



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

May 20, 2009

Maryann Harwood, Reliant Land Services, Inc  
1588 N. Batavia St. #1D  
Orange, CA 92867

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2008-02209-(1)**  
**Conditional Use Permit No. 200800179-(1)**  
Northwest corner of Del Mar Avenue and Miralinda Drive intersection, and on the north side of Mooney Drive, Unincorporated South San Gabriel (APN No. 5277-023-806)

Dear Applicant:

Hearing Officer, Dennis Slavin, by his action of May 19, 2009, **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 June 2, 2009.** 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.

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For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Maral Tashjian** of the Special Projects Section at (213) 974-1516 or e-mail at [Mtashjian@planning.lacounty.gov](mailto:Mtashjian@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  
Jon Sanabria  
Acting Director of Planning

  
Samuel Dea, Supervising Regional Planner  
Special Projects Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement  
Southern California Edison (SCE); Maryann Harwood, Reliant Land Services, Inc  
SD:mt

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant, T-Mobile, is requesting a conditional use permit for a new unmanned Wireless Telecommunications Facility located within an existing Southern California Edison transmission tower in Unincorporated South San Gabriel, in the A-1 zone. The proposed development consists of a wireless telecommunications facility with twelve 11.9" x 59" panel antennas and one two-foot diameter parabolic dish antenna attached at a maximum height of 57' to an existing 131' electric transmission tower. Ancillary radio equipment will be installed on the ground in a 20'x20' (400 sq. ft.) lease area within the tower footprint, enclosed by a six-foot high chain link fence.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

May 19, 2009 Public Hearing

A duly noticed public hearing was held on May 19, 2009 before the Hearing Officer. The applicant's representative, Maryann Harwood, was sworn in and testified in favor of the request. The applicant's representative confirmed that she had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval. There being no further testimony, the Hearing Officer closed the public hearing, expressed his intent to approve the subject project, subject to the conditions recommended by staff and agreed to by the applicant's representative.

Findings

1. The 3.13 acre subject property, Assessor Parcel Number 5277-023-806, is located at the northwest corner of the Del Mar Avenue and Miralinda Drive intersection; and on the north side of Mooney Drive, in the South San Gabriel Zoned District.
2. The subject property is zoned A-1 (Light Agricultural – 5,000 sq. ft. minimum required lot area) and is located in the South San Gabriel Community Standards District. Properties to the north are zoned A-1 and R-1 (Single-Family Residence – 5,000 sq. ft. minimum required lot area). Properties to the west are zoned R-1. Properties to the south are zoned A-1, R-A (Residential Agriculture – 5,000 sq. ft. minimum required lot area), and C-3 (Unlimited Commercial). Properties to the east are zoned A-1, R-1, and C-3.
3. The subject property is currently developed with electric transmission towers and a nursery. Properties to the north and south are developed with single-family residences, nurseries, and electric transmission towers, with some multi-family residences and commercial development in the south. Properties to the west are developed with single-family residences. Properties to the east are developed with single-family residences and some commercial.
4. The site plan depicts four existing transmission towers and a nursery on the subject property. The proposed wireless facility is located within the easternmost tower, approximately 50' from the property line adjacent to Miralinda Drive. An existing

wireless facility authorized by CUP No. 00-216, is located within the westernmost tower.

5. Previous cases on the subject property include Conditional Use Permit No. 00-216: a request by Verizon Wireless to authorize an unmanned Wireless Telecommunications Facility located within an existing Southern California Edison transmission tower. The grant was approved by the Hearing Officer on May 10, 2001.
6. The proposed use complies with Section 22.52.1220 of Title 22 of the Los Angeles County Code (Zoning Code). The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, approximately once per month. There is adequate space on the 3.13 acre subject property for onsite parking.
7. Wireless telecommunications facilities are not a specified use in the Zoning Code. However, wireless telecommunications facilities are comparable to radio towers which are a recognized use in the Zoning Code. Radio towers are permitted in Zone A-1 as per Section 22.44.100, subject to the issuance of a conditional use permit pursuant to the provisions of Part 1 of Chapter 22.56.
8. The subject property is located within the Public and Semi-Public Facilities classification of the Countywide General Land Use Plan. This designation is intended for existing and proposed public and semi-public uses, including airports and other major transportation facilities, solid and liquid waste disposal sites, utilities, public buildings, public and private educational hospitals, detention facilities and fairgrounds.
9. The following goals and policies of the Plan are applicable to the subject property and serve as guidelines for development:
  - A. *Coordination with Public Services: "To provide for land use arrangements that take full advantage of existing public service and facility capacities."*
  - B. *Coordination with Transportation: "To coordinate land use with existing and proposed transportation networks."*
  - C. *Quality Neighborhoods: "To maintain and enhance the quality of existing residential neighborhoods."*
  - D. *Quality, Compatible Design: "To encourage high quality design in all development projects, compatible with, and sensitive to, the natural and manmade environment."*

10. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 3 Exemption, New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.
12. Staff has received no comments regarding the proposed project.
13. The proposed facility is designed to improve existing wireless communication coverage in the area, with negligible visual impact to the community and public aesthetics. The project is consistent with the Los Angeles County General Plan and the provisions of the Zoning Code.
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 **ten (10)** years.
15. The location of documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is 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 Section or the Special Projects Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FORGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or 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 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and

- D. That the proposed 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;

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 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Number 200800179 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions  
Affidavit

- c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the construction, operation and maintenance of an unmanned wireless telecommunications facility as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:
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. 9, and until all required monies have been paid pursuant to Condition No. 11.
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 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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.
6. The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.
7. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.

8. 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.
9. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
10. **This grant will terminate on May 19, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
11. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$750.00. These monies 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, including adherence to development in accordance with the approved site plan on file. The fund provides for five (5) biennial inspections. Inspections shall be unannounced.
12. 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 inspections and for any 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 the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).
13. 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.

14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
16. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. 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.
18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. Said facility shall be removed if in disuse for more than six months.
20. 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.
21. All buildings or structures shall be painted to match the existing Southern California Edison tower or a neutral color, excluding black, and shall not be glossy or reflective in nature, to blend with its surroundings and shall be maintained in good condition at all times.
22. The equipment cabinets and apparatus shall be enclosed within an equipment shelter.
23. The permittee shall maintain all areas of the subject property in a neat and orderly fashion, free of litter and debris.
24. 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.

25. 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.
26. 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.
27. The operator 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.
28. Facility lighting shall be low intensity and directed away from the adjacent residential properties. No pole-mounted lighting is permitted.
29. 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.

SD:mt  
5/4/09