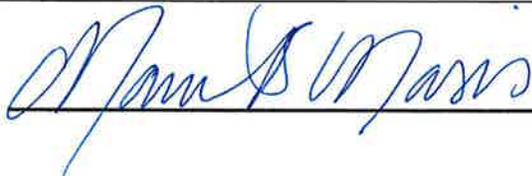


Hearing Officer Transmittal Checklist

Hearing Date
May 21, 2013
Agenda Item No.
4.

Project Number: R2012-01954-(5)
Case: Conditional Use Permit Case No. 201200102
Planner: Jeantine Nazar/Maria Masis

- Project Summary
- Property Location Map
- Staff Analysis
- 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/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous CUPs
- _____
- _____
- _____

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER R2012-01954-(5)
HEARING DATE 2/5/2013, 3/5/13, 5/21/13

PROJECT SUMMARY

REQUESTED ENTITLEMENTS
Conditional Use Permit 201200102
Environmental RENV 201200192

OWNER / APPLICANT

T-Mobile West Corporation

MAP/EXHIBIT DATE

8/23/2012

PROJECT OVERVIEW

The project consists of a conditional use permit renewal for a wireless telecommunication facility (a 75-foot monopine) with related antennas and equipment cabinets. The applicant T-Mobile also proposes to modify the existing WTF to provide network upgrades to 4G and LTE.

LOCATION

8332 Huntington Dr.

ACCESS

Huntington Drive and Sunny Slope Drive

ASSESSORS PARCEL NUMBER(S)

5376-021-001

SITE AREA

0.01 Acres

GENERAL PLAN / LOCAL PLAN

Countywide General Plan

ZONED DISTRICT

East San Gabriel

LAND USE DESIGNATION

1- (Low Density Residential)

ZONE

C-2 (Neighborhood Business)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

1-6 Units/acre

COMMUNITY STANDARDS DISTRICT

East Pasadena – East San Gabriel

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption-Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit burden of proof requirements)
 - 22.28.160 (C-2 Uses Subject to Permits)
 - 22.28.170 (C-2 Zone Development Standards)

STAFF RECOMMENDATION

Staff recommends Approval of the project with proposed changes.

CASE PLANNER:

Jeantine Nazar

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

jnazar@planning.lacounty.gov



VICINITY MAP

SITE: 8332 Huntington Dr. - "IE04177A"

L.A. MAPPING SERVICE
 71 DEER CREEK ROAD
 POMONA, CA 91766
 (909) 595-0903

ENTITLEMENTS REQUESTED

- A Conditional Use Permit (CUP) for a wireless telecommunications facility (WTF) in the C-2 (Neighborhood Business) Zone pursuant to County Code Section 22.28.160.

PROJECT DESCRIPTION

The project is a request to authorize a CUP for an existing unmanned wireless telecommunications facility consisting of a 77-foot monopine (a pole disguised as a pine tree) with related ground mounted equipment cabinets enclosed within a lease area.

The applicant, T-Mobile, proposes to modify the existing WTF by replacing six (6) existing antennas with six new antennas, three new twin AWS (Advanced Wireless Services), a TMA (Tower Mounted Amplifier), install one new hybrid fiber cable and remove one coax per sector. The applicant will paint the antennas to match existing disguise and add pine socks.

PROJECT LOCATION

The subject property is located at 8332 Huntington Drive in the East San Gabriel Zoned District and within the East Pasadena-San Gabriel Community Standards District.

SITE PLAN/ELEVATION DESCRIPTION

The existing project is located on the southwest corner of a 36,450 square-foot, flat, square shaped parcel developed as an assisted living facility. The access to the site is depicted via Sunny Slope Drive to the east.

The antenna layout plan shows the existing three sector panel antennas with four antennas per sector. The applicant proposes to replace two antennas per sector and also to replace three (3) amplifiers, one on each sector.

The elevation plan depicts twelve (12) T-Mobile antennas and twelve (12) AT&T panel antennas mounted on the monopine with associated equipment cabinets on the ground within a 600-foot lease area which is enclosed within a 6-foot high wrought iron fence on top of a 2-foot high block wall. The antennas are camouflaged with pine fronds.

EXISTING ZONING

The subject property is zoned C-2 (Neighborhood Business).

Surrounding properties are zoned as follows:

North: R-1 (Single-Family Residence) and C-3 (Unlimited Commercial)

South: R-1 (Single-Family Residence)

East: R-1 (Single-Family Residence)

West: City of San Marino

EXISTING LAND USES

The subject property is developed with a senior assisted living facility and a WTF.

Surrounding properties within a 500-foot radius are developed as follows:

North: Single family Residences, Commercial

South: Single Family Residences

East: Clairbourn School

West: San Marino Mason Lodge and KL Carver Elementary School

PREVIOUS CASES/ZONING HISTORY

CUP 02-110 approved the construction, operation and maintenance of a WTF consisting of a 75-foot monopine and associated equipment cabinets. This project relocated the AT&T antennas, approved under CUP 97-175 and added twelve (12) Cingular antennas. This permit expired on July 30, 2012. The applicant has filed a timely renewal.

CUP 00-163 approved the conversion of the principal use on the subject property from a medical office building to an assisted living facility. This permit expired on January 2012. Staff referred this case to the enforcement planner.

CUP 97-175 approved the construction operation and maintenance of a WTF consisting of a monopalm and associated AT&T antennas and equipment cabinets. The antennas approved under this permit were relocated on the new pole associated with CUP 02-110. Therefore, AT&T antennas became a co-locator on the Cingular, now T-Mobile, CUP.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1- Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The proposed project is a request for a CUP renewal for an existing wireless telecommunication facility with minor changes to the existing antennas. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan Consistency

The project site is designated as "Low Density Residential" within the Countywide General Plan. The intent of the classification is to maintain the character of the existing low-density residential neighborhoods. The underlying designation is not consistent with the C-2 zoning on the subject property. Although there are no specific policies related to WTF's in the General Plan, the Los Angeles County General Plan Policy No. 58 states: "Maintain high quality emergency response services" (Page I-25)."

The proposed facility is consistent with this policy as it will maintain and improve wireless services in the area. The applicant has provided existing and predicted coverage areas showing that the proposed project will improve wireless network for indoor and in vehicle coverage areas. Also, the proposed antennas and modification at large are intended to provide network upgrades to 4G and LTE.

Zoning Ordinance and Development Standards Compliance

The project site is zoned C-2 (Neighborhood Commercial). A Wireless telecommunications facility is not a use recognized by Title 22, although a similar use of Radio and Television Stations and Towers is a use allowed subject to a CUP.

Parking

Section 22.52.1220 states: "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 proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, approximately one visit per month. There is adequate space on the site to accommodate the necessary maintenance vehicles. Therefore, staff concludes that the proposed use is compliant with the Zoning Ordinance.

The proposed project meets the departmental preference stating that WTFs co-locate whenever possible. The project is also compliant with the following departmental standards for WTF projects:

Height

Department policy requires that a ground mounted facility in this zone, not exceed a maximum height of 75 feet. The existing monopine is 77 feet, the new WTF antennas are proposed to replace the existing antennas at the same height of 67'-8" above grade level. The project was built prior to the department's height policy, and substantially complies with this requirement.

Design

All wireless facilities shall use camouflage techniques to minimize visual impacts and provide appropriate screening. The existing WTF is a monopine structure that is built to emulate a pine tree. The applicant proposes to add pine socks to the new T-Mobile antennas which will camouflage the antennas, minimize visual impacts and to provide appropriate screening.

Fencing and Walls

Fencing or walls used for screen or securing a wireless facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. The existing lease area is enclosed within a 6-foot high wrought iron fence.

Sensitive Uses

Any wireless facility located on a care facility, or school grounds shall be isolated from and not intrusive on the activities associated with such location. Staff included a condition requiring that any noise associated with a T-Mobile equipment cabinet be regulated so that it will not disturb the residents on the premises. T-Mobile's request does not include the installation of any emergency generators at this site.

Site Visit

Staff visited the site on December 11, 2012. The property is neat and clean. The landscaping around the WTF is maintained properly. During the site visit staff noticed

T-Mobile has confirmed that they do not have a generator installed at this site; staff is currently inquiring with AT&T whether they do. AT&T would need to pursue separate permitting to have a generator at this location.

Neighborhood Impact and Use Compatibility

The Federal Communications Commission sets standards for safe human exposure to non-ionizing electromagnetic radiation. The conditions of approval require written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit.

Section 704 of Title 7 of the Federal Telecommunications Act of 1996 (effective February 8, 1996), contains the following language:

"IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

The applicant provided a statement of compliance with FCC/FAA and has staff included a condition to ensure compliance with emission standards.

Burden of Proof

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

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The subject project is a WTF renewal on a previously approved wireless facility, and therefore no County departments were consulted on this project.

ZONING ENFORCEMENT

There are currently no valid permits for the senior living facility; staff referred CUP 00-163 to the enforcement planner.

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.

PUBLIC COMMENTS

Staff received two emails regarding the subject project - one from a parent of a student at the nearby public school and one from a local resident, opposing the project. Staff spoke to the one of the opponents and found that the main concern is electromagnetic radiation. The applicant has provided a statement of compliance with FCC/FAA

regulations, which is attached to this report. Pursuant to the 1996 Telecommunications Act, local jurisdictions are preempted from considering radio frequency emissions, when regulating WTFs, as long as such facilities comply with FCC regulations.

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 Number R2012-01954, Conditional Use Permit Number 201200102, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200102 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Jeantine Nazar, Regional Planning Assistant II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Correspondence

Site Photographs, Photo Simulations, Aerial Image

Site Plan, Land Use Map

MM: JN

5/9/2013

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01954-(5)
CONDITIONAL USE PERMIT NO. 201200102**

ENTITLEMENT REQUESTED. The applicant, T-Mobile, is requesting a Conditional Use Permit (CUP) pursuant to County Code Section 22.28.160 to authorize the continued operation of an existing unmanned wireless telecommunications facility consisting of a 77-foot high monopine (a pole disguised as a pine tree) with related ground mounted equipment cabinets enclosed within a lease area. The project includes a modification to the existing antennas.

HEARING DATES. March 5, 2013, May 22, 2013

1. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
2. **PROJECT DESCRIPTION.** The project is a request to authorize a CUP an unmanned wireless telecommunications facility renewal containing a 77-foot monopine (a pole disguised as a pine tree) with twelve (12) panel antennas, mounted at 67'-8" high with related ground mounted equipment cabinets enclosed within a leased area. The applicant T-Mobile proposes to modify the existing WTF by replacing six (6) existing antennas with six (6) new antennas, three (3) new twin AWS (Advanced Wireless Services), TMA (Tower Mounted Amplifier), install one new hybrid fiber cable and remove one coax per sector. The applicant will paint the antennas to match existing and add pine socks. The existing project is located on the southwest corner of a 36,450 square-foot, flat, square shaped parcel developed as a senior assisted living facility. The access to the site is via Sunny Slope Drive to the east.
3. **LOCATION.** The subject property is located at 8332 Huntington Drive in the East San Gabriel Zoned District.
4. **SITE PLAN - ELEVATION DESCRIPTION.** The existing project is located on the southwest corner of a 36,450 square-foot, flat, square shaped parcel developed as an assisted living facility. The access to the site is depicted via Sunny Slope Drive to the east.

The antenna layout plan shows the existing three sector panel antennas with four antennas per sector. The applicant proposes to replace two antennas per sector and also to replace three (3) amplifiers, one on each sector.

The elevation plan depicts twelve (12) T-Mobile antennas and twelve (12) AT&T panel antennas mounted on the monopine with associated equipment cabinets on the ground within a 600-foot lease area which is enclosed within a 6-foot high wrought iron fence on top of a 2-foot high block wall. The antennas are camouflaged with pine fronds.

5. **EXISTING ZONING.** The subject property is zoned C-2 (Neighborhood Business). Surrounding properties are zoned as follows:

North: R-1 (Single-Family Residence) and C-3 (Unlimited Commercial)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: City of San Marino

6. **EXISTING LAND USES.** The subject property is developed with an assisted living facility as well as the WTF.

Surrounding properties within a 500-foot radius are developed as follows:

North: Single family Residences, Commercial

South: Single Family Residences

East: Clairbourn School

West: San Marino Mason Lodge and KL Carver Elementary School

7. **PREVIOUS CASES/ZONING HISTORY.**

CUP 02-110 approved the construction, operation and maintenance of a WTF consisting of a 75-foot monopine and associated equipment cabinets. This project relocated the AT&T antennas, approved under CUP 97-175 and added twelve (12) Cingular antennas. This permit expired on July 30, 2012. The applicant has filed a timely renewal.

CUP 00-163 approved the conversion of the principal use on the subject property from a medical office building to an assisted living facility. This permit expired on January 2012. Staff referred this case to the enforcement planner.

CUP 97-175 approved the construction operation and maintenance of a WTF consisting of a monopalm and associated AT&T antennas and equipment cabinets. The antennas approved under this permit were relocated on the new pole associated with CUP 02-110. Therefore, AT&T antennas became a co-locator on the Cingular, now T-Mobile, CUP.

8. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

Low Density Residential" within the Countywide General Plan. The intent of the classification is to maintain the character of the existing low-density residential neighborhoods. The underline designation is not consistent with the C-2 zoning on the subject property. Although, there are no specific policies related to WTF's in the General Plan, the Los Angeles County General Plan Policy No 58 states: "Maintain high quality emergency response services" (Page I-25).

The proposed facility is consistent with this policy as it will increase wireless services in the area. The applicant contends that the proposed wireless telecommunications facility will provide wireless coverage to the area. The applicant has provided existing and predicted coverage areas showing that the proposed project will improve wireless network for in door and in vehicle coverage areas. Also, the proposed antennas and modification at large are intended to provide network upgrades to 4G and LTE.

9. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.**

Conditional Use Permit No 02-110 approved the construction of the existing 77-foot-tall monopine WTF. The project was found to be consistent with the applicable zoning development standards.

10. The project is substantially compliant with the departmental WTF policy standards for design. All wireless facilities are required to camouflage techniques to minimize visual impacts and to provide appropriate screening. The new WTF is proposed to be located on an existing monopine structure and the antennas are camouflaged with pine sock and pine fronds. In addition, the lease area is enclosed by a wrought iron fence.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.**

The Federal Communications Commission (FCC) sets standards for safe human exposure to non-ionizing electromagnetic radiation. The conditions of approval require written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The applicant has provided a statement of compliance with FCC/FAA.

12. Pursuant to the 1996 Telecommunications Act, local jurisdictions are preempted from considering radio frequency emissions, when regulating WTFs, as long as such facilities comply with FCC regulations.

13. **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 and property posting.

14. **PUBLIC COMMENTS.** Staff received two emails regarding the subject project - one from a parent of a student at the nearby public school and one from a local resident, opposing the project. Staff spoke to the one of the opponents and found that the main concern is the radiation generated by the subject WTF.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The proposed facility is consistent with the General Plan policy by providing a high quality emergency response service. The applicant has provided existing and predicted coverage area maps showing that the proposed project will improve wireless network for in door and in vehicle coverage areas. Also, the proposed antennas and modification at large are intended to provide network upgrades to 4G and LTE.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The project provides important telecommunications infrastructure to the community, and uses camouflage techniques to minimize visual impacts to the site.

Therefore, the requested use at the location proposed 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.

17. The existing WTF was approved in 2002 and was compliant with all applicable zoning development standards set forth in the County Code. The project is also compliant with the Department's development guidelines for wireless facilities related to height and design.

Therefore, 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The subject site is accessed by Sunny Slope Drive to the east. Only periodic site visits are necessary.

Therefore, 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.

ENVIRONMENTAL DETERMINATION

19. This project qualifies for a Categorical Exemption (Class 1- Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The proposed project is a request for a CUP renewal for an existing wireless telecommunication facility with minor changes to the existing antennas.

Therefore, the project qualifies as a Categorical Exemption and 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.

20. **TERM LIMIT.** 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 fifteen (15) years.

21. **RECORD OF PROCEEDINGS.** 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 the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed 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 22, of 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 for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies 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 201200102 is Approved subject to the attached conditions.

MM:JN
May 9,2013

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01954-(5)
CONDITIONAL USE PERMIT NO. 201200102**

PROJECT DESCRIPTION

The project is a request to authorize a Conditional Use Permit (CUP) an unmanned wireless telecommunications facility (WTF) containing a 77-foot monopine (a pole disguised as a pine tree) and related ground mounted equipment cabinets enclosed within a leased area 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 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 May 22, 2028.** 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 fund 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 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 to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant 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 of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. 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.

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.
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.

PERMIT SPECIFIC CONDITIONS

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. The subject property is adjacent to a senior living facility, therefore, 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.
26. 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.
27. 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.
28. The maximum height of the facility shall not exceed 77-feet above the ground level.
29. 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.
30. 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.

31. 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. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
32. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
33. 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.
34. 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.
35. New equipment added to the facility shall not compromise the stealth design of the facility.

PROJECT SITE SPECIFIC CONDITIONS

36. This grant shall authorize an unmanned WTF consisting of a 77-foot high monopine with associated ground mounted equipment.
37. The applicant shall provide a revised site plan depicting the existing landscaping associated with the wireless facility.
38. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark. The antennas shall be camouflaged by faux pine socks.
39. Appurtenant equipment boxes shall be screened or camouflaged at all times.
40. If an emergency generator is proposed for this site, a new CUP application shall be required. This permit does not authorize any emergency generators.

T-Mobile Wireless Project Name: IE04177A
County of Los Angeles - Conditional Use Permit
For the Renewal and Modification of an Existing Wireless Telecommunications Facility
Burden of Proof

Project Location

Address: 8332 Huntington Drive, San Gabriel CA 91775

APN: 5376-021-001

Zoning: C-2 Commercial

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

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

The existing wireless telecommunications facility will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area because the facility is complete unmanned, generates no traffic, noise, odor, waste, hazardous materials or additional light. The existing property site will remain the same with only minor upgrades to the existing facility are proposed.

The existing wireless telecommunications facility is not materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, nor does it jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because the existing facility is a benign use that does not interfere with the use of the subject property or the neighboring properties. The existing facility does not block any views, attract criminal elements, nor generate/sell offensive products. The existing facility is a vital part of the T-Mobile network that is already in place in this part of Hacienda Heights and Los Angeles County at large. Without it, subscribers will drop calls when passing through this area and will be unable to make or receive calls in their home or businesses. The vital national infrastructure that this facility provides may actually increase the enjoyment, valuation and safety of properties and others located in the vicinity.

B. That the existing 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 existing site is located in a manufacturing zone and is located on Huntington Drive between S. San Gabriel Blvd. and N. Vista Street. The site is more than adequate in size to accommodate the existing telecommunications facility. The existing monopine installation consists of wireless antennas, along with the associated equipment cabinets and connections for power and telco on within an enclosed space at grade. The existing facility does not encroach into any required setbacks. Additionally, the existing monopine would be able to accommodate future collocation for additional carriers. The

existing design is integrated as a tree and is in scale with the nature of the immediate property and the surrounding area as the area has live mature trees as well.

The specifics of the above outlined wireless proposal, in terms of location, size and design are further illustrated within the provided plans and photo simulations.

C. That the existing 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 services facilities as are required.**

The existing site is adequately served by fully sufficient/improved public roads (E Huntington Drive between S. San Gabriel Blvd. and N. Vista Street.). The existing facility is unmanned and does not generate any traffic other than a maintenance visit every four to six weeks, therefore will not have any traffic impacts. The existing use will not require or impact any public or private services facilities.

**CUP Renewal and Modification for an Existing
Wireless Telecommunications Facility**

Applicant's Agent: Argineh Mailian
Core Development Services
2749 Saturn St.
Brea, CA 92821

Site Address: Address: 8332 Huntington Drive, San Gabriel CA 91775
Zoning: C-2 Commercial

APN: 5376-021-001

Project Description:

T-Mobile is requesting a CUP renewal to the existing approval CUP 02-110-(5) to extend the time limitations for the existing wireless facility located at 8332 Huntington Drive. In addition to the proposed CUP renewal request, T-Mobile proposes to modify the existing wireless facility by replacing six existing antennas with six new antennas, remove six existing TMAs and replace with three twin AWS TMAs, install one new hybrid fiber cables, remove one coax per sector and painting antennas to match existing tree and add pine socks.

The Property:

The existing facility property is located on E Huntington Drive between S. San Gabriel Blvd. and N. Vista Street.

Introduction to Wireless Facilities:

The existing T-Mobile wireless facility is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). As public utilities, they are licensed by the FCC and *must* provide wireless communication services throughout the Southern California area.

The network of T-Mobile cell sites throughout the Los Angeles region is "locationally dependent," meaning that there is a necessary and logical interrelationship between each cell site. Eliminating or relocating a single cell site can lead to gaps in the system and prohibit T-Mobile from providing uninterrupted service to customers in a defined coverage area. Further, the elimination or relocation of a cell site will most often have a "domino" effect on other cell site locations and necessitate significant design changes or modifications to the network. Therefore, it is critical that the CUP for this site be renewed and it remain on air.

Background:

The existing facility was approved on October 23, 2002. The existing wireless communications facility provides voice, e-mail and internet access capabilities for customers' communications needs virtually anywhere at any time. The existing building is available for collocation if another carrier so chooses.

Overview of Objective:

The proposed CUP renewal/time extension will allow for the continued operation of the existing facility. The proposed modification will enhance the existing technology providing a more efficient and effective facility.

Compatibility with Other Site Development Standards and General Plan:

The location, size, design and operating characteristics of the existing facility will continue not to create any unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The existing use remains consistent with this finding in that:

1. The existing equipment associated with the telecommunication structure operates quietly or virtually noise free.
2. The existing equipment does not emit fumes, smoke or odors that could be considered objectionable.
3. The existing telecommunications facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month.
4. The existing communications facility will not result in conditions or circumstances contrary to the public health, safety and the general welfare.

Regulating Agencies:

The existing wireless communications facility is regulated by the Federal Communications Commission (FCC) and is authorized to operate. All telecommunications facilities operate at the lowest possible power levels and are well below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

The existing communications facility continues to operate in full compliance with the U.S. standards for radio frequency emissions as published by the American National Standards Institute (ANSI). The ANSI was developed by the committee composed of 125 scientists from universities, non-profit laboratories and Federal Health Laboratories (FDA, NIOSH and EPA). In 1992 the ANSI established, as a public safety standard, a maximum exposure level to radio frequency emissions of 1000 microwatts per centimeter squared (1,000 uW/cm²).

Project Benefits:

Renewing the CUP will allow the community the continuing benefits of:

- Telephone, data transmission, paging, short message functions, and voicemail services and reliable services for emergency purposes.
- Enhanced emergency response communications for police, fire, paramedics and other emergency services in the wake of an emergency or disaster.
- Better voice and reception quality through use of the all-digital technology.
- Higher security and privacy for telephone users.
- More affordable service due to increased competition in the marketplace.

Findings:

1. The existing wireless facility location continues to be desirable to the public convenience and welfare.

Wireless facilities are a public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). Wireless communication is a vital element of the communications network for both emergency services and public convenience. The utilities are mandated to provide adequate coverage in each of the geographic areas they serve. Wireless technology has stringent location and elevation requirements, and the existing wireless facility continues to provide viable wireless communications services to subscribers in the surrounding community.

2. The existing facility continues to be proper in relation to adjacent uses and the development character of the community.

The existing location and use maintains compatibility with adjacent uses and the development character of the area. The existing facility maintains consistency with the existing environment and minimizes the visual obtrusiveness of the facility.

This will continue to be an unmanned facility and not require any sewer, or parking infrastructure to support its operation. The facility will continue to be visited once or twice per month by a technician for routine maintenance and testing.

3. The existing facility is not detrimental to the character of the development in the immediate neighborhood and is in harmony with the various elements and objectives of the General Plan.

The use will remain the same and have no substantial adverse impact on properties or improvements in the surrounding neighborhood. The existing unmanned wireless telecommunications facility is a passive use and will remain that way. There will be no increase to vehicular or pedestrian traffic in the area.

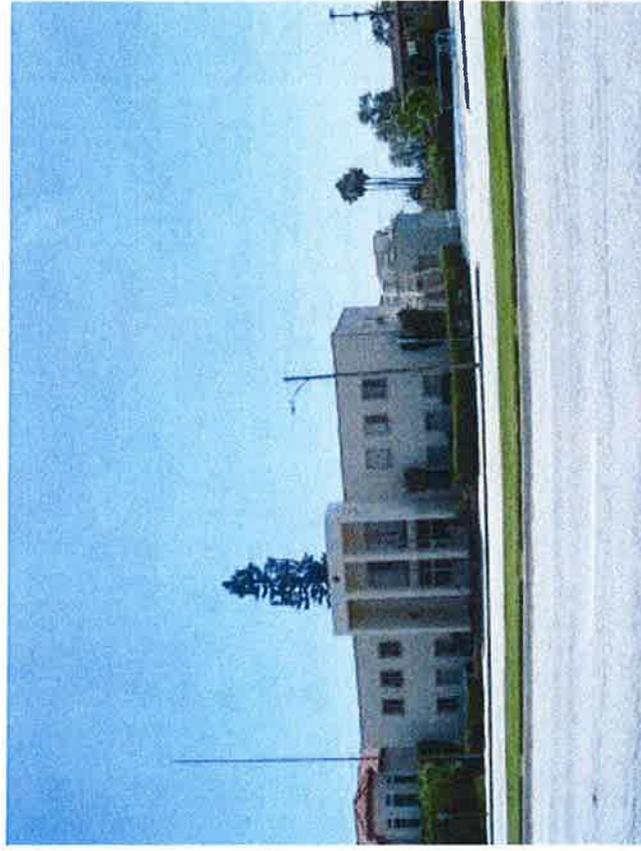
The California Public Utilities Commission considers the existing use a public utility. In addition, demand by the public for wireless telecommunications services is rapidly increasing and contributes to the economic health and welfare of the general public.

Site Photos

Full Site View



Full Site View





← T-Mobile

← AT&T



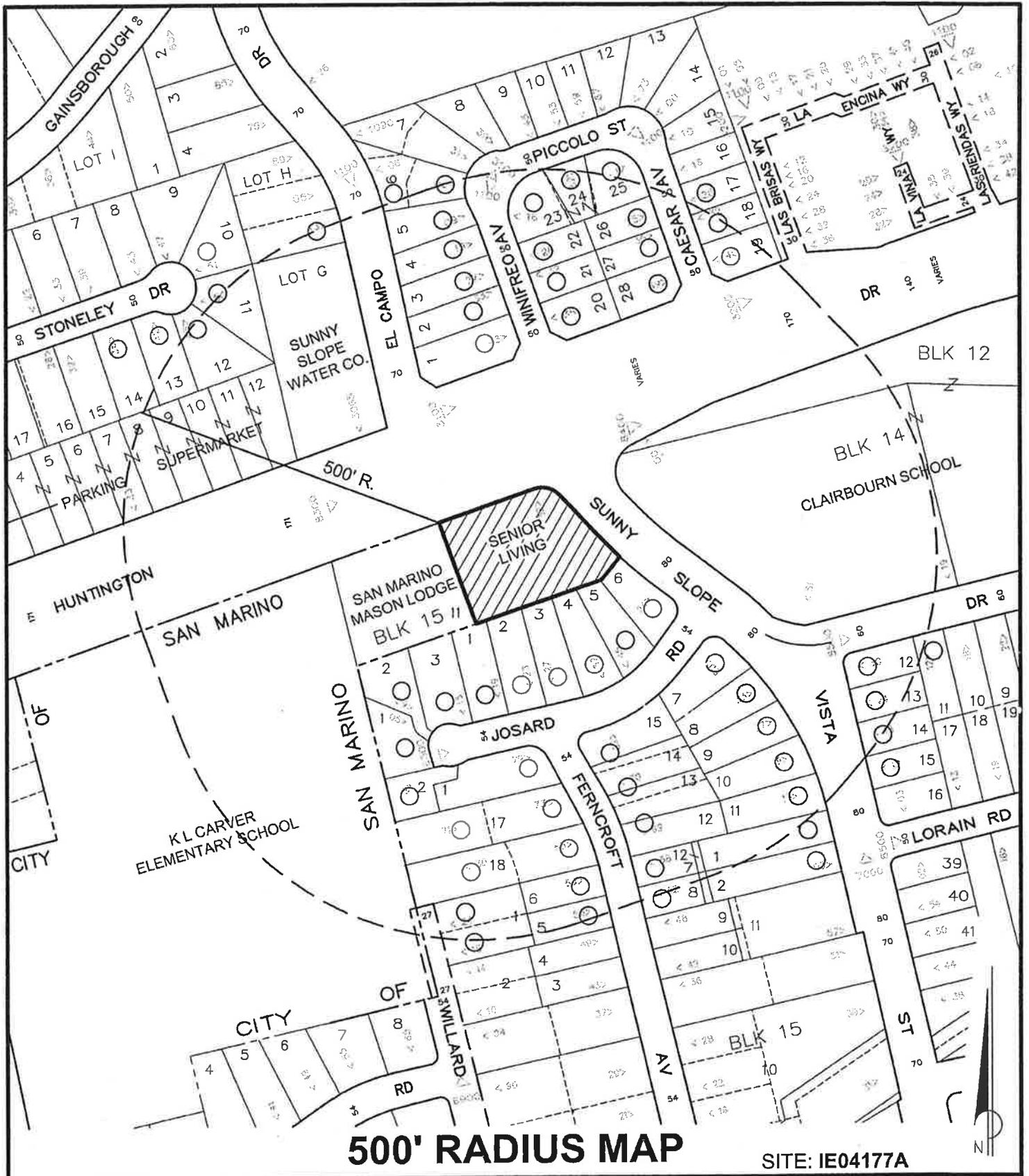
8332 Huntington Drive

Print Date: 02/26/2013
Image Date: 01/11/2011
Level: Community



8332 Huntington Drive

Print Date: 02/26/2013
Image Date: 01/25/2011
Level: Neighborhood



500' RADIUS MAP

SITE: IE04177A

L.A. MAPPING SERVICE

71 DEER CREEK ROAD
 POMONA, CA 91766
 (909) 595-0903

LEGEND

- SINGLE-FAMILY RESIDENCE
- ALL OTHER USES ARE AS SHOWN

CASE NO.

DATE: 8-15-12

SCALE: 1" = 100'

LAND USE MAP

T-Mobile Wireless Project Name: IE04177A
County of Los Angeles - - Supplemental Information
For a New Wireless Telecommunications Facility (WTF)
For the Renewal and Modification of an Existing Wireless Telecommunications Facility

Project Location

Address: 8332 Huntington Drive, San Gabriel CA 91775

APN: 5376-021-001

Zoning: C-2 Commercial

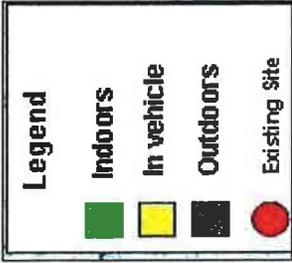
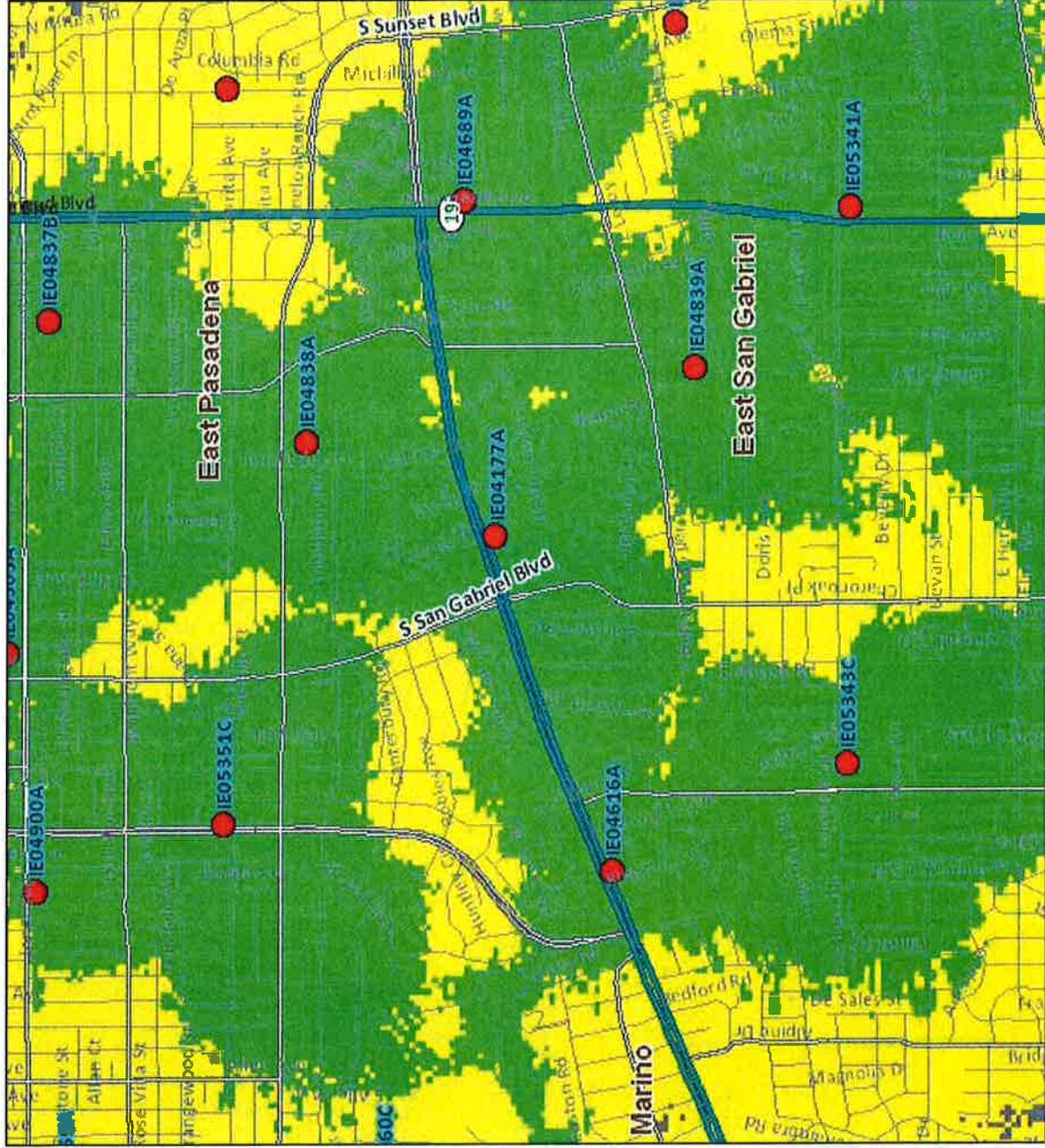
Coverage Analysis

T-Mobile is requesting a CUP renewal to the existing approval CUP 02-110-(5) to extend the time limitations for the existing wireless facility located at 8332 Huntington Drive. In addition to the proposed CUP renewal request, T-Mobile proposes to modify the existing wireless facility by replacing six existing antennas with six new antennas, remove six existing TMAs and replace with three twin AWS TMAs, install one new hybrid fiber cables, remove one coax per sector and painting antennas to match existing tree and add pine socks. The existing facility was approved on October 23 2012. The existing wireless communications facility provides voice, e-mail and internet access capabilities for customers' communications needs virtually anywhere at any time. The existing building is available for collocation if another carrier so chooses. The proposed CUP renewal/time extension will allow for the continued operation of the existing facility. The proposed modification will enhance the existing technology providing a more efficient and effective facility. Please refer to enclosed Coverage Maps.

Site and Design Analysis

No alternative location and/or designs were considered as the site is already an existing wireless telecommunications facility that does not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area because the facility is complete unmanned, generates no traffic, noise, odor, waste, hazardous materials or additional light. The existing property site will remain the same with only minor upgrades to the existing facility are proposed. The existing location and design continue to deem as the best and most viable. This site is ideally suited to provide the coverage required to fully develop T-Mobile's residential, commercial, and commuter service throughout Los Angeles County. The continued utilization of this site/property with the antennas stealth within the design of a pine tree affords T-Mobile the opportunity to maintain the facility where coverage is needed while utilizing a design that is both functional and consistent with the use of the property and in-scale with the surrounding area and uses. As such, the existing facility will not impact the use of the agricultural/residential lot and will be least visually intrusive site and/or alternative. The proposed site design adheres to the development standards as set forth in the in regulations, policies and standards, set forth within the County of Los Angeles. In sum, the following proposal is designed to minimize the overall visual impact to the surrounding neighborhood and deems to be the least visually intrusive site and/or alternative. The specifics of the above outlined wireless proposal, in terms of location, size and design are illustrated in further detail within the provided plans and photosimulations.

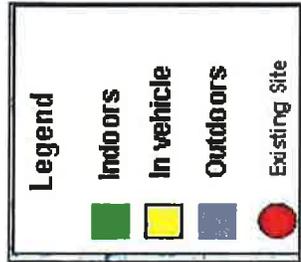
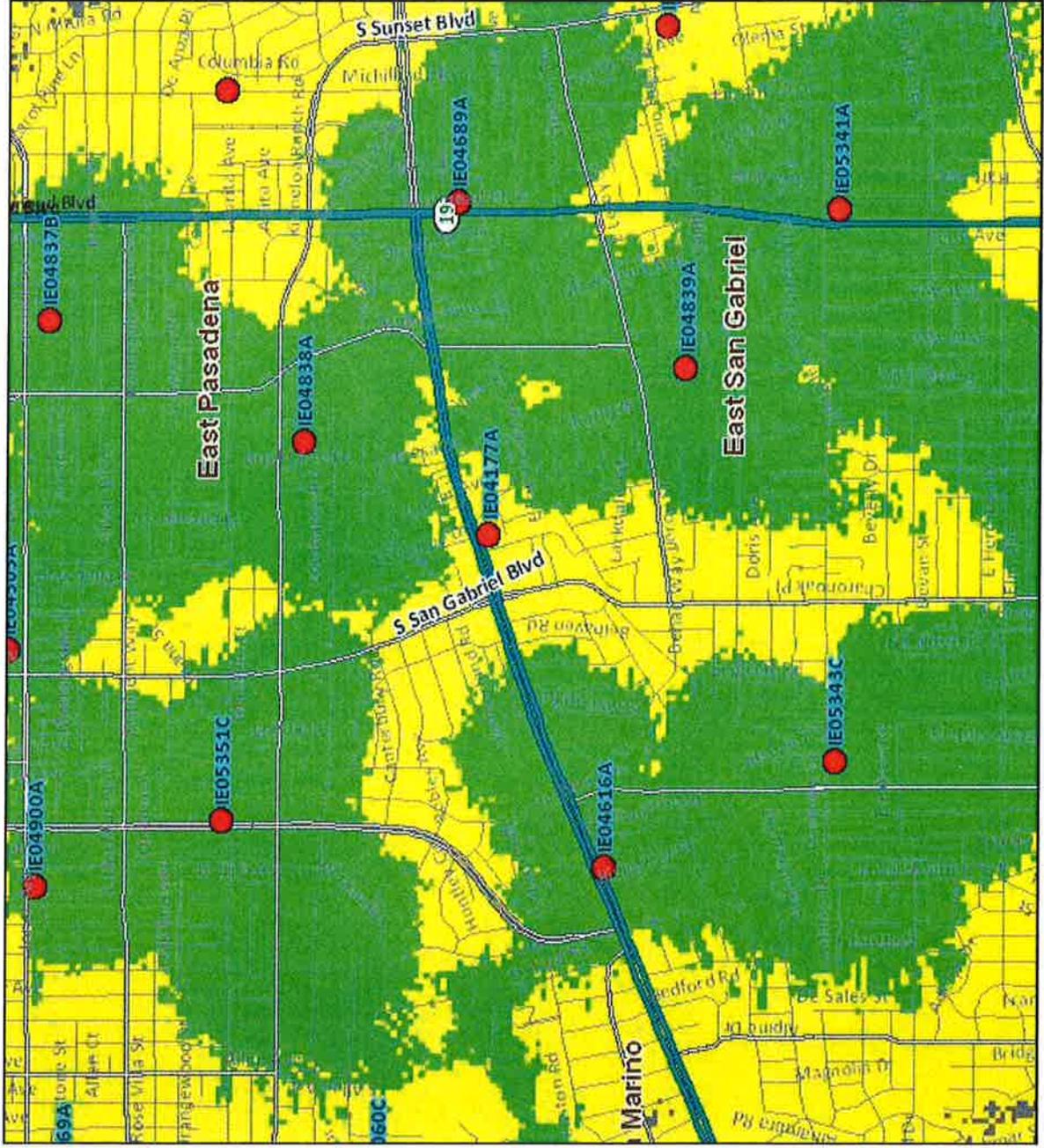
Existing coverage with IE04177 on Air



T-Mobile stick together[™]

Confidential and Proprietary Information of T-Mobile USA

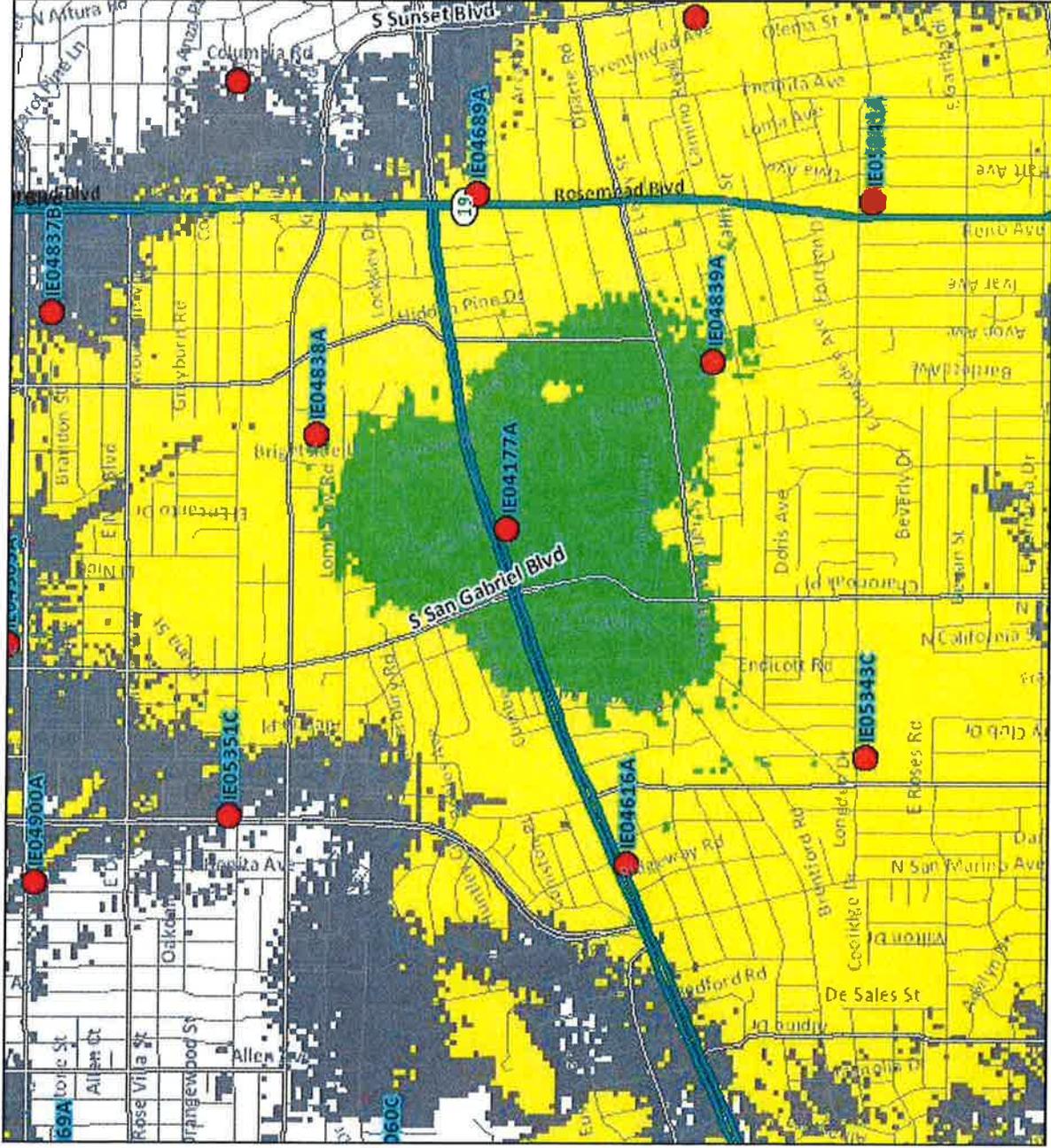
Predicted Coverage without IE04177A . Maps clearly show IE04177A is required for in building coverage



T-Mobile stick together

Confidential and Proprietary information of T-Mobile USA

Predicted Coverage of IE04177A only



Legend	
	Indoors
	In vehicle
	Outdoors
	Existing Site

T-Mobile stick together™

Confidential and Proprietary information of T-Mobile USA

County of Los Angeles
Department of Regional Planning
320 W. Temple Street
Los Angeles CA 90012

February 21, 2013

STATEMENT OF COMPLIANCE WITH FCC/FAA

This Letter is to confirm that T-Mobile's [proposed or existing] cell site located at: *8332 Huntington Drive, San Gabriel CA 91775; IE04177A, VY177 AT&T Colo San Gabri*, does and will continue to comply with the FCC regulations regarding PCS frequency emissions.

T-Mobile obtained and maintains a broadcast license for its operational transmit and receive frequencies. These frequencies are well outside the frequency bands associated with radio stations, television stations, police fire, and emergency services.

T-Mobile's transmit frequencies are 1970 to 1975 Megahertz for PCS and 1975 to 1980, 2145 to 2150, 2150 to 2155 Megahertz for UMTS. T-Mobile's receive frequencies are 1890 to 1895 for PCS and 1895 to 1900, 1745 to 1750, 1750 to 1755 Megahertz for UMTS.

Pursuant to FCC regulations, wireless carriers must comply with the stated directives for Broadband PCS providers. T-Mobile does and will continue to meet or exceed the stated requirements for Broadband PCS providers.

In addition, T-Mobile does and will continue to comply with all applicable FAA and FCC regulations regarding the proposed site.

If you have any questions, please feel free to contact me at 909-975-3633.

Sincerely,



James Wilkerson

Senior Radio Frequency Engineer, Network Deployment
T-Mobile, Engineering and Operations

Cc: Donna Kellison, Network Regulatory Manager



21 February 2013

RE: LAC381- SAN MARINO
8332 HUNTINGTON DRIVE
SAN GABRIEL, CA 91775

LETTER OF COMPLIANCE

The following states AT&T's site compliance with the FCC rules covering RF exposure.

The facility will operate within ATT Mobility's FCC licensed frequencies and these are as follows:

Receive freq. (MHz): 824-835, 845-846.5, 1865-1890, 710-716 and 1710-1720

Transmit freq. (MHz): 869-880, 890-891.5, 1945-1975, 740-746 and 2110-2120

RF Exposure to Persons Near the Site

The FCC states in 47 CFR § 1.1310 that the maximum permissible exposure level from RF radiation for the general population is between 0.6 and 1 milliwatts per centimeter squared (mW/cm²) depending upon the frequency of the transmitter. This is a measure of the RF power density at or below which there are no harmful effects.

The antenna that AT&T is using on this site is designed to transmit most of the signal in a horizontal direction (parallel to the ground). This is necessary to provide a useable signal level around the site. Within the first 600 feet from the site the transmitted signal does not need to be as strong consequently the antenna is designed to limit the signal level towards the ground to approximately ½ Watt of power. When this power reaches the ground its energy has been greatly reduced to the point where the RF exposure level is less than 2/10,000th of a percent of the maximum allowable exposure level permitted by the FCC. These calculations are based on a typical antenna patterns for the type of antenna that AT&T is using on their sites.

AT&T Mobility operates its wireless network in compliance with its FCC license and FCC rules and regulations concerning radio frequency emissions and/or radio frequency interference.

If AT&T can be of further assistance in this matter please do not hesitate to contact me at (562) 924-0000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Essie Polard".

Essie Polard
Market RF Safety Engineer

1. This grant authorizes the use of the subject property for the construction, operation and maintenance of a wireless telecommunications facility consisting of a 75' monopine with twelve (12) panel antennas and four (4) ground mounted equipment cabinets, as depicted on the approved revised Exhibit "A" and subject to all of the following conditions of approval
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the terms and conditions of this grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 9.
 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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
-
5. In the event that any claim, action or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two (2) years from the date of approval. A one-year time extension may be requested, in writing and with the appropriate fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. These monies 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 fund provides for 5 biennial inspections. The 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 condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. This grant will terminate on July 30, 2012.

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. Within thirty (30) days of the approval date of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by the Forester and Fire Warden.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing, which clearly depicts all changes required by these conditions of approval, including the following: (1) one on-site parking space available for use by the permittee as required by condition 15(i); and (2) existing and proposed landscaping in compliance with condition 15(k), including the size, type and location of all plants, trees and watering facilities. The subject property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is required.
15. The construction, operation and maintenance of the wireless telecommunications facility shall be further subject to all of the following conditions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission and with the emission standards of the Federal Communications Commission;

- b. Upon termination of this grant, or within six (6) months after the facility has ceased operation, the permittee shall remove the facility and clear the site of all equipment. The permittee shall restore the site as nearly as practicable to its condition prior to the installation of the subject facility;
- c. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works;
- d. The permittee shall maintain all areas of the subject property in a neat and orderly fashion, free of litter and debris;
- e. All structures, including antennae and equipment cabinets, shall be of a color that blends with the surroundings, shall not be glossy or reflective in nature, and shall be maintained in good condition at all times. The subject monopole shall be camouflaged appropriately so that its final design shall resemble a pine tree;
- f. 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;
- g. In the event any such extraneous markings occur, 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;
- h. Facility lighting shall be low intensity and of top-shielded or hooded design to direct light away from adjacent parcels and prevent off-site illumination;
- i. The permittee shall provide one parking space on-site for vehicles associated with maintenance of the subject facility.
- j. The proposed facility shall not exceed 75' in height above grade;
- k. The subject property shall be landscaped as depicted on the approved revised Exhibit "A". The landscaping shall conform to the existing landscaping on the site, shall be consistent with the landscaping requirements of Conditional Use Permit Case No. 97-

175-(5) attached hereto, and shall be subject to approval by the Department of Regional Planning biologist. All required landscaping shall be continuously maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

- I. Insofar as is feasible, the permittee 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.

Attachments:

Conditions – CUP 97-175-(5)

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, and the fees have been paid pursuant to Condition Nos. 8 and No. 22.
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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 2 years from the date of approval. A one-year time extension may be requested in writing 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 January 30, 2012.**

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 a 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 **\$1,500.00**. 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 **10 annual 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file.

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 Prevention Bureau of the Los Angeles County Forester and Fire Warden 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 specifically modified by this permit, as set forth in these conditions or shown on the approved plans.

12. All structures shall conform to 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 such extraneous markings occur, 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 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.
16. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
17. The permittee shall develop the subject parcel with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Incidental walkways, if needed, may be developed in the landscaped areas. The permittee shall submit for approval three copies of a landscape plan, which may be incorporated into the Exhibit "A" discussed in Condition No. 18, to the Director of Planning within sixty days of the approval date of this grant. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan shall also indicate landscaping surrounding the existing unmanned wireless telecommunications site. Prior to development of the landscape plan the applicant shall meet with the neighbors adjacent to the subject property to discuss the appropriate types of buffering landscaping.
18. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of revised plans, similar to Exhibit "A" page 1 of 3, as presented at the public hearing and showing the following: 1) sign locations, if any proposed, 2) a landscaping table which lists the overall site area,

building lot coverage, parking lot area, and landscaped areas, and 3) accurate depiction of any proposed walls, fences, or gates on all property lines. The property shall be developed and maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.

19. Although the unmanned wireless telecommunications facility is authorized under a separate grant, Conditional Use Permit 97-175, as the lessee of the telecommunications facility is leasing land from the permittee of this grant, the permittee shall ensure that it is also kept in a neat and clean condition including removal of litter.
20. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed signs on the subject property . Signs shall be in conformance with Section 22.52.870 of the County Code. In addition, the permittee shall hold a community meeting to discuss the placement and type of signs to be installed prior to preparing the sign plans.
21. The permittee shall remit a \$25.00 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.
22. This grant allows for the construction, operation and maintenance of an adult residential facility to be developed in accordance with the approved Revised Exhibit "A", and subject to the following conditions:
 - a. The permittee will provide care and supervision to the residents consistent with the definition of an adult residential facility in Section 22.08.010 of the Zoning Ordinance. Care and supervision may include such services as room and board, recreational therapy, assistance essential for sustaining the activities of daily living, and other therapeutic services. Services that are not permissible include a resident or on-duty physician, diagnosis, x-ray, nuclear medicine, pathology laboratory, and surgical services;
 - b. The adult residential facility is permitted to have a maximum of seventy-four residents subject to the issuance of the necessary license by the State of California Department of Social Services . The permittee will obtain such license prior to obtaining a Certificate of Occupancy for the building;
 - c. The permittee will comply with all staffing, rules, regulations and facility requirements established and regulated by the State of California Department of

Social Services;

- d. The permittee will maintain a minimum of 33 on-site automobile parking spaces including two handicapped accessible parking spaces (one of which is to be van accessible);
- e. Project construction shall conform with Chapter 12.08 Noise Control, Title 12 Environmental Protection, of the County Code;
- f. The permittee shall provide to the Director of Planning a copy of its proposed policies regarding how the available parking spaces will be allocated (employees, visitors, residents) and how those policies will be controlled and/or enforced, prior to the approval of the Revised Exhibit "A";
- g. The applicant shall pursue with the Department of Public Works, to the extent possible, the development of a "No Parking" zone along Sunny Slope Drive in front of the subject property, except for a drop-off area directly in front of the main entrance to the facility;
- h. All deliveries to the facility shall be scheduled between the hours of 9:00 a.m. to 7:00 p.m.;
- i. The applicant shall match community funding (to a maximum of \$3,500.00 per year) for a pedestrian safety program to be instituted by the community which includes the use of crossing guards during the adjacent school's peak a.m. traffic hours;
- j. The applicant shall maintain the trash dumpsters as depicted on the applicant's garage plan. Smaller "fork lift" type trash collectors are to be used to bring the dumpster to ground level for emptying only; the dumpsters shall be kept in the garage, not on ground level.

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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 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 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. This grant will terminate June 17, 2008.

Entitlement to use of the property for a wireless telecommunication facility thereafter shall be subject to the regulations then in effect.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. 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 five biennial inspections.

If any future 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. 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.

10. Three copies of a landscape plan shall be submitted to and approved by the Director of Planning. The landscape plan shall show two additional palm trees on the westerly side of the site comparable in height and species to the moropalm subject to approval by the Department of Regional Planning biologist. Said plan shall also depict the size, type and location of all plants, trees, and watering facilities. The landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden 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.
12. All structures shall conform with the requirements of the Division of Building and Safety of Los Angeles County 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, 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. This grant allows the construction, operation and maintenance of a wireless telecommunication facility consisting of a monopole, with appurtenant sector antennas and a microwave dish, an equipment shelter and generator and accessory equipment, subject to the following restrictions as to use:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. The exterior color and design of the said wireless telecommunications equipment shelter shall be of a tone and texture matching the adjacent building to the west satisfactory to the Director of Planning, that would be similar to and compatible with other structures at the site;
 - c. Said facilities shall be removed if in disuse for more than six (6) months;

- d. 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 the appropriate regulations and procedures in effect at the time.

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