (M-1) zone. A telecommunication facility is a use subject to a CUP pursuant to Section 22.32.070 of the Los Angeles County Code.

HEARING DATE: December 7, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on December 7, 2010 before the Hearing Officer, Mr. Alex Garcia. The applicant's representative, Jennifer Navarro-Yhap, presented testimony in favor of the request and accepted the conditions of approval. There being no further testimony, the Hearing Officer closed the public hearing, found the project categorically exempt and approved the permit.

Findings

1. The subject property is located at 8145 Beach Street, in the unincorporated community of Florence-Firestone within the Sunshine Acres Zoned District. Assessor's Parcel Numbers: 6027-015-033 and 6027-015-004.
2. The subject property is zoned M-1 (Light Manufacturing) zone. The existing zoning for the surrounding properties are as follows:
 - North: M-1 (Light Manufacturing) zone.
 - East: R-2 (Two-Family Residence) zone.
 - South: M-1 zone.
 - West: M-1 and R-3 (Limited Multiple Residence) zones.
3. The existing land use for the subject property contains a furniture warehouse and a mattress company. The existing land use for the surrounding properties are as follows:
 - North: Light industrial uses, heavy industrial uses and single-family residences and multi-family residences.
 - East: Single-family residences and multi-family residences.
 - South: High school, light industrial uses, single-family residences and multi-family residences.
 - West: Heavy industrial uses, single-family residences, multi-family residences and the Metro Blue Line rail corridor.

4. This grant will authorize the continued operation and maintenance of an existing unmanned WTF and installation of additional antennae to an existing monopole for collocation with additional appurtenant equipment. The facility is located on two separate 1.53 acre parcels developed with manufacturing uses. The existing WTF consist of a 60 foot high monopole with three separate antenna arrays attached to the pole with appurtenant equipment located at the base of the monopole in an enclosed lease area. The equipment lease area is enclosed within a six foot high chain link fence with an access gate. The lease area is surrounded by several bollards to protect the equipment shelter. Access to the site is via Beach Street to the east.
5. Ordinance No. 3711 – Established the M-1 and M-2 zones for the subject property on October 29, 1940.
6. Ordinance No. 2004-0033Z – Changed the M-2 zone portion of the subject property to M-1 zone on June 22, 2004.
7. CUP 99-266 – (2) – Approved on September 19, 2000. This CUP authorized the construction, operation and maintenance of an unmanned wireless telecommunication facility.
8. Revised Exhibit “A” (CUP 99-266 – (2)) – Approved on April 20, 2006. The revised exhibit “A” authorized the installation of (6) panel antennas mounted to the existing monopole, (4) equipment cabinets, power & telco box, GPS antennae and (1) 2” microwave antennae.
9. The existing 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 continued operation and 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.
10. 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 22.32.070 of the Los Angeles County Code, development of radio and television stations and towers is a permitted use in Zone M-1 (Light Manufacturing), provided that a CUP is obtained.
11. The WTF is located on a property with industrial/manufacturing uses. The property is adjacent to the metro blue line rail corridor to the west and multi-family duplexes to

the east. The WTF has not impacted the adjacent neighborhood, since the facility has been operating for more than ten years without any complaint.

12. 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.
13. 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.
14. 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.
15. 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 for the construction, 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 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is Categorical 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 201000035 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 unmanned wireless telecommunication facility (WTF) in the M-1 (Light Manufacturing) zone located at 8145 Beach Street, in the unincorporated community of Florence-Firestone, subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the 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 6, and until all required monies have been paid pursuant to Condition 9. The recorded affidavit shall be filed and the required monies shall be paid by **February 6, 2011**.
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 December 7, 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 two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee 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 (one 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.
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. 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 receiving notice 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.
 16. 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.
 17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
 18. 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 the regulations in effect at that time.
 20. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
 21. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
 22. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
 23. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
 24. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.

25. 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.
26. The maximum height of the facility shall not exceed 60 feet above finished grade.
27. 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.
28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
29. 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. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. 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.
31. 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.
32. The facility shall be secured by fencing, gates and/or locks.
33. Appurtenant equipment boxes shall be screened or camouflaged.

MC:RG:rg

November 16, 2010