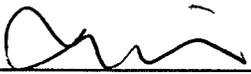


Hearing Officer Transmittal Checklist

Hearing Date
8/16/2011
Agenda Item No.
3

Project Number: R2010-01711-(5)
Case(s): Conditional Use Permit 201000163
Planner: Travis Seawards

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461

PROJECT NUMBER R2010-017111-(5)
CONDITIONAL USE PERMIT NUMBER 201000163

PUBLIC HEARING DATE
 August 16, 2011

AGENDA ITEM
 3

RPC CONSENT DATE

CONTINUE TO

APPLICANT

T-Mobile West Corporation

OWNER

REPRESENTATIVE

Anthony Serpa

PROJECT DESCRIPTION

The applicant requests a conditional use permit to continue the operation of an unmanned wireless telecommunications facility (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.

REQUIRED ENTITLEMENTS

Conditional Use Permit to allow the continued operation of an existing WTF. WTF's are a use that is subject to a conditional use permit (CUP) in all zones.

LOCATION/ADDRESS

2525 Lake Avenue, Altadena, CA 91001

SITE DESCRIPTION

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-foot high building. Thirty-seven on-site parking spaces are provided, 14 at street level along Fontanet Way, and the other 23 in a subterranean parking garage. Access to the site is taken from Lake Avenue and from El Molino Avenue. 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.

ACCESS

Paved access off of Lake and El Molino Avenues

ZONED DISTRICT

Altadena

ASSESSORS PARCEL NUMBER

5845017019

COMMUNITY

Altadena

SIZE

0.43 Acres

COMMUNITY STANDARDS DISTRICT

Altadena

EXISTING LAND USE

EXISTING ZONING

Project Site	Commercial and office building	C-3
North	Vacant lot, office and commercial uses, parking lots	C-3, CPD (Commercial Planned Development), and C-2 (Neighborhood Business)
East	Office and commercial uses, parking lots, church, multi and single-family residential	C-3, R-3 (Unlimited Multiple Residence) , and R-3-P (Unlimited Multiple Residence-Parking)
South	Office and commercial uses, rehabilitation center, parking lots	C-3
West	Altadena Civic Center, fire station, sheriff station, parking lots	R-2 (Two-Family Residence) , R-1-10,000 (Single-Family Residence - 10,000 minimum lot area required)

GENERAL PLAN/COMMUNITY PLAN

Altadena Community Plan

LAND USE DESIGNATION

Mixed-Use Center

MAXIMUM DENSITY

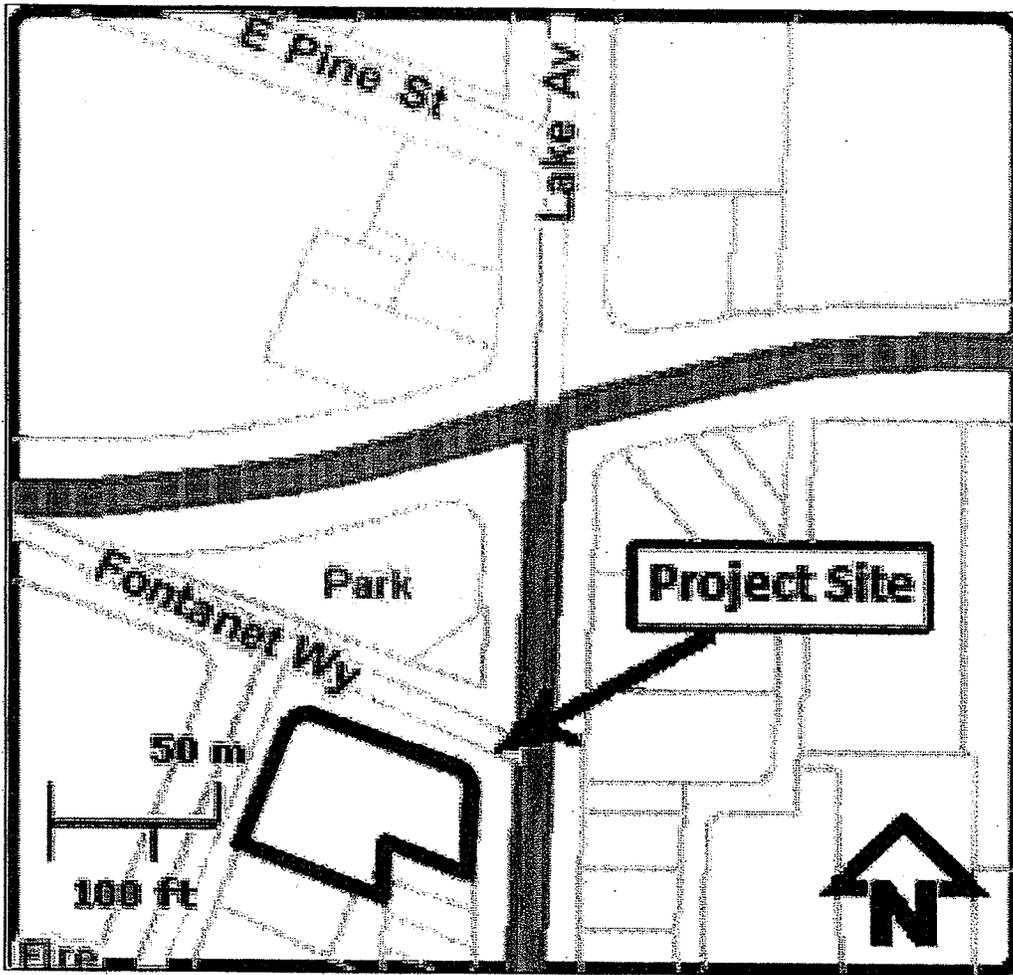
N/A

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT



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

PROJECT DESCRIPTION

The project consists of the continued operation 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. The WTF project is located 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.

ENTITLEMENT 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 in a C-3 Zone. WTF's are a use that is subject to a conditional use permit (CUP) in all zones.

LOCATION

The subject property is located at 2525 Lake Avenue in the unincorporated community of Altadena in the Altadena Zoned District.

EXISTING ZONING

Subject Property

The subject property is located in a C-3 Zone

Surrounding Properties

Surrounding properties are zoned:

North: CPD (Commercial Planned Development)

South: C-3

East: C-3, R-3 (Unlimited Multiple Residence), and R-3-P (Unlimited Multiple Residence – Parking)

West: R-2 (Two Family Residence) and R-1-10,000 (Single Family Residence – 10,000 sq. ft. minimum lot area required)

EXISTING LAND USES

Subject Property

The subject property is developed as a retail and office building.

Surrounding Properties

Surrounding land uses consist of:

North: Vacant lot, office and commercial uses, parking lots

South: Office and commercial uses, rehabilitation center, parking lots

East: Office and commercial uses, parking lots, church, multi and single-family residences

West: Altadena Civic Center, fire station, sheriff station, parking lots

SITE DESCRIPTION

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-foot 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 feet of lease area. The WTF 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.

ENVIRONMENTAL DETERMINATION

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 Class 1 – Existing Facilities, under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC 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 DRP website posting.

PREVIOUS CASE/ZONING HISTORY

1. Plot Plan 18217: Authorized the construction of the retail office building.
2. Conditional Use Permit No. 99-070-(5): Authorized the operation and maintenance of an unmanned WTF on July 6, 1999.
3. Revised Exhibit "A" (CUP99-070); 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.

STAFF EVALUATION

General Plan Consistency

The subject property is designated CR (Altadena Mixed Use "Center") under the Altadena Community Plan. There are no references to wireless telecommunications facilities in the Altadena Community Plan. The Mixed-Use Center land use designation applies to the Lake Avenue Commercial Center Area and permits primarily retail commercial and office uses. The parcel is developed with a commercial and office building and is consistent with the land use designation.

Neighborhood Impact/Land Use Compatibility

The existing WTF 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.

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.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

Community Standards District

The project is located in the Altadena Community Standards District (CSD). The CSD does not address wireless telecommunications facilities.

Height

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. Therefore the project complies with this requirement.

Parking

There are 37 on-site parking spaces for the subject property. The previous CUP approval for the WTF facility on site determined that one parking space was required to accommodate occasional maintenance vehicles for the unmanned WTF. The application is for the continued use of the existing WTF and no new equipment is proposed. Therefore, the need for parking for maintenance to the WTF can be accommodated by the existing parking provided for the commercial and office building.

Circulation

The facility will generate approximately one maintenance vehicle trip a month, which the existing street system can accommodate. 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.

Aesthetics

The existing WTF 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.

Burden of Proof

The applicant is required to substantiate the burden of proof as required by Section 22.56.040 of the Los Angeles County Code.

Staff is of the opinion that the applicant has met the burden of proof. The applicant's burden of proof responses are attached to this document.

PUBLIC COMMENTS

To date, no comments from the public have been received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

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 No. R2010-01711-(5) with a grant term of 15 years, and eight (8) biennial inspections, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I, the Hearing Officer, close the public hearing and approve Conditional Use Permit No. 201000163 subject to the attached findings and conditions.

Prepared by Travis Seawards
Reviewed by Mi Kim, Acting Section Head, Zoning Permits West Section

- Attachments:
Draft Conditions
Draft Findings
Applicant's burden of proof statement
Site photographs
Site Plan

DRAFT 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

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-foot 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

**DRAFT 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



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.

PLEASE SEE ATTACHED PAGE

- 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.

- 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.

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF**SEC. 22.56.040**

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed 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.

1. The existing facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to continue to provide wireless communications to this particular area of Los Angeles County, City of Altadena and other surrounding communities. Wireless communications are also used to promote efficient and effective non-emergency personal, business, and governmental communications. These services have been established and are accepted as an integral part of the nation's telecommunications infrastructure and promote the public health, safety, morals, comfort and general welfare. The proposed continuation of operation of the telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use.

The existing wireless telecommunication which T-Mobile operates is necessary in order to provide PCS services to the surrounding community, including traditional wireless services such as wireless digital telephone service and new data transmission services. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to signal interference are within the sole province of the FCC.

2. The facility does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and commercial areas. Substantially no additional noise, smoke, odor impacts will be generated and no additional parking will be required for the proposed facility. Further, the proposed facility will not interfere with the quiet enjoyment of neighboring land uses.

3. This telecommunication facility will not endanger the public health, safety or general welfare. In fact, this site, as part of a larger network, provides access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "E911" and other emergency situations.

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 facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To the contrary, enhanced wireless communications has a positive influence on personal, business, governmental, and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area.

The facility is ancillary to the primary established use on the property. The existing tower is consistent with the use of property, and utilities within the area of the facility. Further, the existing equipment compound is located at the rear of the building and no modifications are requested as part of the requested entitlement application.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width an 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.

1. The facility is not staffed and requires only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic-hazards or nuisances generated.

2. The proposed facility only utilizes minimal electric service, which is available on the property. No water, sewer, refuse or other additional services shall be required.



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213 626 0434;

Oct-16-1999 2:42PM;

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#12



Los Angeles County
 Department of Regional Planning
 Director of Planning James E. Hartl, AICP



July 8, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

PageNet Inc.
 C/o RCC Consultants, Inc.
 3158 Red Hill Ave, #260
 Costa Mesa, CA 92626

RE: CONDITIONAL USE PERMIT CASE NO. 99-070-(5)
 The applicant requests authorization to operate and maintain an unmanned wireless paging telecommunications facility on the roof of an existing commercial building. The facility includes three existing omni whips, one GPS antenna, an equipment cabinet and a proposed satellite dish. The site is located at 2525 North Lake Avenue, in unincorporated Altadena, within the Altadena Zoned District.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings, order and conditions relating to APPROVAL of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

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's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days of the applicant receiving this notice. The Hearing Officer's decision may also be called up for review by the Regional Planning

CONDITIONAL USE PERMIT CASE NO. 99-070-(5)

PAGE 2

Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: A conditional use permit to authorize the continued operation and maintenance of a previously unauthorized wireless telecommunication facility.

FACTUAL SUMMARY:July 6, 1999 Public Hearing

A duly noticed public hearing was held. The applicant's representative Ms. Lucita Tong of RCC Consultants was available to answer questions from the hearing officer.

No testimony in opposition was heard.

There being no further testimony, the hearing officer closed the public hearing, approved the request, and instructed staff to prepare final findings and conditions for approval of this grant.

Findings

The site plan depicts a 200-sq. ft. wireless telecommunications facility lease area located on the roof of a small commercial retail/office building. The parcel is located at the corner of Lake Avenue and Fontanet Avenue, and El Molino Avenue and Fontanet Avenue. The parcel is approximately 18,600-sq. ft. in area and developed with a 10,432-sq. ft. retail/office building. Thirty-seven on-site parking spaces are provided, 14 are at street level in front of the building, the remaining 23 are located in a subterranean parking garage below the building. Access to the property is from Lake Avenue and El Molino Avenue.

The wireless telecommunications facility consists of an existing equipment cabinet, three whip antennae, one GPS antenna, and a proposed satellite dish. The equipment is located on the rooftop of the west portion of the building, which is one story with a 10 ft. high parapet wall; and on a concrete deck located at the rear of the building. The three whip antennae are located on the

CONDITIONAL USE PERMIT CASE NO. 99-070-(5)-

PAGE 3

rooftop, attached to the side wall of a second story section of the building. The equipment cabinet is sited on the 1st floor level at the rear of the building in a corner hidden from public view. The GPS antenna is attached to the wall behind the equipment cabinet. The proposed satellite dish would be located on the same building rooftop and would not extend above the parapet wall. All equipment is concealed from public view; the only exception is the tops of the whip antennae, which are visible at street level.

A wireless telecommunications facility is a use not directly specified in the Zoning Ordinance. The closest described use is a communications equipment building. This use is permitted in the C-3 zone provided a conditional use permit has first been obtained.

Parking standards are not defined in the Zoning Ordinance for a wireless telecommunications facility as the use is not specified. Section 22.52.1220 of the Zoning Ordinance, (parking uses not specified) states parking shall be provided in an amount that the director finds adequate to prevent traffic congestion and excessive on-street parking. Staff has determined one parking space is required to accommodate occasional maintenance vehicles. The existing parking provided for the retail/office building can adequately accommodate this requirement.

The Subject Property is zoned C-3 (Unlimited Commercial). Surrounding properties to the north are zoned CPD (Commercial Planned Development), and R-3 (Limited Multiple Residences). To the east is zoned C-3 (Unlimited Commercial), R-3 (Limited Multiple Residences), and R-1 (Single Family Residences). To the south is zoned C-3 (Unlimited Commercial), R-3 (Limited Multiple Residences), R-2 (Two Family Residence), and R-1 (Single Family Residences). And to the west is zoned C-3 (Unlimited Commercial), R-2 (Two Family Residence), and R-1 (Single Family Residences).

The existing use of the subject property is a two-story commercial retail/office building. Land uses on surrounding properties to the north are commercial, parking, vacant, and a church. To the east is commercial, a sheriff's station, and residential. To the south is commercial, a hospital, a fire station, parking, and single- and multi-family residential. To the west is Commercial, parking, a church, and single- and multi-

CONDITIONAL USE PERMIT CASE NO. 99-070-(5)

PAGE 4

family residential.

The Los Angeles County General Plan designation for the area is "Commercial". The existing development is consistent with the goals and objectives of the General Plan "Commercial" designation.

The Altadena Community Plan designates this site as "Mixed Use-Center", which permits retail commercial, office uses, financial institutions, restaurants, entertainment uses, multi-family residential, community services, senior citizen housing, and institutional or quasi-public land uses. The commercial development on the site conforms to the standards specified in the Plan. One of the pertinent policies related to the wireless telecommunications facility is building height. The maximum allowed height within the "Mixed Use-Center" designation is three stories (actual height limit is not specified). The three existing whip antennae are the tallest facilities. They protrude 10 ft. above the parapet wall of a two-story portion of the building. This is approximately equal to the height of a third story.

The subject property is within the Lake Avenue Community Standards District. The plan for this district does not address wireless telecommunications facilities.

The commercial retail/office building was developed under Plot Plan 18217. No other zoning permit cases have been filed.

Regional Planning staff determined the project is Categorical Exempt under CEQA reporting requirements.

No public comments concerning this project have been received by staff.

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

CONDITIONAL USE PERMIT CASE NO. 99-070-(5)

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persons residing and working in the surrounding area, and 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 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 Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the *Categorical Exemption* together with any comments received during the public review process, find on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the *Categorical Exemption* reflects the independent judgement and analysis of the Hearing Officer, and adopts the *Categorical Exemption*.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 99-070-(5) is **APPROVED**, subject to the attached conditions.

BY:


Frank Meneses, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:

7/8/99

CONDITIONAL USE PERMIT NO. 99-070-(5)

CONDITIONS
PAGE 1 OF 4

1. 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.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (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.
3. 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.
4. 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.

CONDITIONAL USE PERMIT NO. 99-070-(5)

CONDITIONS
PAGE 2 OF 4

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
 - c. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.
 6. 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.
 7. This grant will terminate on July 6, 2009.

Entitlement to use the property for an unmanned wireless telecommunications facility thereafter shall be subject to the regulations then in effect.

8. 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 \$500.00. The fee 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 fee provides for 5 biennial inspections.

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.

9. Notice is hereby given that any person violating a provision

CONDITIONAL USE PERMIT NO. 99-070-(5)

CONDITIONS
PAGE 3 OF 4

- of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health of safety or so as to be a nuisance.
10. 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.
 11. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
 12. 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 business being operated on the premises or that do not provide pertinent information about said premises.
 13. 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 used to cover 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.
 14. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
 15. This grant allows for the operation and maintenance of an unmanned wireless telecommunications facility including an equipment cabinet, three whip antennae, one GPS antenna and a satellite dish subject to the following conditions:

CONDITIONAL USE PERMIT NO. 99-070-(5)

CONDITIONS
PAGE 4 OF 4

- a. The facility shall be operated in accordance with the regulations of the State Public Utilities Commission;
 - b. The subject property shall be developed and maintained in substantial compliance with the site plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
 - c. Said facilities shall be removed if in disuse for more than six (6) months;
 - d. The exterior color of the antennae shall be of a tone satisfactory to the Director of Planning, which will be compatible with, and blend in with, its surroundings.
 - e. 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 applications will be subject to regulations in effect at the time.
16. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
 17. The maximum height of any antenna shall not exceed 10 ft. above the existing parapet wall on the existing building.
 18. Upon receipt of this letter, the permittee shall contact the 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.

