



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

February 18, 2010

Core Communications  
2903 – H- Saturn Street  
Brea, Ca. 92821  
Attn: Michelle Felton

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2009-02224 – (1)  
CONDITIONAL USE PERMIT 200900016  
ENVIRONMENTAL ASSESSEMENT 200900013  
4471 DUNHAM STREET, EAST LOS ANGELES**

Dear Applicant:

Hearing Officer, Mitch Glaser by his action of February 16, 2010, **APPROVED** the above described application. The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on March 2, 2010.** Any appeal must be delivered in person to the Commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A condition requires that the permittee records an affidavit accepting the conditions before the grant becomes effective.

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

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Jeantine Nazar of the Zoning Permits II Section at (213)974-6435 or e-mail at [jnazar@planning.lacounty.gov](mailto:jnazar@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



Maria Masis, Supervising Regional Planner Section

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

c: DPW (Building and Safety); Zoning Enforcement

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

**PROJECT NUMBER R2009-02224 (1)  
CONDITIONAL USE PERMIT 200900016  
ENVIRONMENTAL ASSESSMENT 200900013**

**REQUEST:**

To install a wireless telecommunication facility consisting of twelve panel antennas mounted onto a new 70 foot high monopalm and associated equipment cabinets.

**HEARING DATES: July 21, 2009, August 18, 2009, October 2, 2009, December 15, 2009, February 16, 2010**

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

February 16, 2010 Public Hearing

A duly noticed public hearing was held on February 16, 2010 before the Hearing Officer, Mitch Glaser. The applicant's representative was sworn in and testified in favor of the request. The applicant's representative confirmed that she had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval except condition number 21 requiring climbing vines. The Hearing Officer suggested eliminating the East Los Angeles Community Standards District requirement for landscaping but recommended the climbing vines. Further, the Hearing Officer asked questions from staff and the applicant and recommended to amend conditions number 10, 19, 20, 21, 22, and 25.

There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

**Findings**

1. The project site is located at 4471 Dunham Street, in Eastside Unit No. 1, Zoned District in the community of East Los Angeles and within East Los Angeles, Community Standards District in the First Supervisorial District.
2. The current land use on the subject property is a wholesale storage warehouse for empty jars and bottles. Land uses surrounding the property within a 500 foot radius are residential to the north and west, textile industry to the south and truck parking to the east.
3. The zoning for the subject site is M-1 (Light Manufacturing) and East Los Angeles Community Standards District. Surrounding zoning consists of M-1 (Light Manufacturing) to the west and east, M-2 (Heavy Manufacturing) to the south, and R-3 (Limited Multiple Residence) to the north.

4. There are no previous cases on the subject property. The existing business was established in 1983. The applicant provided a site plan showing the existing structures and parking on the site.
5. The site plan, labeled Exhibit "A", depicts a 357.11 square-foot lease area at the south-east corner of the subject property which contains a monopalm with twelve antennas mounted on three sectors with four panel antennas on each sector, and a back up emergency generator surrounded by an eight-feet-high chain link fence and two additional feet of razor wire on top of the fence on the east side that would increase the height of the fence to ten feet. There are four equipment cabinets, a Telco cabinet, an electrical panel, a manual transfer switch, a power meter located in the warehouse building within a 988 square-foot lease area enclosed with an eight-feet-high access door and a 45-foot long chain link fence to the south side. The antennas are connected to the equipment cabinets by underground coax cables. In addition, the Verizon Wireless Point of Connection (POC) for Telephone LAN line (Telco) would be located on two light poles to the east and to the west of the property on Dunham Street on the existing light poles each 34-feet in height.
6. Staff sent a request for comments to the City of Commerce but has not received a response. There have not been any public comments.
7. The proposed wireless facility has access directly from the main entrance via Dunham Street. There is parking available on the street for occasional service visits.
8. The project is located within the East Los Angeles, Community Plan and the designated land use category is I – (Industrial). The proposed project complies with the policies required by providing screening and a better communication connection.
9. The lease area will be surrounded by a fence with privacy slats covered by climbing vines to discourage vandalism and graffiti pursuant to Code Section 22.52.630. The twelve panel antennas will be disguised into a new 70 feet high monopalm and the proposed wireless facility will not have a significant visual impact.
10. The applicant shall revise the site plan to show the appropriate parking.
11. The owner shall provide a copy of the permit for the patio area or prior to the first annual inspection as well as the premises shall be maintained as the Exhibit "A" approval.
10. The proposed monopalm does not have sufficient palm fronds to camouflage antennas for future co-locations. Any future co-locations on the monopalm shall

require redesigned in order to ensure that the proposed antennas are disguised within the palm fronds.

11. The Hearing Officer finds that the East Los Angeles Community Standards District's requirement to provide at least one foot setback from the property line with landscaping for at least one square foot for each linear foot of frontage on the front property line along said frontage shall be waived.
12. The fence with privacy slats shall provide climbing vines on the Dunham Street side and may include a one foot setback to accommodate the vines as well as to comply with the East Los Angeles Community Standards District's requirement.
13. 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.
14. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.
15. The location of 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, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

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

- A. 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 development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**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 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Negative Declaration.
  2. In view of the findings of fact and conclusions presented above, CONDITIONAL USE PERMIT 200900016 is APPROVED subject to the attached conditions.
- c: Zoning Enforcement, Building and Safety

MM:JN  
2/17/2010

1. This grant authorizes an unmanned wireless telecommunication facility consisting of a new 70 foot high monopalm with twelve panel antennas disguised as a monopalm and appurtenant equipment located at 4471 Dunham Street, within unincorporated Los Angeles County, as depicted on the approved Exhibit "A" and subject to all of the following conditions of approval:
  - a. The panel antennas shall be painted to match the monopalm and the equipment cabinets shall be painted a neutral color, excluding black, and shall be maintained in good condition at all times;
  - b. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) 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;
  - c. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
  - d. All structures shall conform with the requirements of Building and Safety Division of the Department of Public Works;
  - e. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti, and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
  - f. Said facility shall be removed if in disuse for more than six months;
  - g. 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;
  - h. 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; and
  - i. 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;
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
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 according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 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 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.
9. This grant shall terminate on February 16, 2020. 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.

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. The permittee shall deposit with the County of Los Angeles the sum of \$750.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for five (5) inspections. Inspections shall be unannounced.

There shall be one annual inspection after twelve month's of the date of the approval of this permit. The first annual inspection shall require that the applicant submits building permit for the patio area. If there are no permits in place the patio area shall be demolished. In addition, the inspection shall ensure that the premises are maintained as the Exhibit "A" approval. The first inspection shall occur one year after the date of approval. The second inspection shall occur three years after the date of approval. The subsequent inspections shall occur on the third, fifth seventh and ninth years after the date after the date of the 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

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 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.
12. 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.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. Within 3 days of the approval date of this grant, the permittee shall remit processing fees

payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, a fee of \$2,085.25 (\$2010.25 plus \$75.00 processing fee) is required. No land use project subject to this requirement is final, vested or operative until the fee is paid.

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 graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. Applicant shall provide photo simulations showing the antennas disguised as a palm tree. The proposed antennas shall be built as shown in simulation.
18. The vehicles parked on the premises shall be related to the business. No unrelated truck parking is permitted.
19. Any future co-location of antennas on the mono-palm should be disguised to the satisfaction of the Director.
20. The lease area shall be surrounded by a fence with privacy slats and the area adjacent to pedestrian sidewalk covered by climbing vines consistent with the requirements of the Community Standards District Section 22.44.118.E-4-g for watering and maintenance.
21. 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.
22. All landscaped areas shall be continuously and properly maintained in good condition;
23. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". The applicant shall provide revised plans eliminating parking number 1, 5, 6, and 7. Also, they shall show the fence with privacy slats covered by the climbing vines on the site plan.

MM: JN  
2/17/2010