



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 28, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Amiee Weeks
Coastal Business Group
16460 Bake Pkwy., Ste. 100
Irvine, CA 92618

**REGARDING: PROJECT NUMBER R2009-00767-(4)
CONDITIONAL USE PERMIT NO. 200900049
WIRELESS FACILITY AT 14000 TELEGRAPH ROAD, SOUTH WHITTIER**

Dear Applicant:

The Regional Planning Commission, by its action of July 28, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on August 11, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Tyler Montgomery of the Zoning Permits II Section at (213) 974-6435 or e-mail at TMontgomery@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Mark Child, Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement
MC:TM

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2009-00767-(4)
CONDITIONAL USE PERMIT NO. 200900049
ENVIRONMENTAL ASSESSMENT NO. 200900052

REGIONAL PLANNING COMMISSION HEARING DATE: JULY 28, 2010

SYNOPSIS:

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 70-foot tall monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities on the property of an existing country club and golf course in the A-1 (Light Agricultural) zone. The facility would be located on a 674 square-foot leased area of Candlewood Country Club, approximately 20'-8" from the property's western boundary and 10'-5" north of the property's boundary with Telechron Elementary School.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

July 28, 2010 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission on July 28, 2010. The applicant's representative, Ms. Amiee Weeks, was sworn in and testified in favor of the project. In response to a community concern regarding the proximity of the proposed monopine structure to adjacent single-family residences, Ms. Weeks offered to submit revised plans depicting the structure's location 5'-4" further to the east. After discussion, the Commission agreed to add this stipulation as a condition of approval. The Commission subsequently closed the public hearing and approved the permit.

Findings

1. The facility is proposed to be located near the western edge of Candlewood Country Club, which is located at 14000 Telegraph Road (and 11705 Valley View Avenue) in the Sunshine Acres Zoned District of the unincorporated community of South Whittier.
2. The country club property is heavily landscaped and contains numerous trees, hills, water features, and turf. The 674-square-foot lease area is relatively level. The area is relatively urbanized, with property developed with single-family residences located approximately 20'-8" to the west of the proposed project site, and property developed with an elementary school located approximately 10'-5" to the south of the project site. Access to the facility would be accomplished through existing service roads for the golf course.

3. The subject property is zoned A-1 (Light Agricultural).
4. Surrounding properties within the 500-foot radius of the project are zoned as follows:
 - North: A-1 (Light Agricultural)
 - South: A-1 (Light Agricultural)
 - East: A-1 (Light Agricultural)
 - West: A-1 (Light Agricultural); R-1 (Single Family Residence)
5. Land uses within 500 feet of the subject property consist of the following:
 - North: Country club and golf course
 - South: Telechron Elementary School
 - East: Country club and golf course
 - West: Single-family residences
6. Plot Plan No. 15640 approved the expansion of the pre-existing country club to its current boundaries and improvements therein. The permit was approved on November 3, 1966.
7. The subject property is located within the "O" (Open Space) classification of the Countywide General Plan Land Use Element. This designation allows primarily for open space and recreational uses, although utility structures are also permitted. The proposed use is consistent with this land use classification.
8. T-Mobile/Coastal Business Group proposes to construct, operate, and maintain a wireless telecommunication facility consisting of 12 panel antennas mounted in three (3) sectors on a new 70-foot high monopole disguised as a pine tree, and six (6) equipment cabinets and utility connections located within a seven-foot-high masonry enclosure (28' x 18'-8"), faced with stucco and climbing vines. These would be located on a 674 square-foot leased area of an existing golf course (Candlewood Country Club). The masonry structure is located approximately 20'-8" from the property's western boundary, while the monopine itself is located 30 feet away from the property's western boundary. The lease area is also 10'-5" north of the property's boundary with Telechron Elementary School. The monopine structure itself is proposed to be located 31'-7" from the property line with the Telechron Elementary School. The facility would be located approximately 280 feet to the northeast of the intersection of Telechron Avenue and Fendale Street.
9. The property on which the proposed facility is to be located is zoned A-1 (Light Agricultural). 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" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits.
10. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. 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 proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. Maintenance vehicles would access the facility through existing golf course service roads. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by existing service roads. The property is large and has enough room to accommodate the proposed lease area, landscaping, and wireless facilities.

11. Sections 22.24.110 and 22.20.120 require interior side yards of at least five (5) feet from the property line in the A-1 (Light Agricultural) zone. The proposed structures conform to this standard, as they are at least 10'-5" from property lines shared with adjacent properties.
12. Sections 22.24.110 and 22.20.110 require that every building or structure in the A-1 (Light Agricultural) zone shall have a height not to exceed 35 feet above grade, except for chimneys and rooftop antennas. The proposed monopine structure would be 70 feet tall. As part of the conditional use permit process, structures that exceed this height may be approved on a case-by-case basis. This additional height is necessary in order for the facility to provide adequate wireless coverage for the adjacent area.
13. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concludes that the project design will adequately mitigate any environmental impacts to a level of no significance.
14. Regional Planning staff consulted with several stakeholder agencies through project consultation and the Initial Study process. No comments were received.
15. As per the requirements of the Los Angeles County Code, the public hearing was adequately noticed through mailings, newspapers advertisement, and on-site posting. Case-related materials were also posted at the local library and on the Regional Planning web page.
16. Project information and photo simulations were also sent to the Whittier County Community Coordinating Council (WCCCC) requesting comments or concerns. No response was received.
17. Regional Planning staff received two (2) phone calls regarding the project proposal, both of which were from residents seeking information regarding the project. One caller expressed concerns regarding the proximity of the facility to neighboring residences. However, no comments were received in opposition to the project.
18. The monopine would be located 30 feet from the property line of the nearest single-family residence and, at 70 feet in height, would be substantially visible from the rear yards of two (2) adjacent homes and the play yard of Telechron Elementary School.

However, none of these trees would be located between the facility and the adjacent residences. The monopole is designed to be disguised as a monopine and located on a portion of the site where several other pine trees of similar heights are located. The equipment cabinets will be constructed of stucco-faced masonry and screened with climbing vines. Therefore, as designed, the facilities will not have any adverse aesthetic or visual impacts.

19. No phone calls or written correspondence were received from the WCCCC or owners of adjacent residences. This, along with the fact that the project is designed to be disguised as a pine tree and located in proximity to other pine trees of a similar height, causes the project to be visually unobtrusive.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area; and
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare; and
- 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 uses would generate and by other public or private facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Commission adopts the Negative Declaration (Environmental Assessment No. 200900052).
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200900049 is **APPROVED** subject to the attached conditions.

**PROJECT NO. R2009-00767-(4)
CONDITIONAL USE PERMIT NO. 200900049
ENVIRONMENTAL ASSESSMENT NO. 200900052**

**FINDINGS
PAGE 5 OF 5**

VOTE: 3-0

Concurring: Rew, Valadez, Bellamy

Dissenting: None

Abstaining: None

Absent: Modugno, Helsley

Action Date: 07/28/10

c: Commission Services, BOS

MM:TM
07/28/10

1. This grant authorizes the use of the subject property for the construction, operation, and maintenance of a new wireless telecommunication facility consisting of new 70-foot tall monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities on the property of an existing country club and golf course in the A-1 (Light Agricultural) zone, 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 and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and until all required fees have been paid pursuant to Condition Nos. 10 and 11. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5, 6, and 10 shall be effective immediately upon final approval of this grant by the County.
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. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to fully cooperate 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. 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 prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. 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.
9. **This grant will terminate on July 28, 2020.** 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.
10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees (**currently \$2,085.25**) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code.
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 \$1,000.00. 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 5 biennial inspections (i.e., one inspection every other year). 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 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 \$200 per inspection).

12. 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 health and safety or so as to be a nuisance.
13. 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.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall be and 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.
16. In the event of an occurrence of such extraneous markings, drawings, or signage, the permittee shall remove or cover them within 24 hours of notification 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. Said facility shall be removed if in disuse for more than six months.
18. 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.

19. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (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, if requested.
20. 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.
21. The monopole structure shall be developed as a monopine, consistent with the approved Exhibit "A" and the site plans and photographic simulations presented at the public hearing. The monopine pole structure shall be rounded, with the coloring and appearance substantially similar to site plans and photographic simulations provided at public hearing and incorporated as part of the approved Exhibit "A." The equipment enclosure shall be screened with climbing vines. The surface colors and materials of all facilities shall not be glossy or reflective in nature and shall be maintained in good condition at all times.
22. 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.
23. The monopine structure shall not exceed 70 feet in height.
24. Within 60 days of approval of this permit, the permittee shall submit a minimum of four (4) sets of revised site plans. The plans shall be substantially similar to those provided at public hearing, except that the minimum distance of the monopine structure to the western property line shall be 30 feet. These plans shall be provided to the satisfaction of the Director of the Department of Regional Planning.