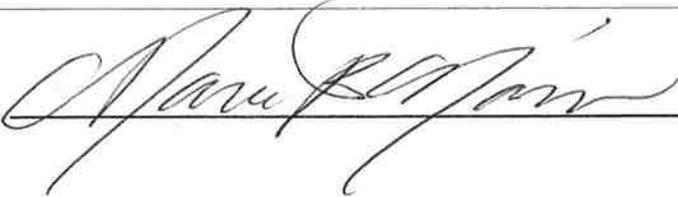


Hearing Officer Transmittal Checklist

Hearing Date
4/16/13
Agenda Item No.
8

Project Number: R2012-02566-(5)
Case(s): Conditional Use Permit Case No. 201200151
Planner: Steve Mar

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

Reviewed By: 



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

PROJECT NUMBER

R2012-02566-(5)

HEARING DATE

April 16, 2013

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201200151

PROJECT SUMMARY

OWNER / APPLICANT

David Hernandez / T-Mobile West Corporation

MAP/EXHIBIT DATE

10/26/12

PROJECT OVERVIEW

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 August 7, 2001, under CUP No. 01-041-(5), located on the southeastern corner of a property containing a Jiffy Lube shop in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210. 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 on a 70 ft. tall monopalm. A new hybrid fiber optic cable will also be installed. Two existing ground-level equipment cabinets will be replaced with one new equipment cabinet within the existing lease area.

LOCATION

21008 E. Arrow Highway, Covina

ACCESS

via E. Arrow Highway & N. Sunflower Ave.

ASSESSORS PARCEL NUMBER(S)

8401-019-036

SITE AREA

0.54 Acres

GENERAL PLAN / LOCAL PLAN

General Plan

ZONED DISTRICT

Charter Oak

LAND USE DESIGNATION

1 – Low Density Residential

ZONE

C-3-BE (Unlimited Commercial – Billboard Exclusion)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

1 to 6 du/ac

COMMUNITY STANDARDS DISTRICT

N/A

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)
 - 22.28.220 (C-3 Zone Development Standards)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

Steve Mar

PHONE NUMBER:

(213) 974 - 6435

E-MAIL ADDRESS:

smar@planning.lacounty.gov



ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for a wireless telecommunications facility (WTF) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) Zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) for the continued operation of an existing wireless telecommunications facility (WTF), approved on August 7, 2001, under CUP No. 01-041-(5), located on the southeastern corner of a property containing a Jiffy Lube shop in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210. 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 on a 70 ft. tall monopalm. A new hybrid fiber optic cable will also be installed. Two existing ground-level equipment cabinets will be replaced with one new equipment cabinet within the existing lease area. An existing monopalm WTF located immediately adjacent to the north of the subject WTF will remain unchanged.

EXISTING ZONING

The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion), in the Charter Oak Zoned District.

Surrounding properties are zoned as follows:

North: City of Glendora

South: C-3-BE (Unlimited Commercial – Billboard Exclusion)

East: R-3-18U-DP (Limited Multiple Residence – 18 Dwelling Units per Acre – Development Program)

West: C-2-BE (Neighborhood Business – Billboard Exclusion)

EXISTING LAND USES

The subject property is developed with a Jiffy Lube shop.

Surrounding properties are developed as follows:

North: Warehouse

South: Car Wash

East: Apartments

West: Gas Station

PREVIOUS CASES/ZONING HISTORY

The Zoning History of this parcel is as follows: A1-7500 (6/27/50), C4 (5/8/59), C-3-BE (8/25/87).

Conditional Use Permit No. 01-041 – Approved 8/7/01 to construct a 70' tall monopalm WTF with six panel antennas on three sectors (originally Cingular, now T-Mobile).

Revised Exhibit "A" – Approved 4/12/02, for the collocation of six panel antennas (AT&T) on three sectors on the existing monopalm approved through CUP 01-041.

Conditional Use Permit No. 200600151 – Approved 3/6/07 for the construction of a new 75' tall monopalm WTF with six panel antennas (Metro PCS) and a new lease area built immediately to the north of the WTF approved under CUP 01-041.

Revised Exhibit "A" No. 200900070 – Approved 1/5/10 for the collocation of three panel and parabolic antennas (Clearwire) on the existing monopalm approved through CUP200600151.

Conditional Use Permit No. 201200015 – (Case withdrawn) Received 1/31/12 to remove an existing monopalm and install a new 70' monopine.

ENVIRONMENTAL DETERMINATION

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 WTF is an existing facility and the project only proposes minor alterations to the facility. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the 1 – Low Density Residential land use designation of the General Plan. The Low Density Residential land use designation is intended to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The existing Jiffy Lube shop 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.

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 22.28.210 of the County Code, development of radio and television stations and towers is a permitted use in Zone C-3 (Unlimited Commercial), 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.

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. The palm fronds on the monopalm should be maintained in such a way to adequately camouflage the panel antennas. WTFs are a permitted use in the C-3 (Unlimited Commercial) Zone and the project is consistent with the scale of surrounding development.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing WTF 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 being proposed.

The existing 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 Los Angeles County. Without it, subscribers will have dropped calls when passing through this area and will be unable to make or receive calls in their homes 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 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.

The existing site is located in a commercial zone and is located on E. Arrow Highway, between Sunflower Avenue and Valley Center Avenue. The site is more than adequate in size to accommodate the existing facility. The existing monopalm installation consists of wireless antennas, along with the associated equipment cabinets and connections for power and telco within an enclosed lease area at ground level. The existing facility does not encroach into any required setbacks. Additionally, the existing monopalm would be able to accommodate future co-location for additional carriers. The existing design is integrated as a monopalm and is in scale with the nature of the immediate property and the surrounding area as the area has live mature trees as well.

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

The existing site is adequately served by public roads. The 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 service facilities.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 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

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.

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 has received one public comment expressing a desire to provide more landscaping on the project site. The site contains existing landscaping of trees, shrubs, and other foliage along the street frontages of E. Arrow Highway and N. Sunflower Avenue and additional landscaping near the existing WTF lease area. Staff finds that the existing landscaping is adequate for the location of and uses on the subject property.

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 R2012-02566-(5), Conditional Use Permit Number 201200151, 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 201200151 subject to the attached findings and conditions.

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

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Photo Simulations
Site Plan, Land Use Map

MM:SM
4/16/13

**[DRAFT] FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02566-(5)
CONDITIONAL USE PERMIT NO. 201200151**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) to authorize for a wireless telecommunications facility (WTF) pursuant to County Code Section 22.28.210 in the C-3-BE (Unlimited Commercial – Billboard Exclusion) Zone.
2. **HEARING DATE.** April 16, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** []
4. **PROJECT DESCRIPTION.** The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) for the continued operation of an existing wireless telecommunications facility (WTF), approved on August 7, 2001, under CUP No. 01-041-(5), located on the southeastern corner of a property containing a Jiffy Lube shop in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210. 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 on a 70 ft. tall monopalm. A new hybrid fiber optic cable will also be installed. Two existing ground-level equipment cabinets will be replaced with one new equipment cabinet within the existing lease area. An existing monopalm WTF located immediately adjacent to the north of the subject WTF will remain unchanged.
5. **LOCATION.** The subject property is located at 21008 E. Arrow Highway in the unincorporated community of Charter Oak and in the Charter Oak Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing WTF located on the southeast corner of a property containing a Jiffy Lube store on the southeast corner of Arrow Highway and Sunflower Avenue. The property contains an additional WTF (CUP200600151) located immediately to the north of the subject project.
7. **EXISTING ZONING.** The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).
The existing zoning for the surrounding properties are as follows:
North: City of Glendora
South: C-3-BE (Unlimited Commercial – Billboard Exclusion)
East: R-3-18U-DP (Limited Multiple Residence – 18 Dwelling Units per Acre – Development Program)
West: C-2-BE (Neighborhood Business – Billboard Exclusion)
8. **EXISTING LAND USES.** The subject property is developed with a Jiffy Lube shop. The existing land use for the surrounding properties are as follows:
North: Warehouse
South: Car Wash
East: Apartments
West: Gas Station

9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows: A1-7500 (6/27/50), C4 (5/8/59), C-3-BE (8/25/87).

Conditional Use Permit No. 01-041 – Approved 8/7/01 to construct a 70' tall monopalm WTF with six panel antennas on three sectors (originally Cingular, now T-Mobile).

Revised Exhibit "A" – Approved 4/12/02, for the collocation of six panel antennas (AT&T) on three sectors on the existing monopalm approved through CUP 01-041.

Conditional Use Permit No. 200600151 – Approved 3/6/07 for the construction of a new 75' tall monopalm WTF with six panel antennas (Metro PCS) and a new lease area built immediately to the north of the WTF approved under CUP 01-041.

Revised Exhibit "A" No. 200900070 – Approved 1/5/10 for the collocation of three panel and parabolic antennas (Clearwire) on the existing monopalm approved through CUP200600151.

Conditional Use Permit No. 201200015 – (Case withdrawn) Received 1/31/12 to remove an existing monopalm and install a new 70' monopine.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the 1 – Low Density Residential land use designation of the General Plan. The Low Density Residential land use designation is intended to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The existing Jiffy Lube shop 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.

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 22.28.210 of the County Code, development of radio and television stations and towers is a permitted use in Zone C-3 (Unlimited Commercial), 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 are a permitted use in the C-3 (Unlimited Commercial) Zone and the project 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 received one public comment expressing a desire to provide more landscaping on the project site. The site contains existing landscaping of trees, shrubs, and other foliage along the street frontages of E. Arrow Highway and N. Sunflower Avenue and additional landscaping near the existing WTF lease area. Staff finds that the existing landscaping is adequate for the location of and uses on the subject property.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The project site is located within the 1 – Low Density Residential land use designation of the General Plan. The Low Density Residential land use designation is intended to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand. The existing Jiffy Lube shop 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.

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

17. The existing WTF 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 being proposed.

The existing 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 Los Angeles County. Without it, subscribers will have dropped calls when passing through this area and will be unable to make or receive calls in their homes 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.

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.

18. The existing site is located in a commercial zone and is located on E. Arrow Highway, between Sunflower Avenue and Valley Center Avenue. The site is more than adequate in size to accommodate the existing facility. The existing monopalm installation consists of wireless antennas, along with the associated equipment cabinets and connections for power and telco within an enclosed lease area at ground level. The existing facility does not encroach into any required setbacks. Additionally, the existing monopalm would be able to accommodate future co-location for additional carriers. The existing design is integrated as a monopalm and is in scale with the nature of the immediate property and the surrounding area as the area has live mature trees as well.

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 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 public roads. The 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 service facilities.

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

20. The WTF is an existing facility and the project only proposes minor alterations to the facility.
21. 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.
22. **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.
23. **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/meeting 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. 201200151 is Approved subject to the attached conditions.

MM/SM
4/16/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02566-(5)
CONDITIONAL USE PERMIT NO. 201200151**

PROJECT DESCRIPTION

The project is a conditional use permit for the continued operation of an existing wireless telecommunications facility (WTF) 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 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)

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 70 feet above finished grade.
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.
32. 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.
33. 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.

34. New equipment added to the facility shall not compromise the stealth design of the facility.
35. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monopalm 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.
36. Appurtenant equipment boxes shall be screened or camouflaged.

T-Mobile Wireless Project Name: IE04077A
County of Los Angeles - Conditional Use Permit
For the Renewal and Modification of an Existing Wireless Telecommunications Facility
Burden of Proof

Project Location

Address: 21008 E. Arrow Hwy., Covina CA 91724

APN: 8401-019-036

Zoning: Commercial (C-3)

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 commercial zone and is located on E. Arrow Hwy., between Sunflower Avenue and Valley Center. The site is more than adequate in size to accommodate the existing telecommunications facility. The existing monotree 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 monotree 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. Arrow Hwy, Sunflower Avenue and Valley Center). 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.

Site Photos

Full Site View



Full Site View



BTS Photos

Full view of all BTS's



Full view of all BTS's



Battery Photos

Battery location

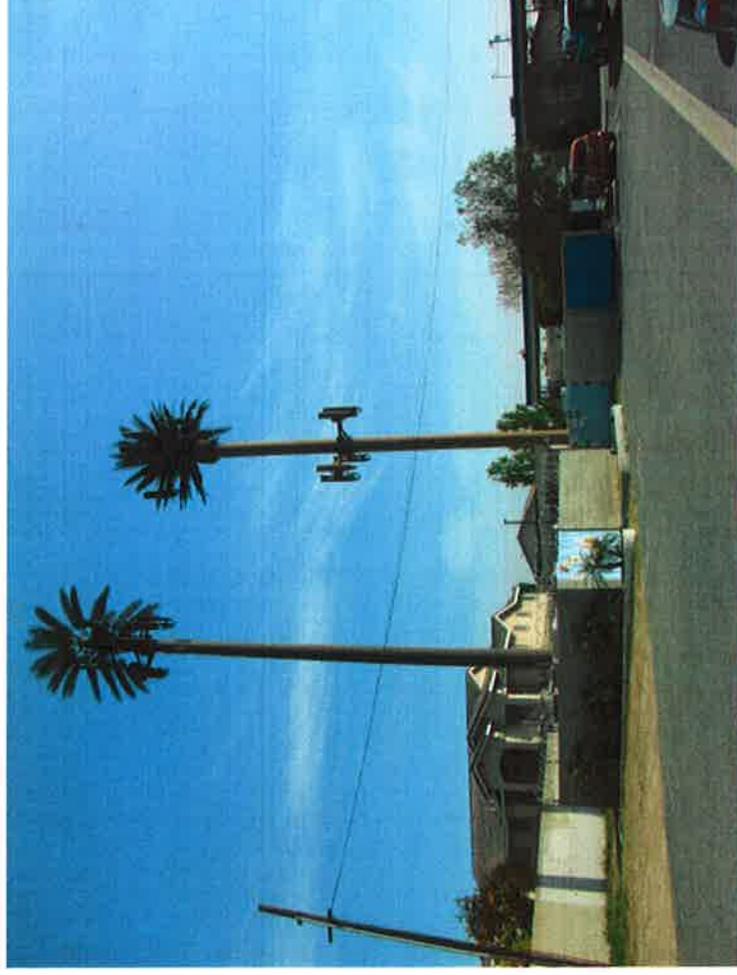


Battery location

- N/A

Antenna Photos - Tower

Full view of structure



Antenna Photos - Tower

Other carrier RAD

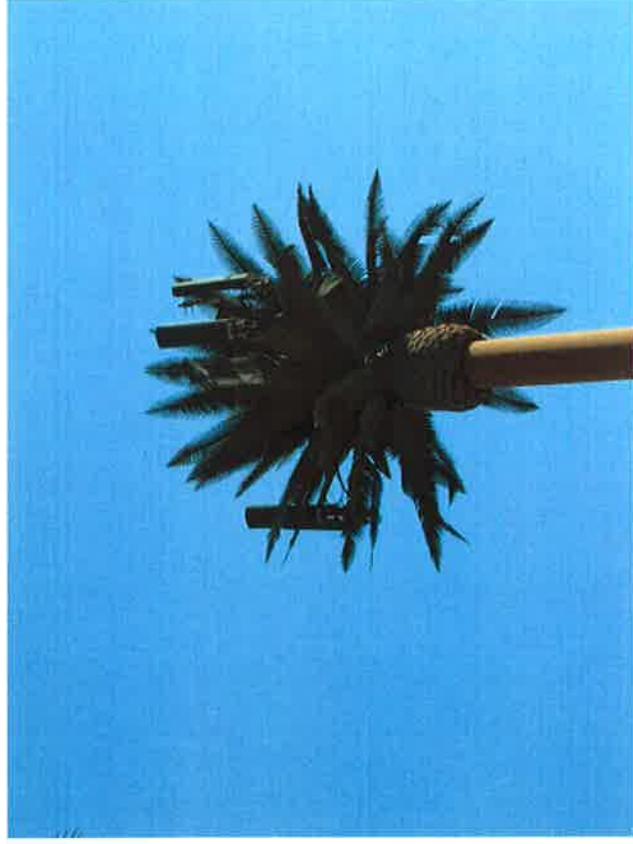


Other carrier RAD



Antenna Photos – Sector A

Front of antennas – Full view



Back of antennas – Full view

