Hearing Officer Transmittal Checklist	Hearing Date 8/4/2009
	Agenda Item Number 6

Project Number: R2008-00098-(4)
Case(s): 200800009
Contact Person: Diane Aranda

Included	NA/None	Document
☒	☐	Factual
☒	☐	Property Location Map
☒	☐	Staff Report
☒	☐	Draft Findings
☒	☐	Draft Conditions
☐	☐	DPW Letter
☐	☐	FD Letter
☐	☐	Other Department's Letter(s)
☒	☐	Burden Of Proof Statement(s)
☒	☐	Environmental Documentation (IS, MMP, EIR)
☐	☐	Opponent And Proponent Letters
☒	☐	Photographs
☐	☒	Resolution (ZC Or PA)
☐	☐	Ordinance with 8.5 X 11 Map (ZC Or PA)
☒	☐	Aerial (Ortho/Oblique) Image(s)
☒	☐	Land Use Radius Map
☒	☐	Site Plan And Elevations
☐	☐	

Reviewed By: _____

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT NO. R2008-00098-(4)
CONDITIONAL USE PERMIT CASE NO. 200800009

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE August 4, 2009	

APPLICANT	OWNER	REPRESENTATIVE
New Cingular Wireless	Joe Conzonire	Jesse Gilholm, Synergy Development Services

REQUEST
Conditional Use Permit: To authorize the continued use of a 61-foot high monopole with (12) antennas and associated equipment within the Walnut Zoned District.

LOCATION/ADDRESS
2011 North Walnut Drive, City of Industry

ACCESS
Fairway Drive and Walnut Drive

ZONED DISTRICT
Walnut

COMMUNITY
Rowland Heights

EXISTING ZONING
M-1.5-BE (Light Industrial- Billboard Exclusion)

SIZE	EXISTING LAND USE	SHAPE	TOPOGRAPHY
1,317 square feet	Furniture Warehouse	Regular	Leveled

SURROUNDING LAND USES & ZONING

North: Industrial warehouses— M-1.5-BE (Light Industrial-Billboard Exclusion), City of Industry	East: Industrial warehouses— M-1.5-BE (Light Industrial-Billboard Exclusion).
South: Open Space,Single-Family Residence — A-1-10,000 (Light Agricultural-10,000 square foot lot minimum).	West: Industrial warehouses, single-family residence— City of Industry, city of Diamond Bar.

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	I (Industrial)	N/A	See Staff Analysis
Rowland Heights Community Plan Area	I (Industrial)	N/A	See Staff Analysis

ENVIRONMENTAL STATUS
Class 1 Categorical Exemption – Existing Facilities

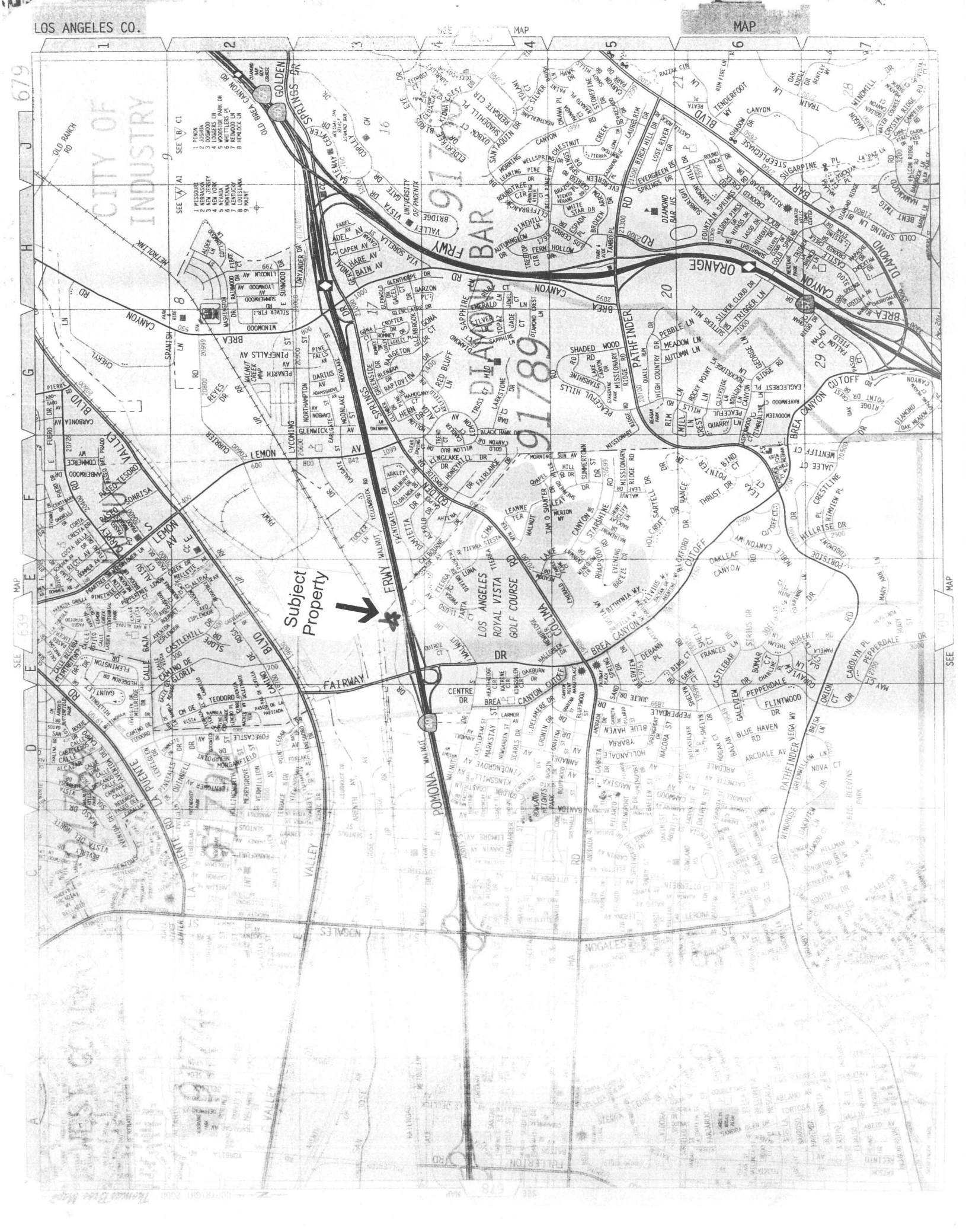
DESCRIPTION OF SITE PLAN
The site plan depicts a total of twelve (12) panel antennas on an existing (61) foot high monopole within a chain link fence enclosure and one existing 12x28x10 pre-fabricated equipment shelter within a (6) foot high chain link fence enclosure within a fenced 1,317 square foot lease area.

KEY ISSUES
- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

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


LOS ANGELES CO.
MAP
Subject Property
CITY OF INDUSTRY
DIAMOND BAR
91789
91789
LOS ANGELES ROYAL VISTA GOLF COURSE
FRWY
BREA CANYON CUTOFF
POMONA
FAIRWAY
LEMON AV
GOLDEN
ORANGE
PATHFINDER
DIAMOND BAR
SEE MAP

July 22, 2009

APPLICANT: New Cingular Wireless PCS

SUBJECT: REQUEST FOR WIRELESS TELECOMMUNICATION RENEWAL
PROJECT NUMBER R2008-00098-(4)
CASE NUMBER 200800009
20011 North Walnut Drive, City of Industry

The applicant requests a **Renewal** for Conditional Use Permit 200800009 for an existing wireless telecommunication facility with no proposed expansions or modifications. The original Conditional Use Permit to authorize the installation, maintenance and operation of an unmanned wireless telecommunication facility located at 20011 North Walnut Drive, in the Walnut Zoned District, in the M-1.5-BE (Light Manufacturing 1.5 acre minimum required area) zone, was approved on June 13, 1996. The grant authorized by this approval has terminated on June 17, 2006. The applicant, New Cingular Wireless, filed a request for renewal with no changes or expansions to the original approved conditions. This is the first request for renewal.

Site Plan Description
The site plan depicts a total of twelve (12) panel antennas on an existing (61) foot high monopole within a chain link fence enclosure and one existing 12x28x10 pre-fabricated equipment shelter located within a (6) foot high chain link fence enclosure within a fenced 1,317 square foot lease area. The monopole is situated approximately 60 feet south from the pre-fabricated equipment shelter and 100 feet east of a furniture warehouse. There are two (2) metal over-hang truck ports for trucks to park to unload furniture adjacent to the wireless telecommunication facility. Access to the project site is from a 12-ft. wide access easement from East Walnut Drive. Section 22.52.1220 determines parking requirements for uses not specified. The proposed project is subject to provision of one parking space for the purpose of maintenance visits. The site plan does not depict any parking spaces for the use of the subject facility. There are three (3) parking spaces for the furniture warehouse. There is ample space available at the subject site parking area adjacent to the wireless communication facility for the monthly visits of the maintenance vehicle. For the last ten years of service, on-site parking spaces for service vehicles are provided adjacent to the double gate on the east side of the fenced enclosure.

EXISTING ZONING
Subject Property
The subject property is zoned M-1.5-BE (Light Manufacturing-Billboard Exclusion).

Surrounding Properties
The surrounding zoning consists of M-1.5-BE (Light Manufacturing-Billboard Exclusion) to the north and south. The project site is bordered by the City of Industry to the east and west. The property is located within the boundaries of the Rowland Heights Community Standards District.

EXISITNG LAND USES
Subject Property

The property is developed as a furniture warehouse.

Surrounding Properties
Land uses within 500 feet of the subject property consist of the Union Pacific Railroad tracks and manufacturing warehouses to the north, manufacturing warehouses to the east and west and the 60 Freeway to the south.

BURDEN OF PROOF

The applicant's statement satisfies the Burden of Proof. The Burden of Proof with applicant's responses is attached.

ENVIRONMENTAL DOCUMENTATION

This project was determined to be categorically exempt (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

LEGAL NOTIFICATION / COMMUNITY OUTREACH

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, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

Conditional use permit 95230-(4) authorized the construction, operation and maintenance of a wireless communication facility. This grant was approved on June 13, 1996.

There were zoning violations regarding trash surrounding the leasehold area but this situation has been corrected and the enforcement file has been closed by the zoning inspector.

STAFF EVALUATION

A wireless telecommunications facility is a use not specified in the Zoning Ordinance; however, staff has traditionally utilized the "radio or television tower" under section 22.32.130 development of radio transmitter station or towers in M-1.5-BE (Light Manufacturing) zone as a compatible use.

The project site is surrounded by light/heavy manufacturing and commercial uses, railroad tracks and the 60 freeway and is approximately 200 feet from a furniture warehouse located on the subject property. The proposed wireless facility is similar to a utility use as it improves local telecommunications service for the surrounding community. The location of the facility is compatible with its surrounding because it is located within a manufacturing area adjacent to the 60 freeway and the Union Pacific railroad tracks and the project does not abut residential properties. The proposed use is consistent with the land use designations on the property.

The proposed project will be a renewal of the existing wireless facility within an existing leased area enclosed by a chain link fence. The proposed project is unmanned and will generally require a once a month maintenance visit. There is no proposed construction or expansion. The conditional use permit will supersede the previously approved conditional use permit, conditional use permit 95230.

Fees/deposits
If approved, the following fees will apply, unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of $750.00 to cover the costs of 5 recommended biennial zoning enforcement inspections.

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

Staff recommends **APPROVAL** of Conditional Use Permit R2008-00098-(4) / Project 200800009 subject to the attached conditions.

Prepared by Diane Aranda
Reviewed by Maria Masis
Zoning Permits II Section

Attachments:
Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map
Findings & Conditions –Previous Case

HEARING OFFICER'S DRAFT FINDINGS AND ORDER
LOS ANGELES COUNTY

REQUEST: The applicant requests the continued use of the subject property for the renewal of a 61-foot high monopole with (12) antennas and associated equipment within a 1,317 sq ft lease area in the Walnut Zoned District.

HEARING OFFICER DATE: AUGUST 4, 2009

PROCEEDINGS BEFORE THE HEARING OFFICER:

August 4, 2009 Hearing Officer
A duly noticed public hearing was held on August 4, 2009 before the hearing officer.

Findings

1. The applicant requests a Conditional Use Permit to authorize the renewal of a 61-foot high monopole with (12) antennas and an existing 12x28x10 pre-fabricated equipment shelter within a 1,317 sq ft lease area in the Walnut Zoned District.

2. The project site is a .03 acre rectangular parcel located at 20011 N. Walnut Drive within the unincorporated community of Industry. The site is located in the Walnut zoned district.

3. The lease area encompasses one existing 12x28x10 pre-fabricated equipment shelter located within a (6) foot high chain link fence enclosure within a fenced 1,317 square foot lease area.

4. The project site is located in the M-1.5-BE (Light Manufacturing- Billboard Exclusion) zone and is also located within the Rowland Heights Community Standards District.

5. The surrounding zoning consists of M-1.5-BE (Light Manufacturing-Billboard Exclusion) to the north and south. The project site is bordered by the City of Industry to the east and west.

6. Land uses within 500 feet of the subject property consist of the Union Pacific Railroad tracks and manufacturing warehouses to the north, manufacturing warehouses to the east and west and the 60 Freeway to the south.

7. Conditional use permit 95230-(4) authorized the construction, operation and maintenance of a wireless communication facility. This grant was approved on June 13, 1996.

8. There were zoning violations were zoning violations regarding trash surrounding the leasehold area but this situation has been corrected and the enforcement file has been closed by the zoning inspector.

9. The subject property is designated as "Industrial" in the Rowland Heights Community Plan. This classification allows warehouses, manufacturing, and heavy commercial uses.

   There are no specific policies related to the proposed type of use in the Community Plan. The equipment of the proposed wireless telecommunication facility will be located within the existing leasable area and will not adversely impact the viability of surrounding areas for the maintenance or expansion of manufacturing activities. The project proposal is a renewal of an existing

wireless telecommunication facility without expansion or construction. Staff's opinion is that the project is consistent with the General Plan.

10. The site plan depicts a total of twelve (12) panel antennas on an existing (61) foot high monopole within a chain link fence enclosure and one existing 12x28x10 pre-fabricated equipment shelter located within a (6) foot high chain link fence enclosure within a fenced 1,317 square foot lease area. The monopole is situated approximately 60 feet south from the pre-fabricated equipment shelter and 100 feet east of a furniture warehouse. Access to the project site is from a 12-ft. wide access easement from North Walnut Drive.

11. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify a 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 tower. Under Section 22.32.130 of the Zoning Ordinance, radio or television towers are permitted uses in M-1.5-BE (Light Manufacturing-Billboard Exclusion) zone, with an approved CUP.

12. Section 22.52.1220 determines parking requirements for uses not specified. The proposed project is subject to provision of one parking space for the purpose of maintenance visits.

    The site plan does not illustrate any parking spaces. There is ample space available at the project site for the monthly visits of the maintenance vehicle.

13. Access to the subject property is via an access easement from North Walnut Drive.

14. 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.

15. The location of the facility is compatible with its surrounding because it is located within a manufacturing area adjacent to the 60 freeway and the Union Pacific railroad tracks and the project does not abut residential properties. The proposed use is consistent with the land use designations on the property.

16. The location of the facility is compatible with its surrounding because it is located within a manufacturing area adjacent to the 60 freeway and the Union Pacific railroad tracks and the project does not abut residential properties. The proposed use is consistent with the land use designations on the property.

17. The proposed project will be a renewal of the existing wireless facility within an existing leased area enclosed by a chain link fence. The proposed facility was designed to provide efficient wireless telecommunication coverage without creating a visual impact.

18. The facility will operate in compliance with all applicable local, state and federal regulations. The radio frequency exposure generated by the facility will comply with standards adopted by the Federal Communication Commission (FCC).

19. The project will not significantly affect the aesthetics and visual harmony of the area.

20. The Wireless Telecommunication Facility will serve the basic needs of the community for both personal and business providing coverage for personal use, business uses and during emergency situations where traditional telephone service is not available or becomes disrupted.

21. Staff has determined that the proposed project is a Class 1 Categorical Exemption which exempts existing facilities from the California Environmental Quality Act.

    The wireless telecommunication facility has been in operation for thirteen years. Therefore, the property qualifies for Class 1 Categorical Exemption, Existing Facilities.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.

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

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 3 New Construction or Conversion of Small Structures Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

2. In view of the findings of facts presented above, Project No. R2008-00098-(4) / Conditional Use Permit 200800009 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the continued use of a 61-foot high monopole with (12) antennas and associated equipment within the Walnut Zoned District. All facilities shall be maintained as depicted on the approved Exhibit "A" and subject to all of the following conditions of approval:

    a. Any and all graffiti on the proposed wall and the facility shall be removed within 24 hours of its application;

    b. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;

    c. Said facility shall be removed if in disuse for more than six months;

    d. 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;

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

    f. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;

    g. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted 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 the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;

    h. 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;

    i. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;

    j. The operators shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility;

    k. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner; and

l. The operator shall provide satisfactory safeguards to prevent unauthorized access to the lease area enclosure;

m. A public safety sign shall be placed on the facility relaying the dangerous contents of the associated equipment; and

n. Said facility shall not exceed 61 feet in overall height.

2. 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.

3. 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. 8, and until all required monies have been paid pursuant to Condition No. 10.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. 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.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.

7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. 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.

9. **This grant will terminate on August 4, 2019**. 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.

10. 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 **$750.00**. 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 **5 (five) biennial** inspections. Inspections shall be unannounced.

    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 $150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is 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.

12. 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.

13. 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, 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 facility 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 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.

MM:DA
8/4/09

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF SEC. 22.56.040

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

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

   See Attached

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.

   See Attached

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

   See Attached

Conditional Use Permit

Burden of Proof

20011 East Walnut Dr.

A.1. The existing wireless telecommunications facility does not and will continue to not adversely affect the health, peace, comfort, or welfare of persons residing or working in the area because of the nature of the proposed use, and because the proposed use is for a continued use for an existing wireless telecommunications facility. The existing facility is strategically located in a location surrounded by train tracks, roads, freeways, and light industrial and commercial facilities. The existing facility increases the safety and convenience of the people working in the area and commuting through area, because the existing facility provides coverage to new at&t subscribers.

A.2 & A.3. The existing wireless telecommunications facility does not, and will continue to not be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site or jeopardize, endanger, or otherwise constitute a menace to the public health or general welfare of the public because of the strategic location of the existing facility, and the nature of the facility. The existing facility is strategically located in a location surrounded by train tracks, roads, freeways, and light industrial and commercial facilities. The existing facility provides a service to subscribers of new at&t. The facility abides by all regulation set forth by the FCC; thus has been determined to be environmentally safe as determined by the FCC and California Public Utilizes Commission.

B. The existing facility is an unmanned facility consisting of radio equipment housed in a prefabricated equipment compound and antennas are located on an existing monopole, and the entire facility is fenced. No yards, loading spaces, or other development features prescribed in Title 22 are required in order to maintain the existing facility.

C.1. & C.2. The existing Facility is adequately served by streets of sufficient width. Access to the facility is via Walnut Drive. The facility is unmanned, and requires only periodical visits for maintenance. The existing facility has adequate telephone and electrical service, and does not require water or sewer services.

LOS ANGELES COUNTY LETTERGRAM

TO	Maria Masis Zoning Permits II	FROM	Diane Aranda Zoning permits Section II

SUBJECT: ENVIRONMENTAL DETERMINATION **DATE: July 22, 2009**
PROJECT NO. R2008-00098-(4)
CONDITIONAL USE PERMIT NO. 200800009

The applicant is requesting to authorize the continued use of a 61-foot high monopole with (12) antennas and associated equipment within the Walnut Zoned District. The property is located at 2011 Walnut Drive, Industry within the M-1.5-BE (Light Manufacturing-Billboard Exclusion) zone.

As such, this project qualifies for: Class 1 Categorical Exemption – Existing Facilities.

This request is exempted from the California Environmental Quality Act based on Section 15301 (Chapter 3, Title 14, California Code of Regulations) because no new construction is being proposed and it is not located on environmentally sensitive land; and as such, it meets the criteria set forth under Class 1 Categorical Exemption which exempts existing facilities from the California Environmental Quality Act.

If you have any questions regarding the above determination or the environmental document preparation, please contact Diane Aranda of the Zoning Permit Section II at (213) 974-6435.

A NOTICE OF EXEMPTION MAY BE FILED WITH THE COUNTY CLERK UPON APPROVAL OF THIS PROJECT.

Los Angeles County
Department of Regional Planning

Director of Planning. James E. Hartl, AICP

June 17, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

L.A. Cellular
c/o Margaret A. Taylor
Morey/Seymour & Associates
233 Wilshire Boulevard, Ste. 290
Santa Monica, California 90401

RE: CONDITIONAL USE PERMIT CASE NO. 95-230-(1).
To authorize the construction, operation and maintenance of a cellular telecommunication facility.
20011 N. Walnut Drive, Industry.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

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's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of a cellular telecommunication facility in a M-1-1/2-BE (Neighborhood Commercial - Billboard Exclusion) zone.

FACTUAL SUMMARY:

June 13, 1996 Hearing

A duly noticed public hearing was held. One person was sworn (the applicant's representative). The applicant's representative presented testimony in favor of the project. The representative noted that since the monopole rested on a base, the actual height of the monopole was 61' above grade, in comparison to 60' depicted on the site plan. The Hearing Officer determined that Condition 9 of the draft conditions could be modified from 60 feet to 61 feet to reflect this difference. There was no opposition testimony.

The Hearing Officer closed the public hearing and approved the project, subject to the conditions recommended by staff, with modification of Condition 9 to authorize a maximum permitted height of 61'.

Findings

The applicant has requested a Conditional Use Permit to authorize the construction, operation and maintenance of a cellular telecommunication facility.

The site is a .03 acre rectangular parcel, located at 20011 N. Walnut Drive, in unincorporated Industry. The site is also located in the Puente Zoned District.

The zoning on the subject project site is M-1-1/2-BE (Neighborhood Commercial - Billboard Exclusion).

Surrounding zoning consists of M-1-1/2-BE to the north and south. The project site is bounded to the east and west by the City of Industry; portions of the site to the north and south are also bounded by the city of Industry.

The project site is designated as "Major industrial" in the Countywide General Plan.

A plant nursery currently exists on the subject property. Surrounding land uses consist of railroad tracks and vacant land to the north, an office, warehouse and car wash to the west, a warehouse to the east, and vacant land and the Pomona Freeway to the south.

The site plan depicts a proposed monopole antenna, 60' in height with an appurtenant equipment shelter (one story), approximately 360 sq.ft. in footprint. One existing warehouse building, two metal canopies, one open shed and 13 parking spaces are also indicated.

The site takes access from Walnut Drive to the south.

At the June 11, 1996 public hearing, a representative of the applicant noted that since the 60′ monopole rested on a base, the actual height above grade was 61′.

The Hearing Officer approved a modification of Condition 9 to reflect a change in the maximum permitted height from 60′ to 61′.

The site is adequately set back from Walnut Drive and the Pomona Freeway, and is compatible with the warehouse use adjacent to the site.

The project has been granted a Categorical Exemption under CEQA reporting requirements.

No public comment has been received.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

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

E. Compatibility with surrounding land use will be ensured through implementation of the attached;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in 22.56.090, Title 22 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I approve the Categorical Exemption for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.

2. In view of the findings of fact presented above, Conditional Use Permit Case No. 95-230-(1) is **APPROVED.**

BY: Raymond P. Ristic **Date:** June 17, 1996

RAYMOND RISTIC, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DCC:RJF:rjf

Attachment:
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety.

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 June 13, 2006.

   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 and operation of an unmanned cellular telecommunications facility, consisting of a monopole antenna 61 feet in overall height, with an appurtenant one-story equipment shelter, 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 antenna shall not exceed 61 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.

VIEW OF SITE FROM NORTH

VIEW OF SITE FROM SOUTH

VIEW OF SITE FROM EAST

VIEW OF SITE FROM WEST

VIEW FROM SITE LOOKING NORTH

VIEW FROM SITE LOOKING SOUTH

VIEW FROM SITE LOOKING EAST

VIEW FROM SITE LOOKING WEST

View of Site from South Across Walnut Dr

View of Site from South East Across Walnut Dr

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Output from GIS-NET

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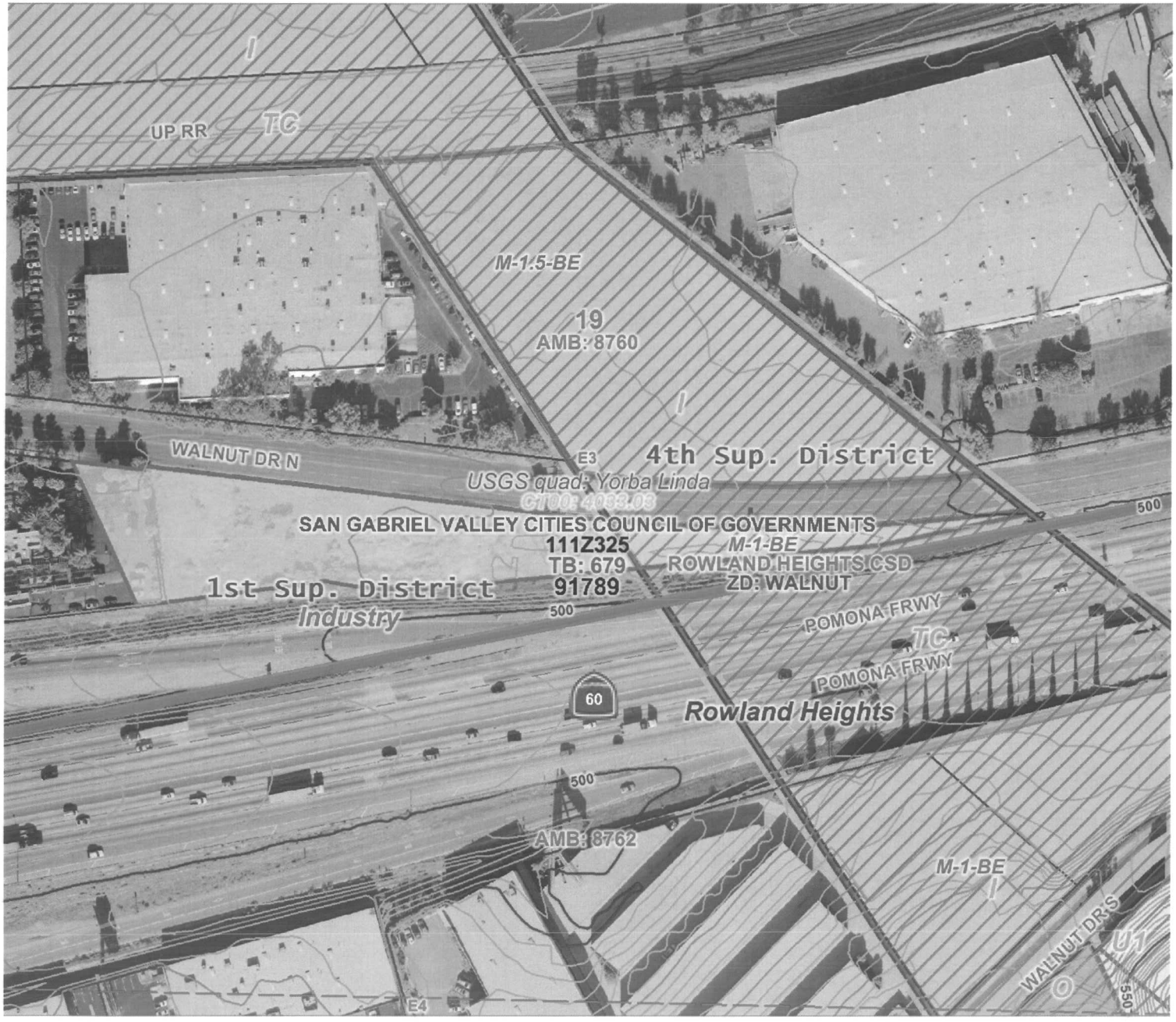

Legend

- Parcel Boundary
- Arterial Street
- Highway
- Freeway

Master Plan of Highways
- Expressway - (e)
- Expressway - (p)
- Ltd. Secondary Highway - (e)
- Ltd. Secondary Highway - (p)
- Parkway - (e)
- Parkway - (p)
- Major Highway - (e)
- Major Highway - (p)
- Secondary Highway - (e)
- Secondary Highway - (p)
- (e)-Existing (p)-Proposed

Railroad or Rapid Transit
- Railroad
- Rapid Transit
- Underground Rapid Transit

Significant Ridgelines
- Castaic CSD Primary
- Castaic CSD Secondary
- SMMNA Significant

- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Serverity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EQD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisorial District Boundary

Safety Related Stations (From TB)
- Fire Station
- Highway Patrol
- Police Station
- Ranger Station
- Sheriff Station

- Zoning (Boundary)

Zoning
- Zone A-1
- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-( )U
- Zone R-4-( )U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

Landuse Policy (Not in Comm / Area Plan)
- 1 - Low Density Residential (1 to 6 du/ac)
- 2 - Low/Medium Density Residential (6 to 12 du/ac)
- 3 - Medium Density Residential (12 to 22 du/ac)
- 4 - High Density Residential (22 or more du/ac)
- C - Major Commercial
- I - Major Industrial
- O - Open Space
- P - Public and Semi-Public Facilities
- RC - Rural Communities
- R - Non-Urban
- TC - Transportation Corridor

Inland Waterbody
- Perennial
- Intermittent
- Dry

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

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- Zone C-1
- Zone C-2
- Zone C-3
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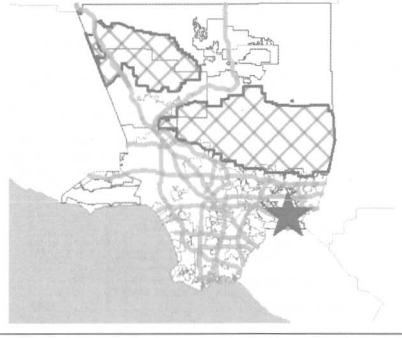

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