

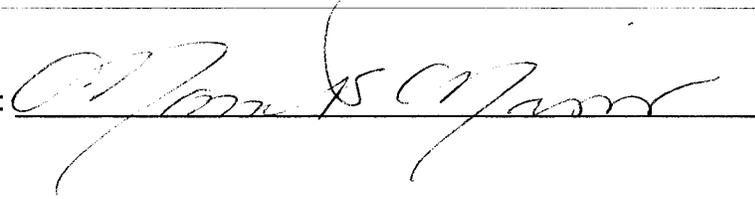
Hearing Officer Transmittal Checklist

Hearing Date
April 17, 2012

Agenda Item No.
6

Project Number: R2011-00314-(4)
Case(s): Conditional Use Permit Case No. 201100031
Planner: Steve Mar

- 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
- Photo Sims
- CUP No. 00-201

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461
PROJECT NUMBER R2011-00314-(4)
CONDITIONAL USE PERMIT No. 201100031

PUBLIC HEARING DATE April 17, 2012	AGENDA ITEM 6
RPC CONSENT DATE N/A	CONTINUE TO N/A

APPLICANT Los Angeles SMSA Limited Partnership d/b/a Verizon Wireless	OWNER U.N.T. Atica Co. II	REPRESENTATIVE Arvin Norouzi / FMHC Corp.
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PROJECT DESCRIPTION
 The applicant, Los Angeles SMSA Limited Partnership, is requesting a conditional use permit (CUP) for the continued operation of an existing 52' tall monopole wireless telecommunications facility (WTF) with appurtenant equipment in an existing 600 sq. ft. lease area and the construction of a new backup diesel generator with a 150 gallon diesel fuel tank located in the rear parking lot of an existing shopping center (Canyon Point Marketplace) in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.160. The installation of the new 4' x 8'-3" backup generator will remove one existing parking space and be surrounded by eight (8) 4' tall concrete bollards. Total footprint of the new generator and bollards will be 84 sq. ft.

REQUIRED ENTITLEMENTS
 A conditional use permit is required to allow the construction and operation of a wireless telecommunications facility (WTF) in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.160.

LOCATION/ADDRESS
 19755 Colima Rd., Rowland Heights

SITE DESCRIPTION
 The site plan depicts the existing shopping center and rear parking lot where the existing wireless tower and 600 sq. ft. lease area is located. The new backup generator with accompanying bollards will be built adjacent to the existing wireless lease area and will replace one existing parking space. Surrounding land uses consist of single-family residences, a shopping plaza and a church to the north, a shopping center and single-family residences to the south, office and commercial to the east, and single-family residences to the west.

ACCESS via Colima Rd., Fairway Dr., and Brea Canyon Cut Off Rd.	ZONED DISTRICT San Jose
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ASSESSORS PARCEL NUMBER 8762-017-025	COMMUNITY Rowland Heights
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SIZE 10.03 acres (site), 600 sq. ft. (existing equipment lease area), 84 sq. ft. (proposed backup generator)	COMMUNITY STANDARDS DISTRICT Rowland Heights
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Shopping center w/appurtenant parking	C-2-BE (Neighborhood Business – Billboard Exclusion)
North	Single-family Residences, Shopping Center, Church	R-A-6000 (Residential Agricultural – 6,000 sq. ft. Minimum Required Area), A-1-15000 (Light Agricultural – 15,000 sq. ft. Minimum Required Area), C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion), P-R (Parking – Restricted)
East	Office, Commercial	C-2-BE (Neighborhood Business – Billboard Exclusion)
South	Single-family Residences, Shopping Center	C-2-BE (Neighborhood Business – Billboard Exclusion), R-1-6000 (Single-family Residence – 6,000 sq. ft. Minimum Required Area)
West	Single-family Residences	R-A-6000 (Residential Agricultural – 6,000 sq. ft. Minimum Required Area)

GENERAL PLAN/COMMUNITY PLAN Rowland Heights Community Plan	LAND USE DESIGNATION C – Commercial	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Categorical Exemption, Class 3 – New Construction or Conversion of Small Structures

RPC LAST MEETING ACTION SUMMARY

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

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Steve Mar		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

* (O) = Opponents (F) = In Favor

STAFF REPORT
PROJECT NUMBER R2011-00314-(4)
CONDITIONAL USE PERMIT NUMBER 201100031

REQUIRED ENTITLEMENTS

The applicant, Los Angeles SMSA Limited Partnership, is requesting a conditional use permit (CUP) for the continued operation of an existing 52' tall monopole wireless telecommunications facility (WTF) with appurtenant equipment in an existing 600 sq. ft. lease area and the construction of a new backup diesel generator with a 150 gallon diesel fuel tank located in the rear parking lot of an existing shopping center (Canyon Point Marketplace) in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone.

REPRESENTATIVE: Arvin Norouzi / FMCH Corp.

APPLICANT: Los Angeles SMSA Limited Partnership d/b/a Verizon Wireless

OWNER: U.N.T. Atica Co. II

SITE PLAN DESCRIPTION

The site plan depicts the existing shopping center and rear parking lot where the existing wireless tower and 600 sq. ft. lease area is located. The new backup generator with accompanying bollards will be built adjacent to the existing wireless lease area and will replace one existing parking space. The installation of the new 4' x 8'-3" backup generator will remove one existing parking space and be surrounded by eight (8) 4' tall concrete bollards. Total footprint of the new generator and bollards will be 84 sq. ft. Surrounding land uses consist of single-family residences, a shopping plaza and a church to the north, a shopping center and single-family residences to the south, office and commercial to the east, and single-family residences to the west.

LOCATION

The subject property is located at 19755 Colima Road in Rowland Heights and in the San Jose Zoned District.

Assessor's Parcel Number: 8762-017-025

EXISTING ZONING

Subject Property: The subject property is zoned C-2-BE (Neighborhood Business – Billboard Exclusion).

Surrounding Zoning:

- North: R-A-6000 (Residential Agricultural – 6,000 sq. ft. Minimum Required Area), A-1-15000 (Light Agricultural – 15,000 sq. ft. Minimum Required Area), C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion), P-R (Parking – Restricted) zones.
- East: C-2-BE (Neighborhood Business – Billboard Exclusion) zone.
- South: C-2-BE (Neighborhood Business – Billboard Exclusion), R-1-6000 (Single-family Residence – 6,000 sq. ft. Minimum Required Area) zones.
- West: R-A-6000 (Residential Agricultural – 6,000 sq. ft. Minimum Required Area) zone.

Community Standards District (CSD): Rowland Heights

Town Council / Homeowners Association: Rowland Heights Community Coordinating Council

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 3 Categorical Exemption – New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project consist of construction, location, and installation of new, small facilities and structures.

STAFF ANALYSIS

Previous Case/Zoning History

The Zoning History of this parcel is as follows: R3 (March 19, 1934), A1-15000 (June 27, 1958), C-2 (February 26, 1960), C-2-BE (June 6, 1980).

CP00-201 – Approved April 3, 2001. CUP for the construction and operation of a WTF with appurtenant equipment.

General Plan Consistency

The current design of the WTF and proposed backup generator is consistent with the land use compatibility goals and policies of the Rowland Heights Community Plan. The Rowland Heights Community Plan land use designation of the subject property is C – Commercial. Currently, the area is being used as a WTF within an existing shopping center with various retail and commercial uses. The current design of the WTF and proposed backup generator is consistent with the land use compatibility goals and policies of the Rowland Heights Plan.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.28.160 of the County Code, development of radio and television stations and towers is a permitted use in Zone C-2-BE (Neighborhood Business – Billboard Exclusion), provided that a CUP is obtained.

Neighborhood Impact/Land Use Compatibility

Allowing the backup generator to be built will ensure that local cellular service will continue to remain readily available to the surrounding community in case of a power outage. The facility is located in the rear parking lot of an existing shopping center 690 feet north of the centerline of Colima Road and 95 ft. west of the centerline of Brea Canyon Cut Off Road. The backup generator will be installed immediately to the north and adjacent to the existing WTF and will take up one existing parking space. The current uses on the shopping center require 651 parking spaces and 674 spaces are provided. The project will be required to install a sound enclosure around the backup generator to minimize its operational noise level to no more than 71 decibels measured at 23 ft. from the facility. The subject property is surrounded by single-family residences, a shopping center, and a church to the north, single-family residences and a shopping center to the south, office and commercial uses to the east, and single-family residences to the west.

EXISTING LAND USE

Subject Property: The subject property is located at 19755 Colima Road in Rowland Heights and in the San Jose Zoned District.

Surrounding Land Uses:

- North – Single-family Residences, Shopping Center, Church
- East – Office, Commercial

- South – Single-family Residences, Shopping Center
- West – Single-family Residences

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached (**Attachment A**). Staff is of opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County Fire Department, Petroleum Chemical Unit reviewed the project and approved the backup generator plans.

The Department of Public Health requires that the operational noise from the backup diesel generator be minimized by installing a sound enclosure around the generator to minimize its operational noise level to no more than 71 decibels measured at 23 ft. from the facility.

PUBLIC COMMENTS

No public comments had been received at this time of this report.

FEES/DEPOSIT

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

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on March 13, 2012 and in The San Gabriel Valley Tribune, on March 13, 2012. A total of 152 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on March 6, 2012. This number also includes notices sent to the local community groups and residents on the San Jose Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Staff Report and Site Plan were forwarded to the Rowland Heights County Library on March 7, 2012. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant is required to post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on March 9, 2012.

RECOMMENDATION

Staff recommends **APPROVAL** of Conditional Use Permit No. 201100031, subject to the attached conditions because, the proposed backup generator will ensure that local cellular service will remain readily available and is consistent with the goals and policies set forth in the Countywide General Plan.

Prepared by Steven Mar, Regional Planning Assistant II, Zoning Permits East
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:

Factual

Property Location Map

Draft Conditions of Approval

Draft Findings for Approval

Applicant's Burden of Proof Statement

Photo Sims

MM:SM

04/17/12

[DRAFT] HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2011-00314 - (4)

CONDITIONAL USE PERMIT NO. 201100031

HEARING DATE: April 17, 2012

SYNOPSIS: The applicant, Los Angeles SMSA Limited Partnership, is requesting a conditional use permit (CUP) for the continued operation of an existing 52' tall monopole wireless telecommunications facility (WTF) with appurtenant equipment in an existing 600 sq. ft. lease area and the construction of a new backup diesel generator located in the rear parking lot of an existing shopping center (Canyon Point Marketplace) in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.160. WTF is not a use recognized by Title 22 but a similar use of radio/television tower is a use subject to permit in the C-2-BE zone.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located at 19755 Colima Road in Rowland Heights and in the San Jose Zoned District.
2. The subject property is zoned C-2-BE (Neighborhood Business – Billboard Exclusion). The existing zoning for the surrounding properties are as follows:
 - North: R-A-10000 (Residential Agricultural – 10,000 sq. ft. Minimum Required Area) zone.
 - East: C-2 (Neighborhood Business) and CPD (Commercial Planned Development) zones.
 - South: C-1 (Restricted Business) zone.
 - West: R-A-10000 (Residential Agricultural – 10,000 sq. ft. Minimum Required Area) zone.
3. The existing land use for the subject property contains an existing shopping center with appurtenant parking. The existing land use for the surrounding properties are as follows:
 - North: Single-family Residences, Shopping Center, Church
 - East: Office, Commercial
 - South: Single-family Residences, Shopping Center
 - West: Single-family Residences
4. This approval is for the continued operation of an existing 52' tall wireless telecommunications facility (WTF) with appurtenant equipment in an existing 600 sq. ft. lease area and the construction of a new backup diesel generator located in the rear parking lot of an existing shopping center (Canyon Point Marketplace) in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone pursuant to Los Angeles County Code Section

- 22.28.160. The installation of the new 4' x 8'-3" backup generator will remove one existing parking space and be surrounded by eight (8) 4' tall concrete bollards. Total footprint of the new generator and bollards will be 84 sq. ft.
5. CUP 00-201 was approved on April 3, 2001. This CUP authorized the construction and operation of a wireless telecommunications facility with appurtenant equipment.
 6. The subject property is designated C - Commercial in the Rowland Heights Community Plan. Currently, the area is being used as a shopping center with various retail and commercial uses and contains an existing wireless telecommunications facility. The proposed design of the backup generator is consistent with the land use compatibility goals and policies of the Rowland Heights Community Plan.
 7. Pursuant to Section 22.28.160 of the County Code, development of wireless telecommunications facilities is not a recognized use but a similar use of radio/television towers is permitted in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone, provided that a CUP is obtained.
 8. Allowing the backup generator to be built will ensure that local cellular service will continue to remain readily available to the surrounding community in case of a power outage. The facility is located in the rear parking lot of an existing shopping center 690 feet north of the centerline of Colima Road and 95 ft. west of the centerline of Brea Canyon Cut Off Road. The backup generator will be installed immediately to the north and adjacent to the existing WTF and will take up one existing parking space. The current uses on the shopping center require 651 parking spaces and 674 spaces are provided. The project will be required to install a sound enclosure around the backup generator to minimize its operational noise level to no more than 71 decibels measured at 23 ft. from the facility. The subject property is surrounded by single-family residences, a shopping center, and a church to the north, single-family residences and a shopping center to the south, office and commercial uses to the east, and single-family residences to the west.
 9. The Department of Regional Planning has determined that a Categorical Exemption, Class 3 Categorical Exemption - New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project will consist of construction, location, and installation of new, small facilities and structures.
 10. 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.
 11. 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 Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request for the construction, operation, and maintenance of the said backup generator and continued operation of the WTF, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and 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;
- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other 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 existing 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.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that this project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA).
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100031 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MM:SM

[DRAFT] CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-00314-(4)
CONDITIONAL USE PERMIT NO. 201100031

PROJECT DESCRIPTION

The project is for the continued operation of an existing 52' tall monopole wireless telecommunications facility (WTF) with appurtenant equipment in a 600 sq. ft. lease area located in the rear parking lot of an existing shopping center (Canyon Point Marketplace) and the construction of a new backup diesel generator in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone 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, 9, and shall be effective immediately upon the date of 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 or any other applicable limitations period. 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 Regional Planning'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 Registrar-Recorder/County Clerk ("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 April 17, 2027.** 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
 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 \$1,400.00. 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 fund provides for seven (7) 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 as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
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.
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 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.
17. 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 (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. In the event that subsequent revisions to the approved Exhibit "A" 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(s) and applicable fee for such revision.
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. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
22. 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.
23. If the subject property is adjacent to residences, 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.
24. 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.
25. 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.
26. The maximum height of the facility shall not exceed 52 feet above finished grade.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. Appurtenant equipment boxes shall be screened or camouflaged.
34. The diesel backup generator shall be enclosed by a sound enclosure capable of insulating noise levels to no more than 71 decibels measured at 23 ft. from the facility.



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed backup generator will be added to existing Verizon Wireless telecommunications facility.

the generator is essential as backup to provide service to community, police, and governmental agencies

in case of a power outage. the generator is self sustaining inside metal encasing and will be

enclosed by 4' bollards. furthermore, it will emit very little noise per attached noise spec sheet.

the proposed location is inside a parking lot in the back of albertson's where the delivery

dock for the albertson's is located and has little foot/car traffic.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed project is an expansion of an existing Verizon Wireless telecommunications facility.

it is proposed in the back parking lot of albertson's and will be taking up one parking space in an

area with adequate parking availability (as evidenced by the parking matrix provided). the backup

generator is essential for continued service to surrounding community and polic force in case of

power outages.

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 proposed site is inside an existing back parking lot of albertson's that contains couple points of

entry into the parking lot from brea canyon rd. and colima rd.



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



April 25, 2001

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Jereme Brixey
3001 Redhill Ave. Bldg. 5 Ste. 222
Costa Mesa, California 92626

RE: **CONDITONAL USE PERMIT CASE NO. 00-201- (4)**

A request to construct, operate and maintain a wireless telecommunications facility consisting of one (1) ground mounted 52' slimline monopole with three (3) flush mounted cellular antennas, one (1) test mobile antenna, one (1) GPS antenna and one (1) slump stone ground mounted 20' X 12' equipment cabinet within a 600 sq. ft. lease area at 19705 Colima Road, Rowland Heights, CA.

Dear Applicant:

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

Condition 2 requires that the permittee must 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 1390, 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 fifteen days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

If no appeal is made during this fifteen-day period, the Hearing Officer's decision is final. For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

FAIRWAY

19705 COLIMA ROAD; ROWLAND HEIGHTS, CA 91748



View 01

Verizon Wireless
15505 Sand Canyon Avenue
Building "D", First Floor
Irvine, CA 92618

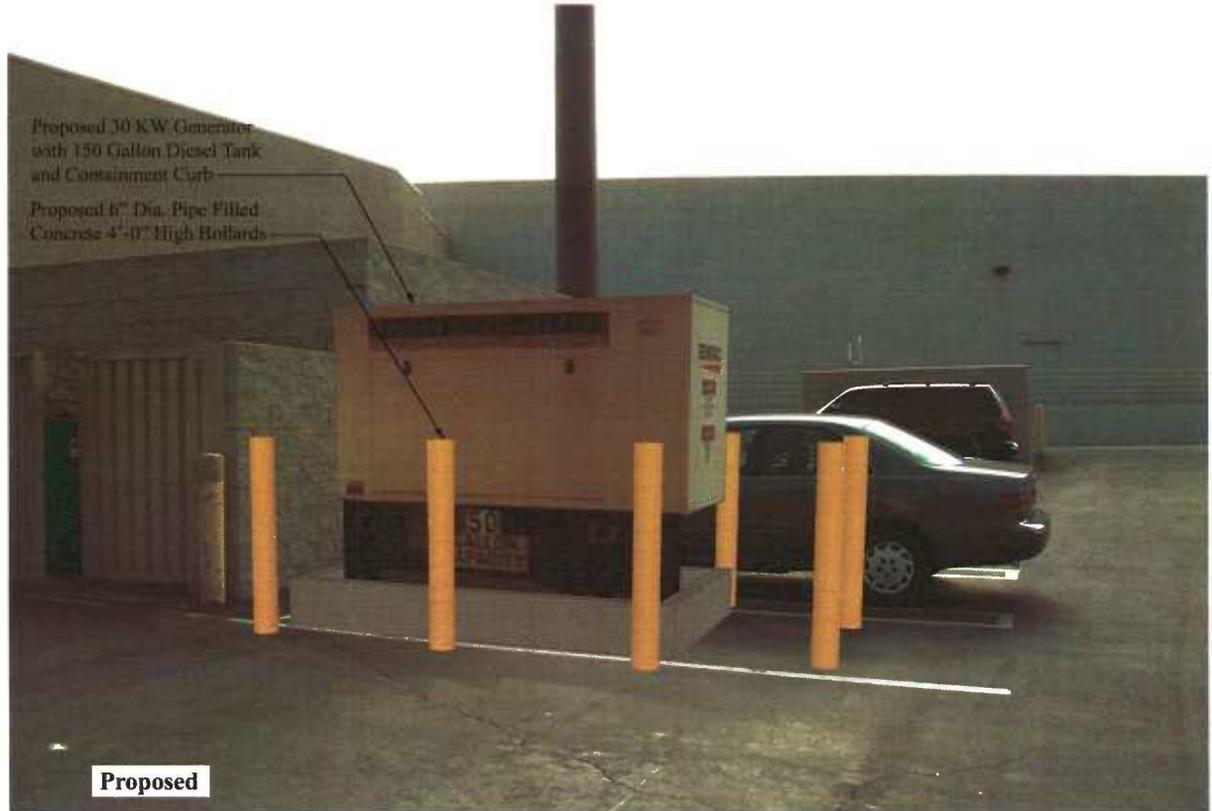
Applicant

FMHC Corporation
Arvin Norouzi
4060 Campus Drive, Suite 200
Newport Beach, CA 92660
818-653-1393

Contact

FAIRWAY

19705 COLIMA ROAD; ROWLAND HEIGHTS, CA 91748



View 02

Verizon Wireless
15505 Sand Canyon Avenue
Building "D", First Floor
Irvine, CA 92618

Applicant

FMHC Corporation
Arvin Norouzi
4060 Campus Drive, Suite 200
Newport Beach, CA 92660
818-653-1393

Contact

FAIRWAY

19705 COLIMA ROAD; ROWLAND HEIGHTS, CA 91748



View 03

Verizon Wireless
15505 Sand Canyon Avenue
Building "D", First Floor
Irvine, CA 92618

Applicant

FMHC Corporation
Arvin Norouzi
4060 Campus Drive, Suite 200
Newport Beach, CA 92660
818-653-1393

Contact

CONDITIONAL USE PERMIT CASE NO. 00-201 -(4)

HEARING OFFICER'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

April 3, 2001 Public Hearing

A duly noticed public hearing was held on April 3, 2001. One person was sworn in, the applicant's representative. The applicant's representative presented testimony in favor of the request.

There being no further testimony, the Hearing Officer closed the public hearing. The Hearing Officer noted that condition # 5 of the conditions approval, (expiration of grant if not used within six months) should be changed to grant the customary two years that is allowed under condition #5,

Findings

1. The applicant requested a conditional use permit to construct, operate and maintain a wireless telecommunications facility consisting of a 52' ground mounted slimline monopole with three (3) flush mounted cellular antennas, one (1) test mobile antenna, one (1) GPS antenna and one (1) ground mounted 10' X 12' equipment cabinet within a 600 sq. ft. leasehold.
2. Zoning on the subject property is C-2-BE (Neighborhood Business-Billboard Exclusion).
3. The location of the subject property is 19705 Colima Road, Rowland Heights, CA. in the San Jose Zoned District.
4. The subject site is developed as a parking lot on the rear side of an existing shopping center. The proposed project will not remove any parking spaces or landscaping.
5. Surrounding land uses consist of single family residences to the north and south, commercial to the east and residential to the west.
6. The subject site is classified as "commercial" within the Rowland Heights Community Plan. Part of the intent of the commercial classification is to "encourage the beautification of new and existing commercial areas". The proposed 52' slimline monopole is consistent with this intent in that the design parallels the existing light standard that will be replaced and the three proposed antennas are enclosed within a fiberglass canister flush

mounted , or attached atop, the pole. The structure will be painted a non-reflective color to blend into the local landscape and airspace.

7. The site plan depicts the footprint of the existing buildings and the associated parking lot layout. There are 72 parking spaces shown on the plan. The subject site is located in an area immediately south of the parking island adjacent to the triangular shaped building shown on the plan. An enlarged site plan depicts a 20' X 12' slump block equipment enclosure. Air conditioning units are shown attached to the equipment cabinet. The site plan further shows the antennas enclosed within a fiberglass canister on top of the pole. Light fixtures are mounted approximately 25' on the pole to match the existing fixtures to be replaced. The site plan depicts the 20' X 12' equipment cabinet enclosure in the northeasterly portion of the property. The antennas and support pole are to be painted a non-reflective color to blend into the local landscape.
8. Planning Department records reveal that there are two previous zoning cases in the area of the proposed project. CUP 95-041-(4) approved a request to sell beer and wine for off-site consumption at 19715 E. Colima Road. CUP 86-515-(4) was a request to construct 176 apartment units in the RPD zone. The request was withdrawn in April 1988.
9. The Department of Regional Planning has determined that a Categorical Exemption is the appropriate environmental documentation required under the CEQA reporting requirements.
10. Staff received no comments from either the public or intergovernmental agencies regarding the subject request.
11. A wireless telecommunications facilities is a use not specified in Title 22 of the Los Angeles County Code (Zoning Ordinance). The use most closely matching a wireless telecommunications facility that is specified in the Los Angeles Ordinance is a radio or television tower. A radio television tower requires a conditional use permit in the C-2-BE zone pursuant to section 22.28.160 of the Los Angeles County Zoning Ordinance.
12. Pursuant to Section 22.52.1220 of the Zoning Ordinance, Parking for Uses Not Specified, "Where parking requirements for any use are not specified, parking shall be provided in an amount which the Director finds adequate to prevent traffic congestion and excessive on-street parking". The Director finds that one parking space is needed for the monthly maintenance visits required. The 72 parking spaces shown on the site plan is sufficient to accommodate this requirement.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, wall, 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 submitted at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the 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 presented above, Conditional Use Permit Case No. 00-223-(2) is **APPROVED**, subject to the attached conditions.

BY:

Rose Hamilton

DATE:

5-1-01

ROSE HAMILTON, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

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.
 - 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.

5. This grant will expire unless used within two years (2) from the date of approval. A one-year time extension may be requested in writing and with the appropriate fee, 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 April 3, 2011. Entitlement to the 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.
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 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.
10. Upon receipt of this letter, the permittee shall contact the Fire Department 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.

11. 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.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. 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.
14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A".
16. This grant allows the construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of a 52' high ground mounted slim line monopole with three (3) enclosed flush mounted cellular antennas, one (1) test mobile antenna, one (1) GPS antenna and one (1) 20' x 12' slump stone ground mounted equipment cabinet.
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works;
 - d. All buildings or structures shall be a neutral color excluding black to blend with surroundings and shall be maintained in good condition at all times;
 - e. Security lighting shall be low intensity and directed away from residential areas.

- f. One parking space shall be provided on subject parcel.

RH:FM:vi
04-23-01