



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 16, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anthony Serpa
1607 Terra Bella
Irvine, CA 92602

**REGARDING: PROJECT NUMBER R2010-01711-(5)
CONDITIONAL USE PERMIT NUMBER 201000163
2525 Lake Avenue, Altadena, CA 91001**

Dear Applicant:

Hearing Officer Ms. Pat Hachiya, by her action of August 16th, 2011 **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or any 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 August 30st, 2011.** 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.

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, Travis Seawards, to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462 or e-mail at TSeawards@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,

Richard J. Bruckner
Director


Mi Kim, Acting Section Head
Zoning Permits West Section

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

c: DPW (Building and Safety), Applicant

MKK:TS

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NO. R2010-01711-(5)
CONDITIONAL USE PERMIT NO. 201000163**

REQUEST

The applicant, T-Mobile West Corporation, is requesting a conditional use permit to authorize the continued operation and maintenance of an unmanned wireless telecommunications facility (WTF) consisting of six (6) panel antennas, one (1) Location Measurement Unit (LMU) antenna, one (1) GPS antenna, two (2) equipment cabinets, and other associated WTF equipment. WTF's are a use that is subject to a conditional use permit (CUP) in all zones.

HEARING DATE: August 16th, 2011

PROCEEDINGS

A duly noticed public hearing was held on August 16, 2011 before the Regional Planning Hearing Officer. The applicant's agent, Anthony Serpa, testified that he had read and accepted the findings and conditions.

There being no further testimony, the Hearing Officer closed the public hearing and approved Project R2010-01711-(5) with conditions.

FINDINGS

1. The project consists of the continued operation of an unmanned WTF on a commercial building in the unincorporated community of Altadena in the C-3 (Unlimited Commercial) Zone. The project was originally approved through Conditional Use Permit No. 99-070-(5) on July 6, 1999 and expired on July 6, 2009. A Revised Exhibit A was approved on July 24, 2000 and allowed for six (6) new panel antennas, a new equipment cabinet, and other associated WTF equipment. No new utility services or equipment are proposed for this application.
2. The subject property is located at 2525 Lake Avenue in the unincorporated community of Altadena in the Altadena Zoned District.
3. The subject parcel is a 0.43-acre parcel that is developed with a 10,432 square-foot retail and office building that is located at the intersection of Lake Avenue and Fontanet Way. The retail and office complex is a two-level, 39-feet high building. Thirty-seven on-site parking spaces are provided, 14 at street level along Fontanet Way, and 23 in a subterranean parking garage. Access to the site is granted from Lake Avenue and from El Molino Avenue at the rear, western side of the parcel. The WTF facility is located within a 200-square-foot lease area and consists of six (6) panel antennas, one (1) Location Measurement Unit (LMU) antenna, one (1) GPS antenna, two (2) equipment cabinets, and related WTF equipment. The six panel antennas are mounted to three sides of the building near the roof. The two equipment cabinets and LMU and GPS antenna are located at the rear of the building on a concrete patio at the first floor level. All other WTF equipment is located on the roof.
4. The project is the continuation of an existing unmanned WTF. No new equipment or services are proposed.

5. The proposed project is consistent with the Altadena Community Plan. The land use designation of the subject property is Mixed-Use Center. There are no policies in the Plan that specifically prohibit, discourage or limit the use of WTFs.
6. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. However, staff has used the defined use of radio and television stations and towers as a comparable use. These uses are subject to permit in the C-3 Zone.
7. The previous case history on the subject property includes:
 - Plot Plan 18217: Authorized the construction of the retail office building.
 - Conditional Use Permit No. 99-070-(5): Authorized the operation and maintenance of an unmanned WTF on July 6, 1999.
 - Revised Exhibit "A" (CUP 99-070) ; Authorized the installation of six (6) new panel antennas on three sides of the building, one (1) new equipment cabinet, and associated WTF equipment on July 24th, 2000.
8. The project is located in the Altadena Community Standards District (CSD). The CSD does not address wireless telecommunications facilities.
9. The project complies with the height limit for the Altadena Community Plan. The Altadena Community Plan states that the maximum height for buildings in the Mixed-Use Center land use designation is three stories or 48 feet. The existing building on the subject property is a two-story commercial and office building with a maximum height of 39 feet, and none of the WTF equipment extends beyond the roof level.
10. The project requires an average of one monthly maintenance visit per month and the parking for these visits is adequately served by existing parking.
11. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
12. The subject property is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project. The project will require an average of one monthly maintenance visit per month, which the existing street system can accommodate.
13. The subject property is surrounded by a vacant lot, office and commercial uses, and parking lots to the north, office and commercial uses, parking lots, a church, and multi and single-family residential uses to the east, office and commercial uses, a rehabilitation center, and parking lots to the south, and the Altadena Civic Center, a fire station, a sheriff station, and parking lots to the west.
14. The proposed design is appropriate for the site and area. The majority of the WTF equipment is located on the roof or rear of the building and is concealed from public view. The six panel antennas are visible but are well designed and painted the same color as the commercial and office building.
15. The existing WTF is not a detriment to the surrounding community. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. The WTF has been in existence since 1999 and there have been no complaints or zoning violations related to the use.

16. There have been no public comments in opposition to the project.
17. 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.
18. The project is an application to continue the operation of an existing WTF, and no new construction is proposed. Therefore, the proposed project is exempt from the California Environmental Quality Act under the Class 1 – Existing Facilities categorical exemption. ,
19. 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 15 years.
20. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of Zoning Permits 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 yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, 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.

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 and 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION

1. I have considered the Class 1 – Existing Facilities Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000163 is **APPROVED**, subject to the attached findings and conditions.

c: Hearing Officer, Building and Safety

MKK:TSS

6/16/2011

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2010-01711-(5)
CONDITIONAL USE PERMIT NO. 201000163**

PROJECT DESCRIPTION

The project is the continued operation and maintenance of an unmanned wireless telecommunications facility (WTF) consisting of two six (6) panel antennas, one (1) Location Measurement Unit (LMU) antenna, one (1) GPS antenna, two (2) equipment cabinets, and other associated WTF equipment, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. 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 ("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. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to 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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 16, 2026.** 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, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **wireless telecommunications facility** and satisfaction of Condition No. 2 shall be considered use of this grant.
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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate 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 **eight (8) biennial (one every other year)** 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 enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, 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 ("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 or otherwise determined by County Code Section 22.60.350.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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 notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS

17. The facility shall be operated in accordance with all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.
18. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

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. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
21. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
22. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
23. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner or service provider.
24. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
25. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
26. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
27. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
28. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

PROJECT SITE SPECIFIC CONDITIONS

29. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
30. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
31. Any new equipment added to the facility will require a Revised Exhibit "A" and shall not compromise the design of the facility.
32. The operator shall remove such facility within six (6) months after its lawful operation has ceased, and restore the site as nearly as practicable to its original condition.
33. The maximum height of the facility shall not exceed 10 feet above the existing parapet wall on the existing building.

MKK:TSS

6/16/11