

Hearing Officer Transmittal Checklist

Hearing Date May 18, 2010
Agenda Item Number 2

Project Number: R2009-01113-(1)
Case(s): RCUP 200900077
 RENV 200900072
Contact Person: Ramon Cordova Comline: 368

RCC

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 checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parks and Recreation Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: _____ *Snowflake*



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6433

PROJECT NO. R2009-01113-(1)
CONDITIONAL USE PERMIT NO. 200900077
ENVIRONMENTAL ASSESSMENT NO. 200900072

HO HEARING DATE
 May 18, 2010

AGENDA ITEM
 #2

HO CONSENT DATE

CONTINUE TO

APPLICANT

Omnipoint Communications, Inc

OWNER

Public Right-of-Way

REPRESENTATIVE

Steve Gonzales – Cable Engineering

PROJECT DESCRIPTION

Unmanned wireless telecommunications facility consisting of a new approximately 35-foot high antenna pole and panel antennas.

REQUIRED ENTITLEMENTS

Conditional use permit for a wireless telecommunication facility in the C-3 (Unlimited Commercial) Zone per Los Angeles County Code Section 22.28.130.

LOCATION/ADDRESS

Public right of way at intersection of Hereford Drive and Olympic Boulevard, East Los Angeles, CA 90022

SITE DESCRIPTION

Triangular, flat, street median.

ACCESS

Hereford Drive

ZONED DISTRICT

Eastside Unit No. 1

ASSESSORS PARCEL NUMBER

Public right of way

COMMUNITY

East Los Angeles

SIZE

2,000 square feet (Lease Area: 82 Square Feet)

COMMUNITY STANDARDS DISTRICT

East Los Angeles CSD

EXISTING LAND USE

EXISTING ZONING

Project Site	Public right of way	C-3
North	Commercial	C-3
East	Commercial	C-3
South	Commercial	C-3
West	Commercial (City of Commerce)	N/A

GENERAL PLAN/COMMUNITY PLAN

East Los Angeles Community Plan

LAND USE DESIGNATION

CC (Community Commercial)

MAXIMUM DENSITY

N/A

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:

RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)
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*(O) = Opponents (F) = In Favor

**STAFF ANALYSIS
PROJECT NUMBER R2009-01113-(1)
CONDITIONAL USE PERMIT CASE NO. 200900077
ENVIRONMENTAL ASSESSMENT CASE NO. 200900072**

PROJECT DESCRIPTION

Omnipoint Communications, Inc requests authorization to construct, maintain, and operate a 35-foot high unmanned wireless telecommunications facility in the C-3 (Unlimited Commercial) Zone. The proposed wireless telecommunications facility consists of a 35-foot pole with a three panel antenna in three sectors mounted to a new 18-inch diameter monopole. To ensure compatibility with the surrounding neighborhood, the wireless telecommunication facility will be disguised as an existing street light pole. All equipment will be located within an 82 square feet lease area consisting of a four-foot high electrical meter pedestal and an underground vault.

ENTITLEMENT REQUEST

Conditional use permit authorizing the construction, maintenance, and operation of an unmanned wireless telecommunication facility in the C-3 Zone.

DESCRIPTION OF SUBJECT PROPERTY

Location: Public right-of-way at intersection of Hereford Drive and Olympic Boulevard, East Los Angeles, Eastside Unit No. 1 Zoned District.

Physical Features (topography, vegetation): Triangular, level, 2,000 square feet paved street median surrounded by Olympic Boulevard, a 100-foot wide Major Highway as designated on the Los Angeles County Master Plan of Highways on the north; and Hereford Drive, 60-foot wide public street on the east and southwest. The area surrounding the property is developed and urbanized.

Access: Via Hereford Drive.

EXISTING ZONING

Subject Property: C-3

Surrounding Properties:

North: C-3

East: C-3

South: C-3

West: City of Commerce

EXISTING LAND USES

Subject Property: The property is developed as a paved public right-of-way median, triangular in size with flat topography.

Surrounding Properties:

North: Commercial
East: Commercial
South: Commercial
West: Commercial/City of Commerce

PREVIOUS CASES/ZONING HISTORY

- None

CONSISTENCY WITH THE EAST LOS ANGELES COMMUNITY PLAN

Land Use Policy Map

The subject property is located within the East Los Angeles Community Plan ("Plan"), a component of the Los Angeles Countywide General Plan. The Plan's Land Use Policy designation for the subject property is CC (Community Commercial). This plan category allows small businesses along strips or in strip malls and are oriented to serve the needs of the surrounding community. Density is not applicable to this project as the proposal is to construct an unmanned wireless telecommunication facility, not a residential facility. However, the following land use policy is applicable to the proposed project:

"Provide for new development which is compatible with and complements existing uses."

The proposed project is appropriately conditioned and there is a public hearing to consider public testimony, including project design. The project is conditioned to construct a wireless telecommunication facility disguised as a street light pole to be compatible with the surrounding neighborhood. The design preference will be decided at the public hearing pursuant to public comment.

CONSISTENCY WITH THE EAST LOS ANGELES COMMUNITY STANDARDS DISTRICT

Pursuant to Section 22.44.118 of the Los Angeles County Code, the applicant must meet all applicable development standards of the East Los Angeles Community Standards District ("CSD"). Community-wide Development Standards and C-3 Zone standards the proposed project would be required to meet, includes:

Height Limit: The maximum height of any structure shall be 40 feet except that devices or apparatus essential to industrial processes or communications related to public health and safety may be 50 feet in height or as otherwise specified in this section; said heights may be modified subject to a conditional use permit.

The proposed project will consist of a single monopole antenna with a maximum height of 35 feet.

SITE PLAN DESCRIPTION

The site plan depicts a 2,000 square feet triangular-shaped paved street median within the public right-of-way at the intersection of Hereford Drive and Olympic Boulevard. The project site is bounded by Olympic Boulevard on the north and Hereford Drive on the east and southwest. The proposed wireless facility lease area is within the street median. The lease area is approximately 82 square feet and will include a four-foot high electrical meter pedestal and a 78.5 square feet underground vault. The wireless telecommunication facility is located within the lease area. Access to the lease area is provided by Hereford Drive. The applicant will be required to obtain an encroachment permit from the Los Angeles County Department of Public Works ("DPW") as the proposed project site is located within a public right-of-way. DPW may require relocation of the proposed wireless facilities within the street median if it determines the proposed location is a hazard to public safety.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

A wireless telecommunications facility is a use not specified in Title 22 of the County Code (Zoning Ordinance). Comparable use specified in the Zoning Ordinance is a radio or television tower. Section 22.28.210 requires a conditional use permit for a radio or television tower in the C-3 Zone; thus, a conditional use permit is also required for the wireless telecommunication facility, a comparable use, in the C-3 Zone subject to applicable development standards and conditions.

C-3 Zone Development Standards.

Section 22.28.220 specifies development standards within the C-3 Zone. However, these standards do not specify wireless telecommunication facility.

Parking

Section 22.52.1220 allows the Director to determine the amount of parking required for uses not specified for parking purposes. Parking is not specified for a wireless telecommunication facility and additional parking is not recommended. The property is developed as a paved street median, which is of sufficient size to meet the parking need of the occasional maintenance truck.

BURDEN OF PROOF/FINDINGS

Conditional Use Permit Burden of Proof

The applicant is required to substantiate to the satisfaction of the hearing body the facts as provided in Section 22.56.040 of the County Code. The applicant's response to the Burden of Proof is attached. It is staff's opinion that the applicant has met the Burden of Proof.

Applicant's Burden of Proof responses are attached.

ENVIRONMENTAL DOCUMENTATION

A Categorical Exemption (Class 3) has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Guidelines.

PUBLIC COMMENT

At the time of this report, no correspondence has been received by staff.

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 Department of Regional Planning website posting.

STAFF EVALUATION

The proposed project is located on a triangular-shaped paved street median within the public right-of-way at the intersection of Hereford Drive and Olympic Boulevard. The project site is surrounded by commercial uses consisting of auto repair shops, strip malls and medical offices.

To minimize visual impact to the surrounding community, the wireless telecommunication facility has been designed to be consistent with the existing concrete street light pole and will have a maximum height of 35 feet. The project will also provide an underground vault for additional equipment.

It is staff's opinion that the proposed wireless telecommunication facility is consistent with the East Los Angeles Community Plan, East Los Angeles CSD and the Zoning Ordinance, and meets the conditional use permit burden of proof.

FEES/DEPOSITS

If approved as recommended by staff, the following fees will apply:

Department of Regional Planning, Zoning Enforcement:

Cost recovery deposit of \$400 to cover the cost of two recommended zoning enforcement inspections. Additional funds would be required if violations are found on the subject property.

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.

If the Hearing Officer finds the request satisfies the conditional use permit burden of proof requirements, then staff recommends that the Hearing Officer close the public hearing, and **approve** Conditional Use Permit Case No. 200900077 subject to the attached conditions.

Prepared by Ramon Cordova, Senior Regional Planning Assistant
Reviewed by Susan Tae, AICP, Supervising Regional Planner

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof Statement
Site Plan and Elevations
Land Use Map
GIS Map
Site Photos

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

**PROJECT NO. R2009-01113-(1)
CONDITIONAL USE PERMIT CASE NO. 200900077
ENVIRONMENTAL ASSESSMENT CASE NO. 200900072**

REQUEST:

To construct, maintain and operate an unmanned wireless telecommunications facility consisting of a 35-foot high pole with antennas and underground equipment in the C-3 (Unlimited Commercial) Zone.

HEARING DATE: May 18, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

MAY 18, 2010 PUBLIC HEARING

1. During the May 18, 2010 public hearing, the Hearing Officer, Mr. Mitch Glaser, heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.
2. During the May 18, 2010 public hearing, staff gave a presentation stating that the proposed project consisted of one new 35-foot high pole with three panel antenna in three sectors mounted to an 18-inch diameter monopole. Staff also stated that the proposed unmanned wireless facilities would be constructed on a paved street median within the public right-of-way and would require an encroachment permit from the Los Angeles County Department of Public Works ("Public Works").
3. During the May 18, 2010 public hearing, the applicant stated that they had reviewed the conditions and agreed with them.
4. After hearing all testimony on May 18, 2010, the Hearing Officer closed the public hearing, and approved Conditional Use Permit Case No. 200900077.

Findings

1. The applicant, is requesting a conditional use permit to construct, maintain, and operate an unmanned wireless telecommunications facility consisting of a 35-foot high pole with antennas, underground equipment vault and other ancillary equipment.
2. Zoning on the subject property, C-3 (Unlimited Commercial), requires a

conditional use permit for the wireless telecommunication facility, a use not specified in Title 22 (Zoning Ordinance) Los Angeles County Code (Zoning Ordinance), but comparable to the radio or television tower specified in the Zoning Ordinance.

3. The location of the subject property is the street median within the public right-of-way at the intersection of Hereford Drive, a 60-foot wide public street and Olympic Boulevard, a 100-foot wide Major Highway as designated on the Los Angeles County Master Plan of Highways in the unincorporated community of East Los Angeles, within Eastside Unit No. 1 Zoned District.
4. The subject property is a triangular-shaped 2,000 square feet paved street median. The lease area is approximately 82 square feet and includes a four-foot high electrical meter pedestal within 3.5 square feet and a 78.5 square feet underground vault.
5. The applicant will be required to obtain an encroachment permit from Public Works as the proposed project site is located within a public right-of-way. Public Works may require relocation of the proposed wireless facilities within the street median if it determines the proposed location is a hazard to public safety.
6. Section 22.52.1220 of the County Code allows the Director to determine the amount of parking required for uses not specified for parking purposes. Parking is not specified for a wireless telecommunication facility and additional parking is not recommended. The property is developed as a paved street median, which is of sufficient size to meet the parking need of the occasional maintenance truck.
7. The zoning on the subject property is C-3, which is consistent with surrounding zoning, to the north, east and south. The City of Commerce lies to the west.
8. The wireless telecommunication facility is compatible with surrounding land uses, which include commercial uses to the north, east, and the south, and commercial uses within the City of Commerce to the west.
9. The project site is classified as "CC" (Community Commercial) in the East Los Angeles Community Plan ("Plan"), a component of the Los Angeles Countywide General Plan. This plan category allows small businesses along strips or in strip malls and are oriented to serve the needs of the surrounding community. Density is not applicable to this project as the proposal is to construct an unmanned wireless telecommunication facility.
10. The site plan depicts an unmanned wireless telecommunications facility lease area within the street median. The lease area is approximately 82 square feet consisting of a four-foot high electrical meter pedestal within 3.5 square-feet and a 78.5 square feet underground vault. Access to the lease area is provided by

Hereford Drive.

11. The closest single family residence to the proposed wireless telecommunications facility is approximately 220 feet to the south of the subject property along Simmons Avenue. There are no single-family residences directly adjoining the subject property. The 35-foot high wireless telecommunication facility will be visible from the single-family residences but at a distance and over the rooftop of the existing structure.
12. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. 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.
14. The proposed project is a small development subject to Low Impact Development (LID) standards required by Public Works prior to issuance of a building permit.
15. A Categorical Exemption (Class 3) has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Guidelines.
16. 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 I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

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

- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use 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 for a conditional use permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. In view of the findings of fact presented above, Conditional Use Permit Case No. 200900077 is **APPROVED**, subject to the attached conditions.

Attachments: Draft Conditions of Approval
Affidavit of Acceptance

ST:REC
5/5/2010

1. This grant authorizes Omnipoint Communications, Inc to use the subject property for the construction, operation and maintenance of an unmanned wireless telecommunications facility along the public right-of-way of Hereford Drive and Olympic Boulevard. The wireless facility consists of three panel antennas in three sectors mounted to a new 18-inch diameter 35-foot high monopole and associated four-foot high electrical meter pedestal with underground equipment vault 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 Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required money has been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No.3, and Condition Nos. 4, 5, and 9 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 fully 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 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 at least six (6) months 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 Los Angeles 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 May 18, 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 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. 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 \$400.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the 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 2 biennial 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 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).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Planning Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. 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 for in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works") to obtain an Encroachment Permit and to determine whether the location of the subject facility is safe for the installation of the above ground equipment cabinets that are located within the public right-of-way. All structures shall comply with the requirements of the Division of Building and Safety of Public Works.
14. Upon approval of this grant, 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.
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 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 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.
17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. Said facility shall be removed if in disuse for more than six months.

19. 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.
20. All structures, including the antennas, electrical meter pedestal and equipment vault, shall be a grey color, excluding black, to blend in and harmonize with the surroundings; it shall not be glossy or reflective in nature and shall be maintained in good condition at all times.
21. 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 Regional Planning.
22. 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.
23. A Revised Exhibit "A" site plan, shall be submitted and approved by the Director of Los Angeles County Department of Regional Planning ("Regional Planning") prior to any wireless telecommunications facility that will be co-locating on the proposed facility.
24. Said facility, including any pedestals, vaults 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.
25. The operator shall submit an annual maintenance report to Regional Planning by January 1, verifying the continued operation and maintenance of the said facility.
26. 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.

LOS ANGELES COUNTY LETTERGRAM

TO	FILE	FROM	Ramon Cordova Land Divisions Section
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SUBJECT: PROJECT No. R2009-01113-(1) Date: April 7, 2010

This is an application for a Conditional Use Permit to authorize Omnipoint Communications, Inc to construct, maintain and operate an unmanned wireless telecommunications facility located within a public right-of-way. The project consists of installation of a 35-foot tall monopole with panel antennas and associated electrical meter and underground vault in the street median at the intersection of Hereford Drive and Olympic Boulevard in the Eastside Unit No. 1 Zoned District and C-3 (Unlimited Commercial) Zone.

As such, this project qualifies for Class 3 Categorical Exemption, which exempts the construction of small structures and the installation of equipment in a small structure, from the California Environmental Quality Act (CEQA) reporting requirements.

The staff of the Land Divisions Section recommends a Categorical Exemption since it meets the criteria set forth in Class 3 of the State EIR Guidelines (Article 19, Categorical Exemptions) and Class 3 of the County Guidelines (Appendix G, Categorically Exempt Projects).

If you have any questions regarding the above determination or environmental document preparation, please contact Ramon Cordova of the Land Divisions Section at (213) 974-6433.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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.

The proposed project will be unoccupied, only require a single maintenance visit per month and utilize existing roads for access. The project will make negligible noise that is most often less than the ambient noise level of the area surrounding the equipment. The Base Transceiver Station radio equipment will be located inside of a secure enclosure and will not be visible to the general public. The proposed antennas will be disguised using FRP screening and will blend with the existing landscape including existing utility poles and existing streetlights of similar height directly adjacent to the structure. This will help the structure blend into the surrounding environment.

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 site is currently developed with public right-of-way uses. The property is completely developed and encompasses the necessary infrastructure to serve both the existing and proposed facilities either nearby or in the public right-of-way in front of the property. The proposed wireless facility will be located at the south west end of the property where it will not block access into the site or impede site circulation. Existing access is adequate to serve the proposed facility and the existing public parking is adequate in serving the parking needs during the maintenance visits. The proposed facility will not impact development of 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.

The existing public right-of-way is served by an existing paved roads that surround the property. Existing access is sufficient to carry the amount of traffic that is generated by both the existing and proposed facilities. The highways and streets are wide enough to accommodate the quantity of traffic generated from the proposed site. The proposed facility should not generate a significant amount of traffic. Once construction is complete the facility will only require one maintenance visit per month by a technician in a light truck or van. No part of the project will impact circulation on or off the subject site.