



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 16, 2013

Argineh Mailian  
2749 Saturn Street  
Brea, CA 92821

**REGARDING: PROJECT NO. R2012-01956-(4)  
CONDITIONAL USE PERMIT NO. 201200103  
3030 S. HACIENDA BLVD., HACIENDA HEIGHTS, APN #8204-014-024**

Hearing Officer Pat Hachiya, by her action of April 16, 2013, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on April 30, 2013. **Appeals must be delivered in person.**

**Appeals:** To file an appeal, please contact:  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-01956-(4)  
CONDITIONAL USE PERMIT NO. 201200103**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) for the continued operation of a wireless telecommunications facility (WTF) located on the rooftop of a multi-tenant commercial office building in the CPD (Commercial Planned Development) zone pursuant to Los Angeles County Code Section 22.28.340.
2. **HEARING DATE.** April 16, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held before the Hearing Officer. Hearing Officer Pat Hachiya was in attendance for the public hearing. The applicant's representative, Argineh Mailian, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing, indicating her intent to approve project R2012-01956 with conditions.
4. **PROJECT DESCRIPTION.** The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) for the continued operation of a wireless telecommunications facility (WTF), approved on May 7, 2002, under CUP No. 01-265-(4), located on the rooftop of a multi-tenant commercial office building in the CPD (Commercial Planned Development) Zone. The project will replace six existing panel antennas with six new panel antennas and replace six existing tower mounted amplifiers (TMAs) with three twin advanced wireless service (AWS) TMAs. No changes are proposed to the existing equipment lease area located on a lower rooftop of the same building.
5. **LOCATION.** The subject property is located at 3030 South Hacienda Blvd. in the unincorporated community of Hacienda Heights and in the Hacienda Heights Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing WTF located on the rooftop of an existing multi-tenant commercial office building. The facility consists of six panel antennas that are mounted onto galvanized steel pipes. The existing panel antennas will be replaced with six new panel antennas. The height to the top of the panel antennas will be 38 ft. above ground level. Six existing TMAs will be replaced with three new TMAs to be mounted onto the steel pipes. The existing equipment lease area is located on a lower rooftop of the same building.
7. **EXISTING ZONING.** The subject property is zoned CPD (Commercial Planned Development).  
The existing zoning for the surrounding properties are as follows:  
North: R-A-15000 (Residential Agricultural – 15,000 sq. ft. Minimum Required Area)  
South: CPD (Commercial Planned Development), C-2 (Neighborhood Business)  
East: R-A-15000 (Residential Agricultural – 15,000 sq. ft. Minimum Required Area)  
West: R-A-15000 (Residential Agricultural – 15,000 sq. ft. Minimum Required Area), C-1 (Restricted Business)

8. **EXISTING LAND USES.** The subject property is developed with a commercial office building. The existing land use for the surrounding properties are as follows:  
North: Single-family Residences  
South: Car Wash, Gas Station, Commercial, Single-family Residences  
East: Single-family Residences  
West: Single-family Residences, Shopping Center
9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows: A-1-10,000 (8/18/48), R-A-15,000 (2/17/55), C-1-DP (4/15/75), CPD (7/25/78).  
  
Conditional Use Permit No. 01-265 – Approved May 7, 2002, for the construction, operation, and maintenance of an unmanned WTF.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the CG – General Commercial land use designation of the Hacienda Heights Community Plan. The CG land use designation is intended for local serving commercial, office and professional businesses, retail and service establishments, including day care centers. The existing commercial office center and WTF on the project site does not conflict with this land use designation and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*  
The project is a conditional use permit renewal for an existing WTF and proposes only minor upgrades to the existing facility.
- *Improve the quality and accessibility of critical urban services including crime control, health, recreational and educational services.*
- *Maintain high quality emergency response services.*  
Allowing the existing WTF to continue operations will ensure that local cellular service will be available during emergencies.

The following policies of the Hacienda Heights Community Plan are applicable to the proposed project:

- *Maintain and improve existing commercial areas.*  
The continued use of the WTF on the subject property will not affect the existing commercial office building on the site.
- *When feasible, require transmission towers, lines and equipment to be co-located with existing towers, lines and equipment, or along existing transmission corridors.*
- *When undergrounding or co-locating is not feasible, direct new transmission towers, lines and equipment to locations where environmental and visual impacts will be minimized.*

The project will continue operation of the existing WTF with minor upgrades to the facility. The minor upgrades include swapping out the existing panel antennas with new panel antennas and replacing existing tower mounted amplifiers with new ones. The existing facility does not create a significant visual impact to the community.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.28.340 of the County Code, development of radio and television stations and towers is a permitted use in Zone CPD (Commercial Planned Development), provided that a CUP is obtained. The proposed facility complies with the County's Subdivision & Zoning Ordinance Policy memo No. 01-2010 that establishes policies and guidelines regarding permits for the siting and maintenance of WTFs.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The WTF on the subject property is compatible with the surrounding neighborhood and ensures that local cellular service will remain readily available. WTFs is a permitted use in the CPD (Commercial Planned Development) Zone and is consistent with the scale of surrounding development.
13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.
14. **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.
15. **PUBLIC COMMENTS.** Staff has not received any public comments.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

16. 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 completely 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 being 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.
17. The existing site is located in a commercial zone between Colima Road to the south and Del Prado Drive to the north. This site is more than adequate in size to accommodate the existing telecommunications facility. The existing installation consists of six 2<sup>nd</sup> story roof-mounted wireless antennas, along with the associated equipment cabinets and

connections for power and telco on the 1<sup>st</sup> story rooftop. The existing facility and equipment is located on the rooftop, therefore, does not encroach into any required setbacks. Additionally, the existing building would be able to accommodate future co-location for additional carriers. The existing design is integrated with the commercial feel of the building and is in scale with the property and surrounding area.

18. The existing site is adequately served by fully sufficient/improved public roads (S. Hacienda Road and Colima Road). The existing facility is unmanned and does not generate any traffic other than a maintenance visit every four to six weeks. Therefore, the facility will not generate additional traffic. The existing use will not require or impact any public or private service facilities.

#### ENVIRONMENTAL DETERMINATION

19. Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The existing WTF has been at the project site since 2002 and only minor upgrades are being proposed to the facility. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.
20. 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.
21. **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.
22. **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, 13<sup>th</sup> 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. 201200103 is Approved subject to the attached conditions.

MM/SM  
4/16/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-01956-(4)  
CONDITINOAL USE PERMIT NO. 201200103

**PROJECT DESCRIPTION**

The project is a conditional use permit for the continued operation of a wireless telecommunications facility (WTF) located on the rooftop of a multi-tenant commercial office building subject to all 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 April 16, 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.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. 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 - CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITIES)**

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
25. 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.
26. 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.
27. The maximum height of the facility shall not exceed 6'-4" above roof line.
28. 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.
29. 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.
30. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired

within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.