

Transmittal Checklist

Hearing Date
February 16, 2010
Agenda Item Number
2

Project Number: R2009-02224-C1)
Case(s): RCUP200900016 AND ENV200900013
Contact Person: Jeantine Nazar

Included	NA/None	Document
<input type="checkbox"/>	<input type="checkbox"/>	Factual
<input type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Revised Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Memo and the applicant's answer to questions

Reviewed By: _____



LOS ANGELES COUNTY LETTERGRAM

TO	Mitch Glaser Hearing Officer	FROM	Jeantine Nazar Zoning Permits II
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SUBJECT: Continuation of CUP Project No. 2009-02224 (1)

DATE: February 16, 2010 -Hearing Officer

The above referenced case was scheduled and noticed for public hearing on July 21, August 18, October 20, and December 5, 2009 to authorize a conditional use permit for the construction, operation and maintenance of a wireless telecommunication facility within a wholesale distribution warehouse. The project consists of a proposed 70-foot high monopalm with twelve panel antennas and appurtenant equipment cabinets, enclosed by an eight-foot high chain link fence, in the M-1 (Light Manufacturing) zone, in the East Los Angeles Community Standards District. The case was continued to February 16, 2010, so that staff and the applicant provide the following additional materials:

- A revised accurate site plan depicting all existing and proposed features on the property.
- Redesign the project to accommodate potential future co-location.
- Answer questions addressed by the Hearing Officer.

Staff prepared a supplemental report, a revised staff report and revised conditions and findings addressing those issues. Also, the applicant revised the project design, provided accurate site plan and submitted additional information requested by the Hearing Officer. Staff has included those materials with this memo.

Staff recommends approval of Project no R2009-02224 and CUP200900016 subject to the attached conditions and findings.

HEARING OFFICER ACTION:

CONDITIONAL USE PERMIT Project No. R2009-02224 to be APPROVED.

Mitch Glaser, Hearing Officer

DATE: _____

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

ENTITLEMENT REQUEST

The applicant requests a conditional use permit to install, operate and maintain an unmanned wireless telecommunication facility (WTF).

PROJECT DESCRIPTION

The project consists of the installation of a wireless facility that would include a new 70-foot-high wireless communication monopole and twelve panel antennas disguised as a palm tree (monopalm) associated with equipment cabinets.

LOCATION

The project is located 4471 Dunham Street, in Eastside Unit No 1 Zoned District in the community of East Los Angeles within East Los Angeles Community Standards District in the First Supervisorial District.

ZONING SURROUNDING THE PROPERTY

The subject property is zoned M-1 (Light Manufacturing). Zoning surrounding the property is as follows:

North: R-3 ((Limited Multiple Residence)

South: M-2 (Heavy Manufacturing)

West: M-1 (Light manufacturing)

East: M-1 (Light manufacturing), City of Commerce

LAND USE SURROUNDING THE PROPERTY

The property is used as a storage warehouse for empty glass containers that are sold to wholesalers. Land uses surrounding the property within a 500-foot radius are as follow:

North: Residential

South: Textile Industry – dyeing and finishing

West: Residential

East: Truck parking for foam manufacturing

SITE PLAN

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, a back up emergency generator surrounded by an eight-foot-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-foot-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.

ENVIRONMENTAL DETERMINATION

Staff has prepared an initial study for the proposed project and has determined that a Negative Declaration is the appropriate environmental documentation. Staff found that the project will not have a substantial impact on the surrounding environment. The new proposed pole is disguised as a palm tree, (monopalm) and it matches with the palm trees in the area. The WTF is neutrally colored to blend in with the surrounding area.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 of the County Code, the Notice of Public Hearing was advertised in the East L.A. Tribune on June 18, 2009 and LA Opinion on June 12, 2009. A total of 92 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 500-foot radius on June 9, 2009. Two notices were sent to the local community groups and residents on the Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to the East Los Angeles Library, County of Los Angeles located at 4837 E 3rd Street, Los Angeles, CA 90022 on June 9, 2009. The same information was posted on the Department of Regional Planning's website.

Pursuant to the Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting stating that the Notice of Public Hearing was posted on June 21, 2009 from the applicant's agent. The community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

Staff was unable to find any cases or plot plans on the site. According to the business owner the existing business was established in 1983. The Hearing Officer requested that the applicant provides an accurate site plan in order to file a plot plan with the Department of Regional Planning.

Site Visit

Staff visited the site on April 23, 2009. Currently, All Kind Container, a distributor of empty jar bottles is running the business on the site. This is a wholesale company selling empty jars. The proposed monopalm will be located inside a 357 square-foot lease area next to (by) the pedestrian walkway and near the electrical pole. There are two palm trees at close proximity on Dunham Avenue and two other palm trees to the

north on Lovett Street. The proposed monopalm appears to match with the surrounding neighborhood. At the time of the site visit staff noticed graffiti on the wall. Applicant provided a picture that shows graffiti has been removed.

Existing business operation and type of licensing.

The applicant stated that the existing business is a wholesale distribution that sells empty glass bottles and caps in bulks with a maximum of one gallon for size within the Los Angeles area. The business is taking orders and delivering to the customers, however, a few customers visit the site during the week to pick up the delivery. There is one employee working on-site. The bottles are stored on pallets in the warehouse area in room temperature. The business is open from 9:00 am to 4:00 pm Monday through Thursdays and a typical week includes one delivery and approximately two on-site customers. Staff has included a copy of the answers to the questions regarding the existing operations. The County does not require a business license for a wholesale/distributor.

Parking Standards

A zone change to the M-1 (Light Manufacturing) zone became effective in 1929. County records indicate that the existing building was built in 1967. Ordinance number 9205, effective in 1966, determined the parking space for industrial use was one space per 500 square-foot built area or one space for two employees whichever is larger. As per Assessor's records, the built area is 7,250 square foot in area which required a total of 15 parking spaces. The business has one person employed and customers come to the site for pickups.

The applicant stated that the current use of the operation is a wholesale distributor and jobber. The existing business operations engage primarily in buying and selling merchandise in the domestic market. Staff believes that the parking requirement as per the current code shall be consistent with Code Section 22.52.1220 (uses not specified). Staff determines that one parking space for every 1,000 square-foot area is appropriate. The use is comparable to a warehouse. Therefore, eight parking spaces shall be required for the business and an additional parking space for the wireless facility for a total of nine parking spaces.

The applicant provided twelve parking spaces however; the dimensions of the slots are not consistent with the standards. Staff recommends eliminating parking number 5, 6 and 7 in order to provide the 26-foot required back up space. As a result, there would be eleven parking spaces available while nine is required.

General Plan Consistency

•The project is located within the East Los Angeles Community Plan and designated land

use is I – (Industrial). Industrial areas are suitable for large-scale industrial uses such as heavy manufacturing, large warehouses, and research and development. The maximum building height is 35 feet.

Applicable policy includes:

- Improve the appearance of the Union Pacific industrial area by requiring conformance to development standards for screening, parking, signage, and landscaping. -Page 3
- Encourage adequate monitoring of industrial uses which could have a negative impact on the health or safety of nearby residents. -Page 4

The proposed wireless system will be monitored periodically to ensure there are no negative impacts. Staff recommends that privacy slats be installed so that it would be consistent with the local plan standards.

**Consistency with East Los Angeles Community Standards District (CSD)-
County Code Section 22.44.118**

Intent and Purpose: The East Los Angeles Community Standards District is established in order to provide a means of implementing special development standards for the unincorporated community of East Los Angeles. The East Los Angeles Community standards District is necessary to ensure that the goals and policies of the adopted East Los Angeles Community Plan are accomplished in a manner which protects the health, safety and general welfare of the community.

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 monopalm is 75-feet in height while the code allows a maximum of 50 - foot. However, the height may be modified subject to a conditional use permit. Staff found that the proposed 75-foot monopalm is similar to palm trees of the same height in the vicinity.

Signage

Sign areas shall comply with the following requirements:

- The total permitted sign area of all signs on a building or site is 10 percent of the building face (not to exceed 240 square feet).
- Building face area is the height of the building (not including the parapet) multiplied by its frontage.

The existing business sign is painted on the wall and is approximately 6 percent of the building face and is consistent with the CSD requirement for signage. Staff has included photos showing the business signs.

Union Pacific Zone-Specific Development Standards (Section 22.44.118.E-4-g) – Premises in zone M-1 shall be subject to the following development standards:

Walls, view-obscuring fences, and buildings shall be set back at least one foot from the property line and shall provide at least one square foot for each linear foot of frontage on the front property line or on a side property line fronting a street in accordance with the following requirements:

- (1) Landscaping shall be distributed along said frontage in accordance with a site plan approved by the director.
- (2) Landscaping shall be maintained in a neat, clean, and healthful condition, including proper watering, pruning, weeding, removal of litter, fertilizing, and replacement of plants as necessary.
- (3) A permanent watering system shall be provided which satisfactorily irrigates all planted areas. The system shall incorporate water conservation methods and may include a drip component. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 40 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscaped area and to prevent over spraying outside landscaped areas.

Walls, view-obscuring fences, and buildings shall be landscaped with climbing vines or other similar plant material as specified in Section 22.52.630 in amounts sufficient, as determined by the Director, to cover the wall, fence, or building and to discourage graffiti and vandalism.

Wall, fence, or building landscaping required by subsection E.4.g.ii of this section shall be fenced temporarily with non-view obscuring material in order to prevent theft. Once the plantings are established, as determined by the Director or within three years, whichever is less, the temporary fencing shall be removed. Permanent irrigation systems shall be required, maintained in good working order, and replaced as necessary.

The proposed wireless facility is screened with chain link fence. The fence frontage is on the property line with an access door to the wireless facility. Staff recommends that the applicant revise the fence design to block the view of the facility by obscuring material such as privacy slats and climbing vines in order to be consistent with the CSD requirements. However, staff does not recommend that the applicant remove the fencing in future. A condition requiring compliance has been included in the draft conditions of approval.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code as follow:

- 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; and
- 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; and
- 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 Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff sent a request for comments to the City of Commerce; however, no response has been received.

PUBLIC COMMENTS

Staff has not received any public comments at this time.

STAFF EVALUATION

This case was first heard on July 21, 2009. The applicant requested a continuance in order to provide the additional materials requested by the Hearing Officer as well as to redesign the proposed project so that it would accommodate co-location. The matter continued to August 18, October 2, December 15, 2009 and February 16, 2010 in order to address those issues.

The applicant has provided a revised site plan that depicts accurately the on-site features as well as the proposed modified wireless facility and a description of the existing business operations and it's licensing. The proposed project was redesigned to reduce the lease area fronting Dunham Street. In addition, there are two Point of Connections located on two light poles on Dunham Street. The applicant did not provide privacy slats or green mesh, and no co-location is anticipated at this time. As per the applicant any co-location application shall be filed separately.

Staff revised the staff report that includes the applicable community standards district requirements, the site plan description, the business operations, the parking standards for a wholesale distributor and jobber business, as well as amended conditions number 17, 18, 19 and 20 as required by the Hearing Officer.

The proposed monopalm matches with the other existing palm trees in the area. The applicant stated that the generator will run once a week on Wednesdays at 9 a.m. for 15 minutes. That is the only time the noise level increases. Also, the applicant stated that the structural plans ensure that during a strong earthquake the monopalm will not fall on the pedestrian walkway. The lease area will be surrounded by privacy slats or green mesh and will not have a significant impact on the view from street. The applicant will obtain encroachment permits for trenching and bringing electricity and telephone lines to the site from the poles located near the subject site. The proposed project will increase telecommunication capacity for the businesses and residents living in the area.

Staff recommends that the proposed project includes privacy slats covered by climbing vines, so that it would comply with the East Los Angeles Community Standards District requirements. Staff also requests that the applicant provides photo simulations of the proposed wireless project showing the antennas camouflaged with palm fronds. Staff believes that the existing monopalm design does not have sufficient palm fronds to disguise other antennas. Staff has included those items in the draft conditions and findings.

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 R2009-02224, Conditional Use Permit 200900016, and Environmental Assessment 200900013 subject to the attached conditions.

Prepared by Jeantine Nazar, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits II Section

Attachments:

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

**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 associated with equipment cabinets .

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

PROCEEDINGS BEFORE THE HEARING OFFICER:

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-foot-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-foot-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, Union Pacific Zone Community Plan and designated land use is I – (Industrial). The proposed project complies with the standards 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 Hearing Officer finds that the proposed monopalm does not have sufficient palm fronds to camouflage antennas for future co-locations.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
12. 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.
13. 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 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
2/4/2010

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 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 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 July 21, 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.
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) 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 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. The lease area next to the pedestrian walkway shall be surrounded by privacy slats covered by climbing vines. All equipment and antennas shall have adequate screening with privacy slats and have minimum visual impact.
18. Applicant shall provide photo simulations showing the antennas disguised as a palm tree similar to as built.
19. The lease area shall be surrounded by a fence with privacy slats covered by climbing vines consistent with the requirements of the Community Standards District Section 22.44.118.E-4-g for setback, watering and maintenance.
20. 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.
21. All landscaped areas shall be continuously and properly maintained in good condition;
22. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". The applicant shall provide revised plans that would indicate the adequate parking spaces.

MM: JN
2/4/2010

What is the nature of the business?	Wholesale distribution
Please identify the type and category of the business?	Wholesale
What type of products are you selling?	Glass Bottles and Caps
In which areas are you selling your products?	CA – Los Angeles area
Explain the daily operation of the business?	Take orders and process
Are customers coming to the site?	Few
How many customers come to the site per day?	Once every other day
How are the bottles delivered?	Via Truck
Is there a loading zone?	In front
How large the bottles are?	1 gallon
Do you deliver at large bulks or do they sell individual bottles?	Bulk
Do you need to keep them in certain temperature?	No
How and where are the empty bottles stored?	In warehouse on pallets
Are any bottles recycled?	No
Where do the customers park their cars?	Parking area or on street
What is the use of the containers on the site?	Not being used
Do you have employees working for you? If so, how many?	No
Is your business a Corporation, LLC etc?	Sole Proprietor
Have you applied for a Business License or Permit before? If so, please provide a copy of your license?	Yes
What are the days and hours of the business operations?	9-4 Monday – Thursday
Are trucks delivering the bottles? How many?	Yes, once a week
What is the patio structure use?	Was there when purchased building.
Is that a parking area or is it for storage?	Parking

Do you have storage containers? If so, what is the use?	Yes, not in use
Is there a permit for the patio?	Was there when purchased building – Yes
Please describe a detailed description of your business activity and provide a table showing the number of customers and delivery on a busy week?	A busy week would be 1 delivery and approximately 2 customers visiting.