

Transmittal Checklist

Hearing Date
09/15/2009

Agenda Item Number
7

Project Number: R2008-01847-(4)
Case(s): Conditional Use Permit Number 200800150
Contact Person: Travis Seawards

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CUP No. 86-294 (Approved Findings and Conditions)

Reviewed By: Mark C...





Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 9746417

PROJECT NUMBER R2008-01847-(4)
CONDITIONAL USE PERMIT NUMBER 200800150

PUBLIC HEARING DATE
 9/15/2009

AGENDA ITEM

RPC CONSENT DATE

CONTINUE TO

APPLICANT

AT & T Wireless

OWNER

Atlantis Equities, Robert Melamed, Manager

REPRESENTATIVE

Boudewijin Hanrath (BP)

PROJECT DESCRIPTION

The applicant, AT & T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (RBS) cabinets, one (1) 19' rack, nine (9) panel antennas, and two (2) GPS antennas that will be contained within a cupola on top of a new multi-tenant commercial building at the intersection of Mulberry Drive and La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres. The project will require only monthly servicing visits and will be accessed via a ladder located at the rear of the commercial building.

REQUIRED ENTITLEMENTS

Per section 22.28.110, a conditional use permit (CUP) is required for wireless facilities in a C-1 zone (Restricted Business).

LOCATION/ADDRESS

15008 Mulberry Drive, Whittier, CA 90604

SITE DESCRIPTION

The site plan depicts a proposed AT & T telecommunications facility inside a cupola on top of a new 6,456 sq. ft. commercial building on the subject property. The cupola will be located on the northwest corner of the building and will reach a height of 33 ft. AT & T is leasing 360 sq. ft. of space in the cupola (18'x 18') ease area from the owner. The site has 39 parking spaces, 2 being ADA accessible.

ACCESS

There are access points to the project site from La Mirada Boulevard and Mulberry Drive.

ZONED DISTRICT

Southeast Whittier

ASSESSORS PARCEL NUMBER

8228-023-034

COMMUNITY

South Whittier - Sunshine Acres

SIZE

0.5 Acres (360 sq. ft. lease area)

COMMUNITY STANDARDS DISTRICT

N/A

EXISTING LAND USE

EXISTING ZONING

Project Site	Multi-tenant commercial	C-1 (Restricted Business Zone)
North	Multi-tenant commercial and a large parking lot	CPD (Commercial Planned Development)
East	Strip mall and single family residential	R-A-6,000 (Residential Agriculture – 6,000 sq. ft. minimum required lot area)
South	Multi-tenant commercial and single-family residential	R-A-6,000 (Residential Agriculture – 6,000 sq. ft. minimum required lot area)
West	Gas station and multi-family residences	C-2-BE (Neighborhood Business- Billboard Exclusion)

GENERAL PLAN/COMMUNITY PLAN

Countywide General Plan

LAND USE DESIGNATION

1 - Low Density Residential

MAXIMUM DENSITY

1-6 dwelling units per acre

ENVIRONMENTAL DETERMINATION

Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

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

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

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

STAFF ANALYSIS
PROJECT NUMBER R2008-01847-(4)
CONDITIONAL USE PERMIT 200800150

PROJECT DESCRIPTION

The applicant, AT & T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (RBS) cabinets, one (1) 19' rack, nine (9) panel antennas, and two (2) GPS antennas that will be contained within a cupola on top of a new multi-tenant commercial building at the intersection of Mulberry Drive and La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres. The project will require only monthly servicing visits and will be accessed via a ladder located at the rear of the commercial building.

REQUIRED ENTITLEMENTS

Per Section 22.20.110, the applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the C-1 (Restricted Business Zone) zone in the Southeast Whittier Zoned District.

LOCATION

The subject property, Assessor Parcel Number 8228-023-034, is located at 15008 Mulberry Drive, Whittier, at the intersection of La Mirada Boulevard in the unincorporated community of South Whittier – Sunshine Acres.

SITE PLAN DESCRIPTION

The site plan depicts a proposed location for an AT & T telecommunications facility inside a cupola on top of a new 6,456 sq. ft. commercial building on the subject property. The cupola will be located on the northwest corner of the building and will reach a height of 33 ft. AT & T is leasing 360 sq. ft. of space in the cupola (18'x 18') lease area from the owner. The site has 39 parking spaces, two (2) being ADA accessible. Access to the project site is from La Mirada Boulevard and Mulberry Drive.

EXISTING ZONING

Subject Property:

The project site is zoned C-1 (Restricted Business Zone).

Surrounding Properties:

Surrounding properties are zoned as follows:

North: CPD (Commercial Planned Development).

South: R-A-6,000 (Residential Agricultural-6,000 sq. ft. minimum required lot area).

East: R-A-6,000.

West: C-2-BE (Neighborhood Business-Billboard Exclusion).

EXISTING LAND USES

Subject Property:

The subject property is developed as a multi-tenant commercial development.

Surrounding Properties:

Surrounding land uses are as follows:

North: Strip mall commercial building with a large parking lot.

South: Strip mall commercial building and single family residential

East: Strip mall and single family residential

West: Gas station and multi-family residences

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined this project to be Categorically Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.

LEGAL NOTIFICATION AND PUBLIC 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

The current multi-tenant commercial building was approved via Plot Plan No. 200501244

STAFF EVALUATION

General Plan Consistency

The subject property is designated Low Density Residential (1) land use category in the Los Angeles Countywide General Plan Land Use Map. The Low Density Residential designation is intended for areas that are suitable for single-family residential development. Under the General Conditions and Standards for Development section of the Land Use Element, locally-serving commercial uses such as facilities providing neighborhood or community convenience goods and services are allowed if they meet criteria for location, scale, design and access and traffic.

The proposed project will be incorporated into the design of a newly constructed multi-tenant commercial building. The proposed project meets the following criteria for the standards and conditions for locally-serving commercial:

- Facilities that provide neighborhood or community convenience goods and services;
- Easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities;

- The scale does not exceed 10 acres in size and is in keeping with the surrounding community setting;
- The height proposed does not exceed the general profile of existing uses;

The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Low Residential Density (1) land use designation in the General Plan.

Zoning Ordinance and Development Standards Compliance

A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.28.110 of the Zoning Code, a conditional use permit is required for radio towers in a C-1 Zone.

Section 22.52.1220 provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The commercial site on which the proposed wireless telecommunications facility will be located provides 39 parking spaces. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance. Existing parking spaces are sufficient to meet the occasional parking need.

The proposed project is subject to Low Impact Development (LID) standards. LID compliance is determined by the Department of Public Works, Building and Safety. This project has been considered to meet LID requirements to the satisfaction of Building and Safety prior to building permit issuance.

Neighborhood Impact/Land Use Compatibility

The site plans and photos submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.

Staff is of the opinion that although the existing land use designation is Low Density Residential (1), the subject property is zoned for commercial uses and is consistent with policies of the General Plan and the provisions of the Zoning Code.

FIELD INVESTIGATION

During the site visit, staff confirmed that the construction of the new commercial building has commenced and is to the standards as described on the proposed project site plan. The site is well maintained and there have been no zoning violations to date.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. The Burden of Proof has been met because the proposed project will not adversely affect the surrounding community and has satisfied the provisions of the County Code.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

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 Project Number R2008-01847-(4), Conditional use Permit Number 2008-00150-(4), subject to attached conditions.

PUBLIC COMMENTS

No comments have been received to date.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

If the Hearing Officer agrees with staff's evaluation above, staff recommends that the Hearing Officer close the public hearing, find that the project is categorically exempt, and approve Conditional Use Permit No. 2008-00150 with the attached findings and conditions.

Prepared by Travis Seawards, RP/II
Reviewed by Mark Child, Supervising Regional Planner

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2008-01847-(4)
CONDITIONAL USE PERMIT NUMBER 200800150**

REQUEST:

To authorize a Conditional Use Permit for the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the C-1 zone (Restricted Business).

HEARING DATE: September 15, 2009

PROCEEDINGS BEFORE THE HEARING OFFICER:

Insert proceedings text after hearing.

Findings

1. The subject property, Assessor Parcel Number 8228-023-034, is located at 15008 Mulberry Drive at the intersection of La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres.
2. The project site is zoned C-1 (Restricted Business Zone).
3. Surrounding properties are zoned as follows:
 - North: CPD (Commercial Planned Development).
 - South: R-A-6,000 (Residential Agricultural Zone – 6,000 sq. ft minimum required lot area).
 - East: R-A-6,000
 - West: C-2-BE (Neighborhood Business – Billboard Exclusion).
4. The surrounding land uses consists of the following:
 - North: Multi-tenant commercial building and large parking lot
 - South: Multi-tenant commercial building, parking spaces, and single-family residences
 - East: Multi-tenant commercial building, parking spaces, and single-family residences
 - West: Gas station and multi-family residences
5. The multi-tenant commercial building on the subject property was approved via Plot Plan No. 2005-01244.
6. There are no known zoning violations associated with the subject property.

7. The applicant, AT&T Wireless, is proposing the installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor radio base station (RBS) cabinets, one (1) 19' rack, nine (9) panel antennas, and two (2) GPS antennas that will be contained within a cupola on top of a new multi-tenant commercial building at the intersection of Mulberry Drive and La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres. The project will require only monthly servicing visits and will be accessed via a ladder located at the rear of the commercial building.
8. The site plan depicts a proposed location for an AT&T telecommunications facility inside a cupola on top of a new 6,456 sq. ft. commercial building on the subject property. The cupola will be located on the northwest corner of the building and will reach a height of 33 ft. AT&T is leasing 360 sq. ft. of space in the cupola (18'x 18') ease area from the owner. The site has 39 parking spaces, including 2 ADA accessible spaces. Access to the project site is from La Mirada Boulevard and Mulberry Drive. The subject property is a 0.5-acre, level, square-shaped parcel of land developed with a multi-tenant commercial building, 39 parking spaces, and required landscaping. There are access points to the project site from La Mirada Boulevard and Mulberry Drive.
9. The subject property is currently designated as Low Density Residential (1) in the Los Angeles Countywide General Plan Land Use Map. There are no specific policies in the General Plan that relate directly to the proposed use. However, the proposed use is consistent with certain land use element policies.
10. Under the General Conditions and Standards for Development section of the Land Use Element, locally-serving commercial uses such as facilities providing neighborhood or community convenience goods and services are allowed if they meet criteria for location, scale, design and access and traffic. The proposed project will be incorporated into the design of a newly constructed multi-tenant commercial building. The proposed project meets the following criteria for the standards and conditions for locally-serving commercial:
 - Facilities that provide neighborhood or community convenience goods and services;
 - Easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities;
 - The scale does not exceed 10 acres in size and is in keeping with the surrounding community setting; and,
 - The height proposed does not exceed the general profile of existing uses.
11. The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with the Low Residential Density (1) land use designation in the General Plan.

12. The proposed project is a small development subject to Low Impact Development (LID) standards required by the Department of Public Works prior to issuance of a building permit.
13. A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility is a radio or television tower. Under Section 22.20.110 of the Zoning Code, a conditional use permit is required for radio towers in a C-1 zone.
14. Section 22.52.1220 of the Zoning Code provides the parking requirements for uses that are not specified in the Zoning Code. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The site currently facilitates parking for 39 spaces with two being ADA accessible. The proposed wireless telecommunications facility will be unmanned and will be visited monthly for periodic maintenance only and will utilize these same parking areas.
15. The site plans and photo simulations submitted indicate that the design of the proposed project is compatible with the existing use and character of development of the surrounding uses, and will not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will reflect the design proposed in the site plans and photo simulations.
16. A site visit, conducted July 9, 2009, verified the accuracy of the site plan.
17. Staff did not receive any comments from public agencies to date.
18. Phone calls/community concerns to date.
19. The subject project is consistent with policies of the General Plan and the provisions of the Zoning Code.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
21. Section 704 of Title 7 of the Federal Telecommunications Act of 1996 (effective February 8, 1996), contains the following language: "IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

22. 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 10 years.
23. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

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 locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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; and,
- D. 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 requested.

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

HEARING OFFICER ACTION:

1. I have determined this project to be Categorically Exempt, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental document reporting procedures and guidelines.
 2. In view of the findings of fact and conclusions presented above, **CONDITIONAL USE PERMIT NUMBER 200800150 is APPROVED** subject to the attached conditions.
- c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant authorizes the use of the subject property for installation of a new unmanned wireless telecommunications facility consisting of four (4) indoor RBS cabinets, one (1) 19' rack, nine (9) panel antennas, and two (2) GPS antennas that will be contained within a cupola on top of a new multi-tenant commercial building at the intersection of Mulberry Drive and La Mirada Boulevard in the unincorporated community of South Whittier-Sunshine Acres, as depicted on the approved Exhibit "A", subject to all of 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 Number 6, and until all required monies have been paid pursuant to Condition Number 9. Notwithstanding the foregoing, this Condition Number 2, and Conditions Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on September 15, 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.
8. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with payment of the applicable fee.
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 **\$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 **five (5) 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 \$150.00 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. 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.
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.
20. All structures, including the antenna and equipment enclosure, shall be a neutral, earth-tone color, and/or a color that is identical to other similar structures in the

proximity, to blend in and harmonize with the surroundings. The colors and materials of the surfaces for all equipment shall not be glossy or reflective in nature and shall be maintained in good condition at all times.

21. 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 prevent occurrences of dangerous conditions or visual blight.
22. The access to said facility for the purpose of the maintenance of the subject wireless telecommunications facility shall be through the entrance on La Mirada Boulevard or Mulberry Drive.
23. The property owner shall enforce its security program to prevent loitering, trespassing, and other unlawful activities on and around the subject property.
24. The property owner and/or permittee shall install a sign containing a telephone number for its 24-hour contact information at all the entrances to the property.
25. 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. In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
26. 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.
27. 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 the time.
28. Said facility shall be removed if in disuse for more than six (6) months.
29. LID compliance shall be met to the satisfaction of Public Works prior to building permit issuance.

MC:TSS

8/1/09



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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.
1. the proposed ATT cellular facility will propagate its RF signal within fed, and local limits
2. the project is completely stealthed, thus it has no visual impact within the community
3. the project will benefit public welfare as it improves the emergency communications network, it facilitates telecommuting, thereby reducing the use of oil from non-native sources
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.
The design of this unmanned ATT telecom facility utilized dead space and does not impact any retail space, parking space, or any other exterior space.
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.
the project is an unmanned facility which requires monthly servicing thus it places virtually no burden on local streets or any other services.

View Looking North

Project Site

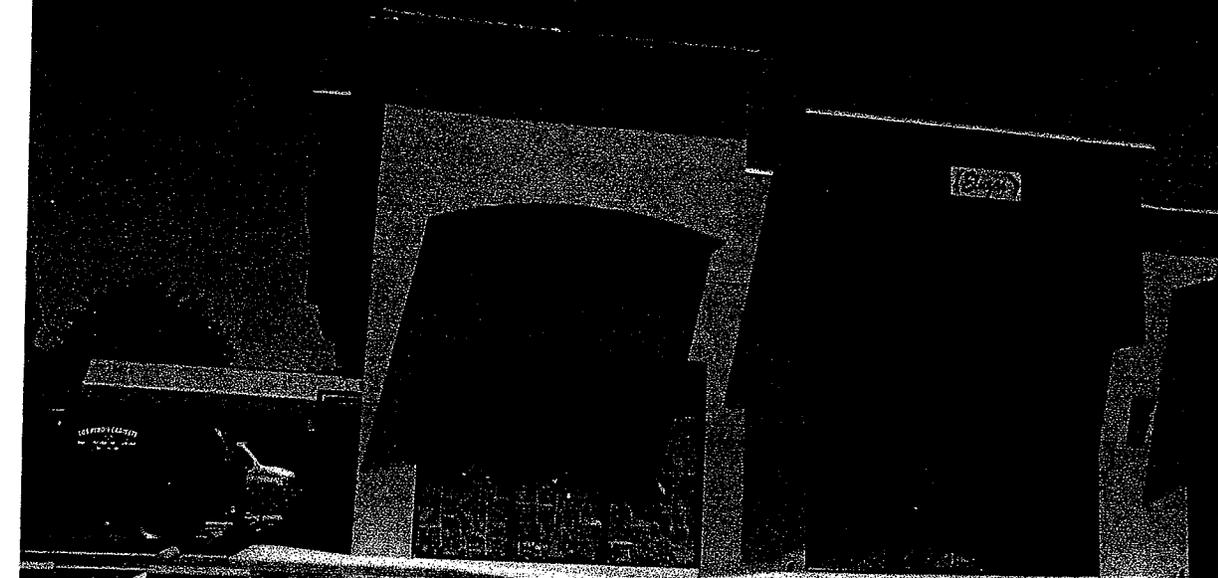


View Looking North



View Looking East

Project Site



View Looking West



View Looking Northwest



View Looking North

