Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 20, 2013

Brian Lambdin, Leasing Manager
Synergy Development Services, Inc.
7543 Woodley Avenue, Suite 201
Van Nuys, CA 91406

REGARDING: PROJECT NO. R2012-02327-(2)
CONDITIONAL USE PERMIT NO. 201200137

Hearing Officer Paul McCarthy, by his action of **June 18, 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 the 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 **July 2, 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 Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443, or by email at gsiemers@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

Susan Tae, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement.

SMT:GS

CC.060412

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02327-(2)
CONDITIONAL USE PERMIT NO. 201200137

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile, is requesting a Conditional Use Permit ("CUP") to authorize the continued use, operation, and maintenance of a Wireless Telecommunication Facility ("WTF"), in the M-1 (Light Manufacturing) Zone, pursuant to Los Angeles County ("County") Code Section 22.32.070.

2. **HEARING DATE.** June 18, 2013.

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** Staff presented the facts of the case and recommended approval of the project. The applicant's representative, Brian Lambdin, testified in support of the project, and confirmed that he agreed with the draft conditions. The hearing officer closed the public hearing and approved the categorical exemption from the California Environmental Quality Act, and approved the project, with conditions as provided by staff.

4. **PROJECT DESCRIPTION.** The applicant, T-Mobile, is requesting authorization for the continued use, maintenance, and operation of an unstaffed WTF, consisting of six panel antennas with six amplifiers mounted on the roof on an existing building. The project includes the replacement of the antennas and amplifiers with newer equipment of the same size, height, shape, and color.

5. **LOCATION.** 11102 S. La Cienega Boulevard, Los Angeles, 90304

6. **EXISTING ZONING.** The subject property is zoned M-1 in the Lennox Zoned District. Surrounding properties are zoned as follows:
   North: M-1.5 (Restricted Heavy Manufacturing)
   South: M-1; C-M (Commercial Manufacturing)
   East: City of Los Angeles M-2 (Light Industrial)
   West: None (Caltrans-owned property)

7. **EXISTING LAND USES.** The subject property contains a self-service storage facility ("Public Storage"). Surrounding properties are developed as follows:
   North: Warehouse, delivery service
   South: Parking lot
   East: Warehousing and distribution
   West: 405 Freeway

8. **PREVIOUS CASES/ZONING HISTORY.** Conditional Use Permit 95231 was approved by the Hearing Officer on February 13, 1996. The grant terminated February 16, 2006. CUP 200700163 for the same facility was approved on August 3, 2010, and will terminate on August 3, 2025.

Conditional Use Permit 97015 for a roof mounted WTF for Sprint was approved by the Hearing Officer on November 26, 1997. The grant terminated November 24, 2007. Conditional Use Permit 201000049 for the continued operation and maintenance of the WTF was approved on February 21, 2012. The grant term for this permit is through February 21, 2022.

Conditional Use Permit 91089 authorized a WTF for Verizon was approved on August 2, 1991. This permit does not have an expiration date.

Parking Permit and Plot Plan 87277 was approved on October 29, 1987, and authorized the construction of the existing self-service storage facility with 40 parking spaces.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site was located within the "I" (Industrial) land use category of the Los Angeles County General Plan ("General Plan. The "I" land use designation is intended for industrial and manufacturing land uses. The existing WTF is consistent with the land use designation because WTFs are a utility used by businesses in the area, and as a continued use, the project will not introduce a more intensive use to the area. The facility is relatively small with only eight feet in height above the roof of the structure, minimizing visual impacts.

   The following policy of the County General Plan is applicable to the proposed project:

   Public Services Policy 58: "Maintain high quality emergency response services."
   The subject WTF provides cellular service to the neighborhood and such service is often used to make emergency calls. The subject facility will ensure that such service is readily available.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The property on which the facility is located is zoned M-1. A WTF is not a defined use in the Zoning Ordinance; however, staff has utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits.

    Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The WTF is unstaffed and will require periodic maintenance visits only. Maintenance vehicles access the interior of the building, utilizing the existing 40-space parking lot for vehicular access. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by the existing parking lot.

All other applicable development standards are met by the facility. The project does not impede the compliance of any development standard in the M-1 zone. All required setbacks are met with the project.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project is for the continued operation, and maintenance of a WTF on the rooftop of an existing building. The project's relatively small size, location within an industrial area, as well as the physical appearance of the project, is compatible with the area.

    The project site is adequately sized to accommodate maintenance vehicles for the WTF, and as such the project will not overburden the area with traffic, nor will other public or private services be impacted by the project. Access to the property is via S. La Cienega Boulevard, an Existing Major Highway on the County Master Plan of Highways.

    The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments from County departments were received.

13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No comments from other agencies were received.

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.** No comments from the public were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The proposed use is consistent with the adopted general plan for the area as it is located within the "I" (Industrial) land use category of the General Plan. The "I" land use designation is intended for industrial and manufacturing land uses. The existing WTF is consistent with the land use designation because WTFs are a utility used by businesses in the area, and as a continued use, the project will not introduce a more intensive use to the area. The facility is relatively small with only eight feet in height above the roof of the structure, minimizing visual impacts. Furthermore, the project is consistent with General Plan Public Services Policy 58: "Maintain high quality emergency response services."

    Therefore, the use is consistent with the adopted general plan for the area.

17. The use is one of low intensity and functions without causing nuisances to others. The WTF is located in an area already developed and its small size renders it barely distinguishable.

    Therefore, the requested use at the location proposed does not, and 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.

18. The subject WTF is located in an industrial area neighboring other industrial uses and is configured to adequately accommodate all development features, including one parking stall available for monthly maintenance vehicles. The setback, parking, and other development features that are required have been met.

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

19. The existing site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate and other public or private service facilities as required. The WTF is accessible from La Cienega Boulevard, which is an Existing Major Highway on the County Master Plan of Highways.

    Therefore, the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

20. The project is for the continued operation and maintenance of a WTF, consisting of a roof-mounted WTF and the replacement of six antennas and six amplifiers with newer equipment of the same size, color, location and height. The project site is not in an environmentally sensitive area as mapped or adopted by the County, and, therefore, is not an exception to the Categorical Exemption.

    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, 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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the existing use will be consistent with the adopted general plan for the area; and

B. That the requested use at the location existing 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 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and

D. That the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

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 County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, CUP **201200137** is Approved subject to the attached conditions.

Action Date: June 18, 2013

SMT:GS

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02327-(2)
CONDITIONAL USE PERMIT NO. 201200137

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") to authorize the continued use, operation, and maintenance of a roof-mounted Wireless Telecommunication Facility ("WTF") in the M-1 (Light Manufacturing) Zone, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 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 June 18, 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 CUP 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 WTF 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 **$1,400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **seven (7) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code 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 ("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, **four (4) 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 **four (4) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

19. This permit shall supersede Project No. 95231, CUP No. 200700163.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE

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

21. Upon request, the permittee shall submit to the Zoning Enforcement Section 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.

22. 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.

23. Any proposed WTF that will be co-locating on the 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 Regional Planning.

24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

26. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all 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 eight feet (8') above roof line.

29. Within 30 days of change in facility ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new facility 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/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.

33. The 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.

PROJECT SITE SPECIFIC CONDITIONS

35. This CUP shall authorize the continued use, operation, and maintenance of a WTF mounted to the roof of an existing building, with associated equipment.

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