



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443
PROJECT NUMBER R2009-00674 (1)
Conditional Use Permit RCUP200900036 (1)

PUBLIC HEARING DATE
9/1/2009

AGENDA ITEM
6

RPC CONSENT DATE

CONTINUE TO

APPLICANT AT & T	OWNER Whittier Blvd Associates, attn: Peter Cohen	REPRESENTATIVE Jason Kozora
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PROJECT DESCRIPTION
 The project site is located at the North side of Whittier Blvd stretches from Amalia Ave to S. Hillview Ave (APN 6341-039-039) in the East Los Angeles community. The applicant proposes to lease a roof top of an existing commercial building. The site is in the East Los Angeles community and East Los Angeles Community Standards District (CSD). The project will consist of installing nine (9) panel antennas and 4 equipment cabinets on the roof of the existing building. The panel antennas will be concealed within radio transparent screening that will be painted, textured and trimmed to match the existing building. The antennas and screening will be placed on 3 sections of the roof and will extend 7'-6" above the existing height of the building. The 4 equipment cabinets will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure. The facility will be unmanned requiring only periodic routine maintenance visits, approximately once per month.

REQUIRED ENTITLEMENTS
 To authorize an unmanned roof-mounted wireless telecommunications facility in the C-3 Zone.

LOCATION/ADDRESS
 5301 Whittier Blvd. Los Angeles CA 90022-4038

SITE DESCRIPTION
 The site consists of an existing commercial building and parking lot.

ACCESS Amalia Ave and S. Hillview Ave	ZONED DISTRICT Eastside Unit No. 1
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ASSESSORS PARCEL NUMBER 6341-039-039	COMMUNITY East Los Angeles Community
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SIZE 76,409 S.F. professional office bld. and 400 S.F. roof lease	COMMUNITY STANDARDS DISTRICT Eastside Unit No. 1
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Financial and Professional office building with parking lot	C-3 Unlimited Commercial and R-3-P (limited Multiple Residence-Parking)
North	Residential (duplex and single family residences)	R-3 (limited Multiple Residence)
East	Parking, salon, clinic and hotel	C-3 Unlimited Commercial and R-3-P (limited Multiple Residence-Parking)
South	Pharmacy, clinic, bridal shops, shoe store, church and retail	C-3 Unlimited Commercial
West	Parking building insurance and dentist	C-3 Unlimited Commercial and R-3-P (limited Multiple Residence-Parking)

GENERAL PLAN/COMMUNITY PLAN East Los Angeles Community Plan	LAND USE DESIGNATION Building: MC (Major commercial; Parking: Medium Density Residential (30 du/ac)	MAXIMUM DENSITY
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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: Daniel Fierros		
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



VICINITY MAP

SITE : 5301 WHITTIER BLVD. - LA0213

Property Location



PARCEL 6341-039-039
5301 Whittier Blvd Los Angeles Ca 90022

STAFF ANALYSIS

PROJECT NUMBER

R2009-00674(1)

CASE NUMBER

RCUP200900036(1)

OVERVIEW OF PROPOSED PROJECT

The project site is located on the north side of Whittier Blvd between Amalia Ave to S. Hillview Ave (APN 6341-039-039) in the East Los Angeles community. The applicant proposes to lease a roof top of an existing commercial building. The site is in the East Los Angeles community and East Los Angeles Community Standards District (CSD). The project will consist of installing nine (9) panel antennas and 4 equipment cabinets on the roof of the existing building. The panel antennas will be concealed within radio transparent screening that will be painted, textured and trimmed to match the existing building. The antennas and screening will be placed on 3 sections of the roof and will extend 7'-6" above the existing height of the building. The 4 equipment cabinets will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure. The facility will be unmanned requiring only periodic routine maintenance visits, approximately once per month.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located 5301 Whittier Blvd. Los Angeles CA 90022-4038 (APN 6341-039-039) in the unincorporated community of East Los Angeles within the Eastside Unit No. 1 Zoned District.

Physical Features

The wireless facility is being located at the top of a 76,409 square foot office building. There are two other wireless facility carriers on top of the roof (T-Mobile and Metro PCS).

ENTITLEMENT REQUESTED

The applicant, AT&T, is requesting a conditional use permit to authorize the construction, operation, and maintenance of an unmanned roof-mounted wireless telecommunications facility consisting of three (3) separate screened antenna panels, totaling nine (9) panel antennas mounted to the roof of an existing commercial building and four (4) equipment cabinets that will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure located in the C-3 Zone.

EXISTING ZONING

Subject Property

The project site is zoned C-3 Unlimited Commercial and R-3-P (limited Multiple Residence-Parking)

Surrounding Properties

Surrounding properties are zoned as follows:

North: R-3 (Limited Multiple Residence)

South: C-3 (Unlimited Commercial)

East: C-3 (Unlimited Commercial and R-3-P (Limited Multiple Res.-Parking)

West: C-3 (Unlimited Commercial and R-3-P (Limited Multiple Residence-Parking)

EXISTING LAND USES

Subject Property

The subject site is a financial and professional office building with parking lot.

Surrounding Properties

Surrounding land uses are as follows:

North: Residential (duplex and single family residences)

South: Pharmacy, clinic, bridal shops, shoe store, church and retail

East: Parking, salon, clinic and hotel

West: Parking building insurance and dentist

PREVIOUS CASES/ZONING ENFORCEMENT HISTORY

The subject site has had two new conditional use permit approvals for roof-mounted wireless telecommunication facilities with screening. The approved telecommunication facilities projects are:

RCUP 200500243/ R2005-03774

Approved 4/18/06

RCUP 200600056/ R2006-00897

Approved 12/19/06

SITE PLANS

The site plan depicts a roof mounted wireless telecommunications facility consisting of nine (9) panel antennas and 4 equipment cabinets on the roof of the existing building. The panel antennas will be concealed within radio transparent screening that will be painted, textured and trimmed to match the existing building. The antennas and screening will be placed on 3 sections of the roof and will extend 7'-6" above the existing height of the building. The 4 equipment cabinets will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure. The facility will be unmanned requiring only periodic routine maintenance visits, approximately once per month.

General Plan Consistency

The subject property is located within the East Los Angeles Community Plan with the Land Use Designation of MC (Major commercial; Parking: Medium Density Residential (30 du/ac)

Compliance with Applicable Development Standards

A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Zoning Code. The use that is most closely related to a wireless telecommunications facility specified in the Code is a radio or television tower. Under Section 22.40.670 of the Code, any use within a property zoned C-3 Unlimited Commercial and R-3-P (limited Multiple Residence-Parking) is subject to a Conditional Use Permit pursuant to the provisions of Part 1 of Chapter 22.56.

Section 22.52.1220 provides the parking requirements for uses that are not specified. The subject project is located on Whittier Blvd with sufficient parking on the north side of the property.

BURDEN OF PROOF

Burden of Proof per Code

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following:

- 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.
- 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.
- 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.

Staff finds that the proposed project substantially meets the above burden of proof.

ENVIRONMENTAL DOCUMENTATION

The subject project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of a small structure of a wireless facility. Under the Class 3 Exception staff has determined that the

project is Categorically Exempt from the provisions 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.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

As of the time of this report, staff has not received any public agency comments.

PUBLIC COMMENTS

To date, Staff has not received any public comments.

STAFF EVALUATION

Staff recommends approval of the proposed project for the following reasons:

Consistency with General Plan and Zoning Code

The proposed project substantially meets the Los Angeles County Code requirements and is consistent with the General Plan land use designation.

Compatibility with Surrounding Development

The proposed project is to be located on the roof of an existing professional office building which contains two existing wireless facilities on the roof.

The proposed use appears to be visually compatible with the character of development in the surrounding area and not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will be compatible with surrounding development.

The project is consistent with policies of the East Los Angeles Community Plan and the provisions of the Code Ordinance.

If approved, staff recommends a ten (10) year term for the requested conditional use permit. This is based on the need to re-evaluate the project's compatibility with the surrounding community. Staff also recommends that the project be inspected biennially (every other year) for compliance with the conditions of approval. Also, if approved, staff recommends that screening to be continues around the building to match original roof. Screening the entire roof edge of the building, screening all the antennas in a continues pattern will visibly make the antennas as part of the buildings architecture and not as semi finished boxes as they appear now and are being proposed. The existing screening and the proposed will only screen the front and side of the antennas leaving the back exposed which give the appearance that they are not maintained or unfinished when viewed on the opposite side of the street as shown on the simulation and verified on a site visit.

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 five (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 Project Number R2009-00674(1) and Conditional Use Permit Number 2009000036 (1) subject to the following conditions.

Attachments:

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

mc:df
September 1, 2009

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

**PROJECT NUMBER R2009-00674-(1)
CONDITIONAL USE PERMIT RCUP200900036-(1)**

5301 Whittier Blvd. Los Angeles CA 90022-4038 (APN 6341-039-039)

HEARING DATE: September 1, 2009

SYNOPSIS:

The proposed wireless telecommunications facility consists of installing nine (9) panel antennas and 4 equipment cabinets on the roof of the existing building. The panel antennas will be concealed within radio transparent screening that will be painted, textured and trimmed to match the existing building. The antennas and screening will be placed on 3 sections of the roof and will extend 7'-6" above the existing height of the building. The 4 equipment cabinets will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure. The facility will be unmanned requiring only periodic routine maintenance visits, approximately once per month.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located 5301 Whittier Blvd. Los Angeles CA 90022-4038 (APN 6341-039-039) in the unincorporated community of East Los Angeles within the Eastside Unit No. 1 District.
2. Wireless telecommunication facilities requires a Conditional Use Permit in the C-3 Zone and There are no specific policies related to the proposed use, wireless telecommunication facilities in the East Los Angeles Community Plan.
3. The applicant, AT&T, is requesting a conditional use permit to authorize the installation of a roof-mounted wireless telecommunications facility.
4. The site plan depicts a roof mounted wireless telecommunications facility consisting of nine (9) panel antennas and 4 equipment cabinets on the roof of the existing building. The panel antennas will be concealed within radio transparent screening that will be painted, textured and trimmed to match the existing building. The antennas and screening will be placed on 3 sections of the roof and will extend 7'-6" above the existing height of the building. The 4 equipment cabinets will be placed on the northeast portion of the roof enclosed by a 10'-6" high enclosure.
5. The project is located in the East Los Angeles Community Plan, which designates

- the land use as MC (Major commercial; Parking: Medium Density Residential (30 du/ac).
6. The subject site is a financial and professional office building with parking lot.
 7. The surrounding properties are zoned as follows:
 - North: R-3 (limited Multiple Residence)
 - South: C-3 (Unlimited Commercial)
 - East: C-3 (Unlimited Commercial and R-3-P (limited Multiple Res.-Parking)
 - West: C-3 (Unlimited Commercial and R-3-P (limited Multiple Residence-Parking)
 8. Surrounding land uses within 500 feet include:
 - North: Residential (duplex and single family residences)
 - South: Pharmacy, clinic, bridal shops, shoe store, church and retail
 - East: Parking, salon, clinic and hotel
 - West: Parking building insurance and dentist
 9. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, it is necessary to limit the term of the grant to 10 years.
 10. The subject property is rectangular in shape parcel totaling 0.69 acres with a lease of 400 S.F. roof lease.
 11. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers, not including studios" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in the R-A (Residential-Agriculture) zone (LACC 22.20.440).
 12. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of a small structure of a wireless facility. Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
 13. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
 14. To satisfy the burden of proof, the architectural and general appearance of all such wireless facilities needs to be in keeping with the character of the neighborhood and so as not to be detrimental to the public health, safety and general welfare of

the community in which such use or uses are located.

The proposed equipment is located on the roof of a professional commercial office building. The placement of this unmanned wireless facility will in no way have a measurable impact on the surrounding community.

15. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
16. To prevent the unfinished and unmaintained appearance of the screening and blend the antennas with the building, it is necessary to screen the antennas in a continuous pattern around the edge of the roof.

No public correspondence or phone calls have been received regarding these requests.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location 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; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, loading facilities, landscaping and other development features prescribed in this Title 22.
- 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; 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 Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I the Hearing Officer have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
 2. In view of the findings of fact and conclusions presented above, project No. **2009-00674(1)/ RCUP200900036-(1)** is **APPROVED**, Subject to the attached conditions and restrictions.
- c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This grant approves, a Conditional Use Permit (CUP) to install a roof-mounted wireless telecommunications facility subject to the following conditions:

1. This grant entitles the applicant to install a wireless telecommunications facility consisting of three (3) separate screened antenna panels, totaling nine (9) panel antennas mounted to the roof of an existing commercial building and four (4) equipment cabinets that will be placed on the northeast portion of the roof enclosed by a 10'-6" as depicted on the approved Exhibit "A".
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. 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.

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 this condition and until all required monies have been paid (if applicable). Further, this grant shall not be effective until the permittee has obtained the insurance coverage required by these conditions (if Applicable).

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 in accordance with Los Angeles County Code Section 2.170.010.

6. 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.
7. 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.
8. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

9. 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.
10. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
11. All landscaped areas shall be continuously and properly maintained in good condition;
12. 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 the payment of the applicable fee prior to such expiration date.
13. **This grant will terminate on September 1, 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.

14. 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) bi-annual (every two years) inspections.** Inspections shall be unannounced. The inspection fee shall be **paid within 30 days** of approval. 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 condition of this grant, the permittee shall be financially responsible for 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. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
15. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times
18. 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.
19. If the project is changed at the public hearing, or if modified as a result of finalizing

the project, the permittee shall submit to the Director for review and approval, four (4) copies of site plans, similar to Exhibit "A" as presented at the public hearing within ninety (90) days of the approval date of this grant,. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A. 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. 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. The facility shall be operated in accordance with regulations of the state Public Utilities Commission;
21. Said facility shall be removed if in disuse for more than six months;
22. All structures shall conform with the requirements of the Division of Building and Safety of the Department of public Works or other appropriate agency and obtain an encroachment permit if deemed necessary;
23. All buildings or structures shall be a neutral color, excluding black, to blend with its surroundings and shall be maintained in good condition at all times;
24. Security lighting shall be low intensity, and directed away from natural areas. No pole-mounted lighting shall be permitted on the site; and
25. Security lighting, if required, shall be on motion sensors, be of low intensity, and be directed away from residential areas. No pole-mounted lighting shall be permitted on the leasehold. Exterior lighting shall be a top-shielded or hooded design intended to direct light away from adjacent parcels and prevent off-site illumination;
26. Adequate parking area shall be provided on site for service vehicle(s).
27. Construction and routine maintenance of the facility shall take place between the hours of 9:00 AM to 5:00 PM, Monday through Friday only;
28. 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;

29. 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;
30. 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;
31. 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;
32. The project shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". Placement and height of all pole mounted equipment to be in substantial conformance with that shown on said Exhibit "A". All revised plot plans must be accompanied by the written authorization of the property owner;
33. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations;
34. The maximum height of the proposed roof mounted antennas and screening shall not extend 7'6" above the existing height of the building.
35. The maximum height of the proposed roof equipment cabinet enclosure is 10'6" high enclosure.

MC:df
September 1, 2009



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.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>See enclosed Burden of Proof justification.</p>
<p>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.</p>
<p>See enclosed Burden of Proof justification.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>See enclosed Burden of Proof justification.</p>

Conditional Use Permit Case - Burden of Proof per Section 22.56.040

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- 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.**

The proposed wireless telecommunications facility is unmanned and will be located on property zoned for commercial uses. The proposed wireless facility will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area insofar as the proposed use will not add to the ambient noise level, it will not generate any obnoxious odors or solid waste and will not generate a notable level of additional traffic. The proposed use will also not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site insofar as the proposed use will be unmanned and will require only periodic maintenance visits following construction of the facility. Furthermore, the proposed facility will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare insofar as the proposed facility is unmanned and is part of a regional network of antennas providing ubiquitous wireless telecommunications service.

The proposed facility is designed to provide AT&T customers that reside, work and travel through the immediate area with improved wireless telecommunication services. Currently, AT&T coverage in the area is substandard resulting in dropped and/or blocked calls. The proposed facility will provide improved coverage and capacity to AT&T's wireless network ensuring fewer blocked and dropped calls as well as providing customers with the latest in wireless services.

It should also be noted that wireless communications technology has proven to be convenient for personal use, necessary for business and essential during emergency situations where traditional telephone service is not available or becomes disrupted or overloaded in the event of a natural disaster. To that end, the proposed wireless telecommunications facility will contribute to the public health, safety and general welfare.

- 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 proposed wireless telecommunication consists of a roof mounted Wireless Facility consisting of 9 antennas total divided into 3 sectors. The 3 sectors of antennas will be

will be located on three portions of the roof and conceal within RF transparent screening that will be painted and textured to match the building. The antennas and the screening will extend approximately 7'-6" above the existing roof line to allow clearance for RF technical requirements. Four equipment cabinets will also be located on the roof behind a new screen wall that will be extended approximately 10'-6" above the building's roofline. There are currently two existing wireless facilities on the building of similar size and height.

Section 22.52.1220 of the Los Angeles County Zoning Ordinance requires that one parking space be provided for the monthly maintenance site visits. The subject site has more than adequate space to allow for the parking of one or more vehicles.

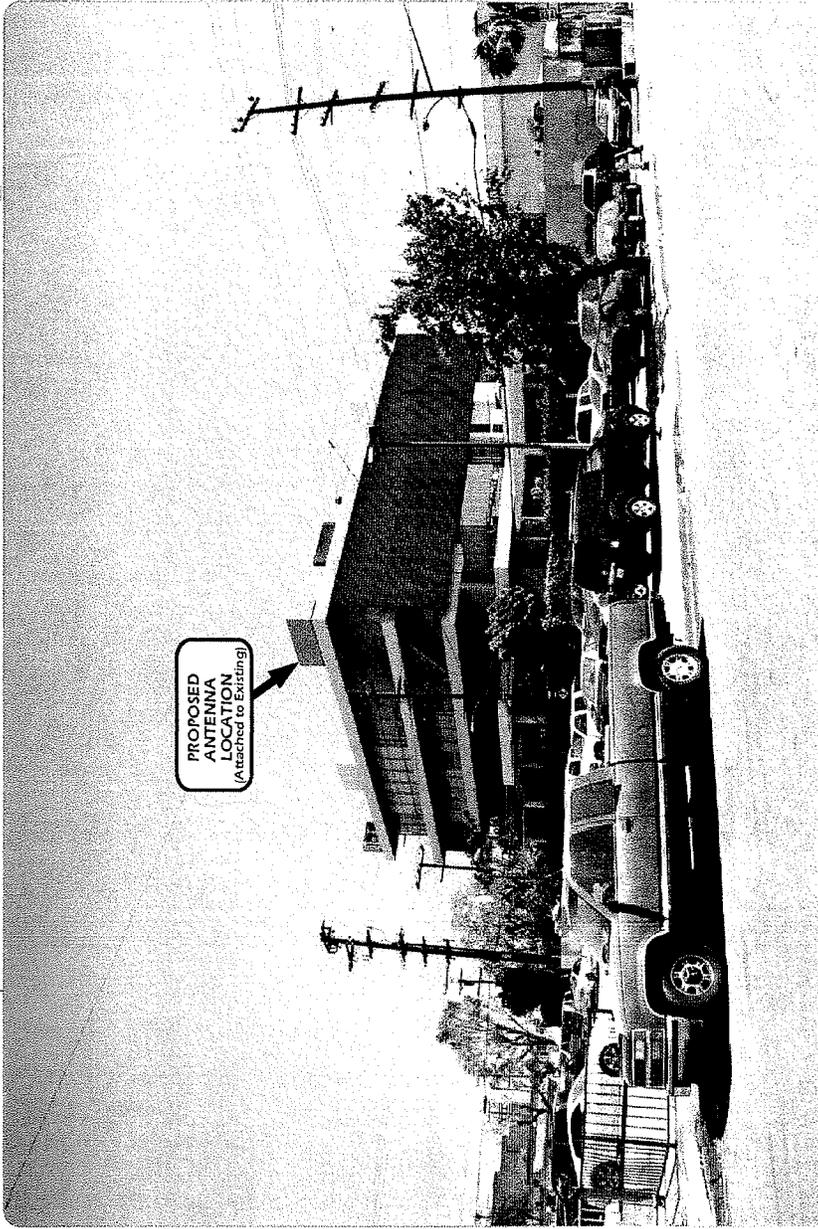
When determining an appropriate site for the facility, AT&T sought the subject property as it presented an opportunity for co-location, a willing property owner, and building's ability to meet AT&T's technical requirements.

- 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 proposed wireless telecommunications facility will be unmanned, will not create an increase in traffic and will not require any public or private services beyond single-phase 110V electrical and telephone service.



PROPOSED



Completed April 27, 2009

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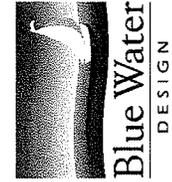


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APPLICANT
AT&T
12900 Park Plaza Drive
Cerritos, CA 90703

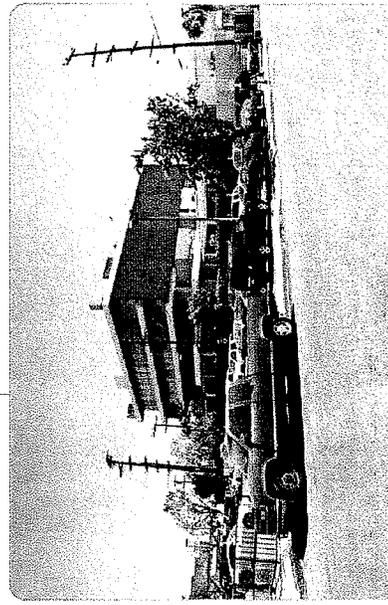


LOCATION



View from the Northwest to the Southeast

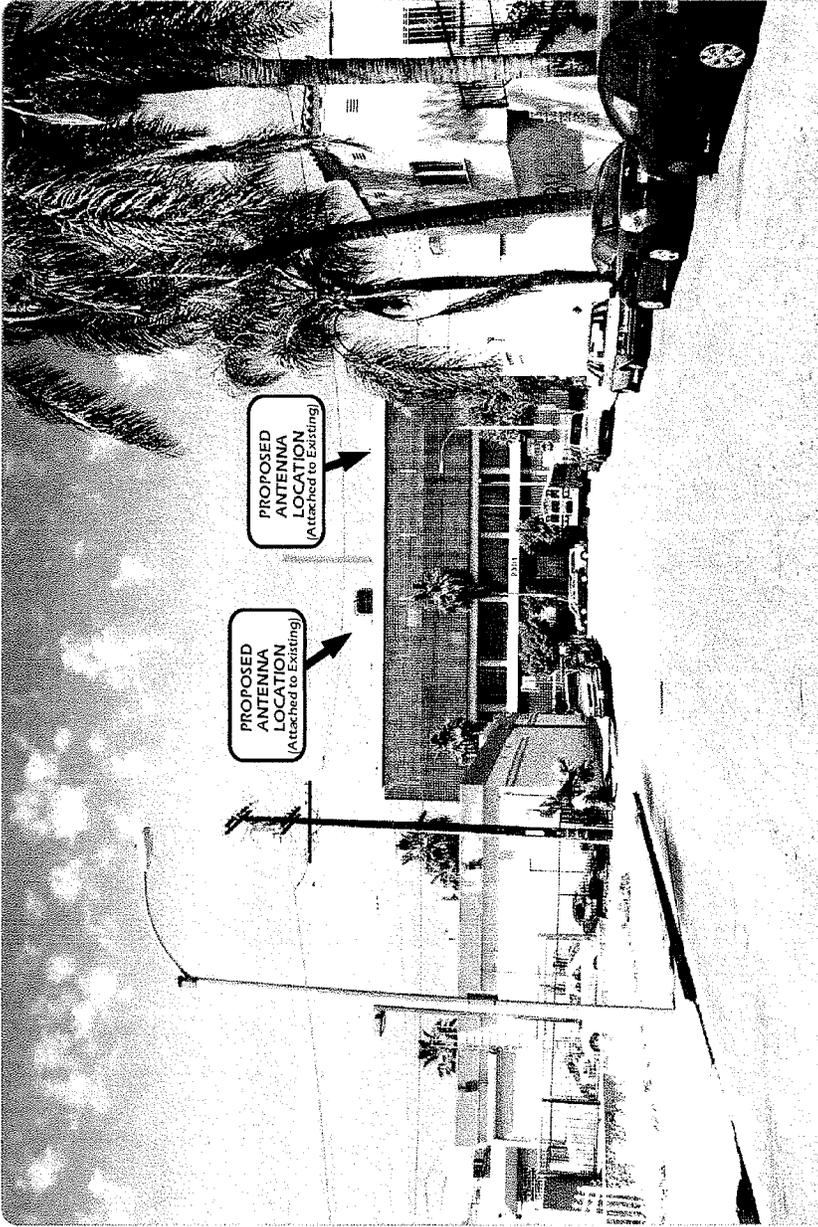
EXISTING



LA0213C
WAMU Building
5301 Whittier Blvd.
Los Angeles, CA 90067
VIEW 1



PROPOSED



Completed April 27, 2009

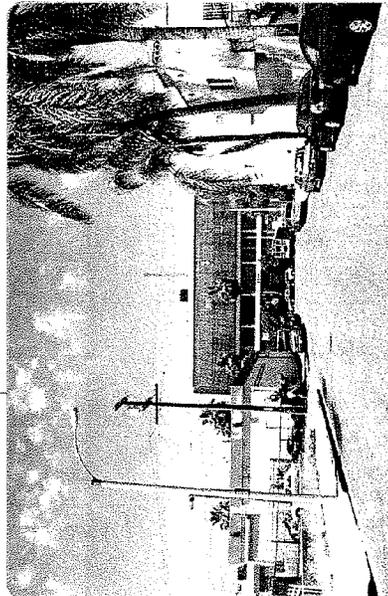


LOCATION



View from the South to the North

EXISTING



LA0213C WAMU Building 5301 Whittier Blvd. Los Angeles, CA 90067 VIEW 2

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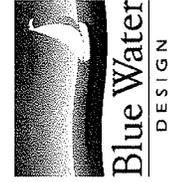
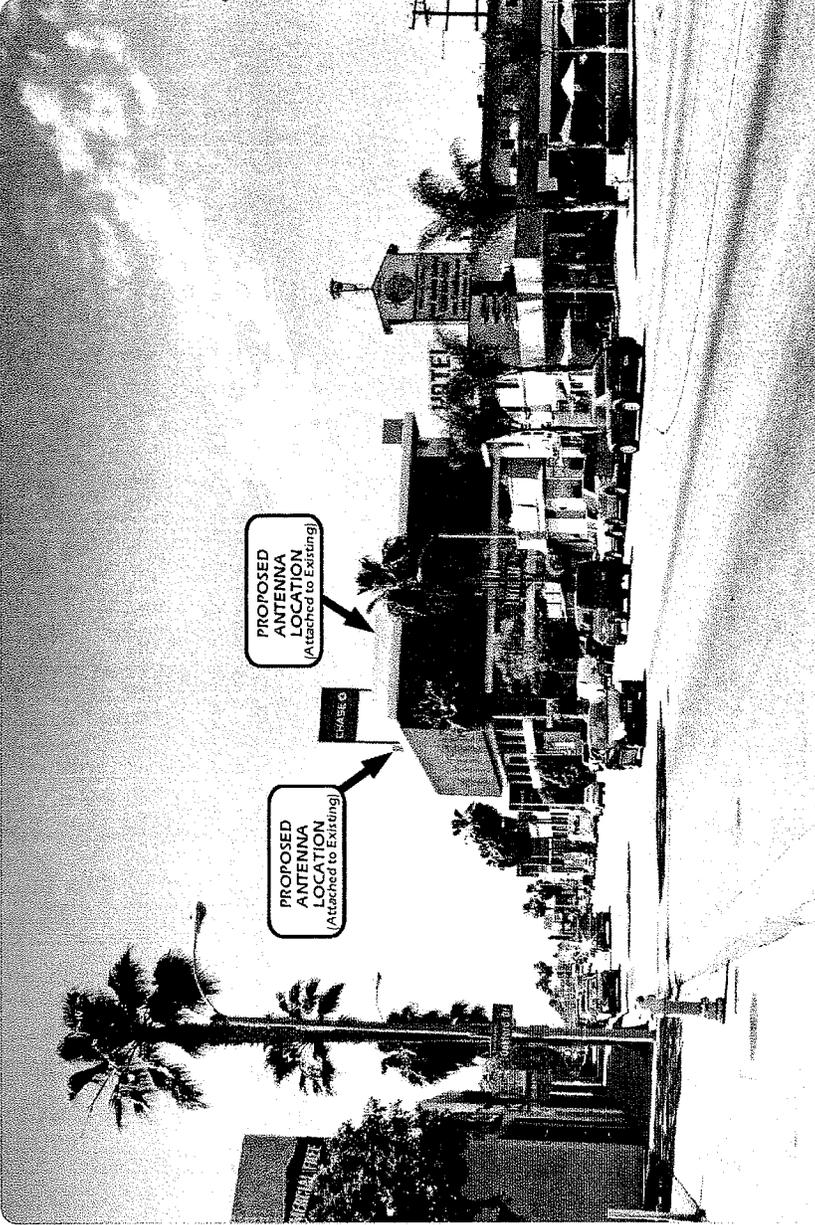


Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



PROPOSED



Completed April 27, 2009

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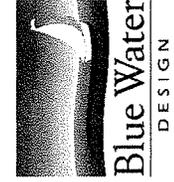


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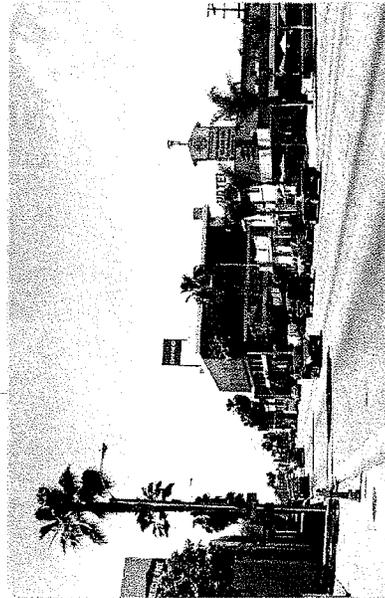
Microsoft® Virtual Earth™

LOCATION

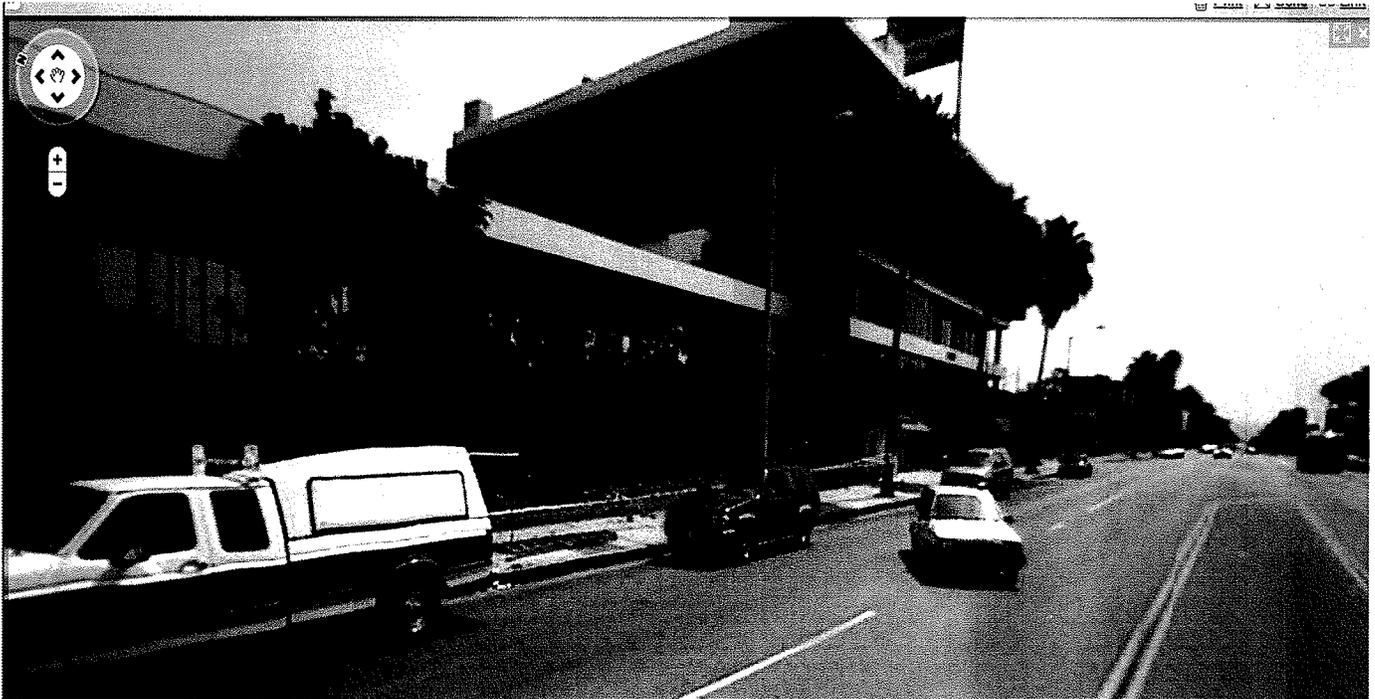


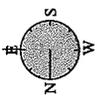
View from the Southeast to the Northwest

EXISTING



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VIEW 3





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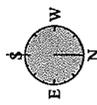
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