



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 17, 2013

CES/Prescott Communications Inc.
Attn: Rob Searcy
10640 Sepulveda Blvd., Suite 1
Mission Hills, CA 91345

**REGARDING: PROJECT NO. R2012-02878-(1)
CONDITIONAL USE PERMIT NO. 201200164
AMAR ROAD RIGHT-OF-WAY (8212-009-021)**

Hearing Officer Pat Hachiya, by her action of **September 17, 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 **October 1, 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 Michele Bush of the Zoning Permits East Section at (213) 974-6435, or by email at mbush@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: DPW (Building and Safety); Zoning Enforcement

MM:mrb

CC.060412

**FINDINGS AND ORDER OF
THE HEARING OFFICER COUNTY OF LOS ANGELES
PROJECT NO. R2012-02878-(1)
CONDITIONAL USE PERMIT NO. 201200164**

1. **ENTITLEMENT REQUESTED.** The applicant, Verizon Wireless, is requesting a Conditional Use Permit (CUP) to authorize the replacement of an existing 43' wood utility pole with a new 47'-6" wood utility pole to mount a new wireless telecommunication facility, pursuant to County Code Section 22.24.100 in the public right-of-way.
2. **HEARING DATE.** 09/17/2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on September 17, 2013 before the Hearing Officer. The applicant's representative, Rob Searcy, presented testimony in favor of the request and answered questions presented by the Hearing Officer. Mr. Searcy also had questions regarding the conditions of approval. The Hearing Officer worked with staff to revise the conditions. Mr. Searcy agreed with the revisions. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.
4. **PROJECT DESCRIPTION.** The applicant is requesting a Conditional Use Permit (CUP) to authorize the replacement of an existing 43' wood utility pole with a new 47'-6" wood utility pole to install two (2) 12' offset cross arms with six (6) panel antennas on site pole. Verizon Wireless will place one (1) 7'-1.5" x 16'-6.25" controlled environment manhole, one (1) 20"x17"x48" Myers electrical meter pedestal and two (2) 21.25" diameter x 42" tall ventilation stacks.
5. **LOCATION.** Amar Road right-of-way at Evanwood Avenue, unincorporated La Puente
6. **EXISTING ZONING.** The subject property is within the public right-of-way, adjacent to properties zoned A-1-6,000 (Light Agricultural 6,000 sq. ft. minimum lot area). Surrounding properties are zoned as follows:

North: A-1-6,000 (Light Agricultural)
South: A-1-6,000 (Light Agricultural)
East: A-1-6,000 (Light Agricultural)
West: A-1-6,000 (Light Agricultural)
7. **EXISTING LAND USES.** The project site is currently a utility pole located within the public right-of-way. Surrounding property uses are as follows:

North: Single-Family Residential
South: Single-Family Residential
East: Single-Family Residential
West: Single-Family Residential

8. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan.
9. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject project is located adjacent to properties zoned A-1-6,000 (Light Agricultural 6,000 sq. ft. minimum lot area) Zone. A wireless telecommunication facility is allowed in the A-1 Zone with a Conditional Use Permit.
Parking
Pursuant to Code Section 22.52.1220 (Parking – uses not specified) one parking space should be provided. The parking space is required for site visits done on a monthly basis by maintenance personnel. Parking is provided along Amar Road and Broadmoor Avenue.
Height
Pursuant to the Subdivision & Zoning Ordinance Policy No. 01-2010 Wireless Telecommunications Facilities, the height of a wireless facility shall not exceed 50 feet, regardless of the height of any existing structure located within the public-right-of-way. The proposed wireless facility is 47'-6" high and will not exceed the maximum height allowed.
10. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property consists of an existing wood utility pole. Several utility poles are located along Amar Road. The proposed project will replace the existing utility pole. The use is consistent and compatible with the surrounding community.
11. **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.
12. **PUBLIC COMMENTS.** To date, no comments from the public have been received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

13. The proposed facility is necessary to provide wireless communications to this particular area of Los Angeles County and the surrounding communities. The operation of the proposed telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use. This technology does not interfere with radio, television or other communication signals, and all matters pertaining to health and safety and signal interference are within the sole province of the FCC.

The facility does not have growth-inducing implications or promote additional development or a change in the density of surrounding residential and open space areas. Substantially no additional noise, smoke, odor impacts will be generated and no additional parking will be required for the proposed facility. The wireless facility, as part of a larger network, provides access to wireless telecommunications in the event of an emergency.

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.

14. The facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To the contrary, enhanced wireless communications has a positive influence on personal, business, governmental and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area. The facility is consistent with the primary established uses within the right-of-way providing access to transportation services and the conveyance of utility services. The replacement utility pole will be augmented by the additional six antennas attached to cross arms painted brown to emulate the color of the utility pole and attached utility service equipment. Further, the only ground mounted elements of this project will be the required meter pedestal and ventilation stacks for the underground vault.

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

15. The facility is not staffed and requires only infrequent maintenance visits, once a month. Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated. The proposed project is consistent with the State franchise granted by the California Public Utilities Commission that provides for the conveyance of utility services within the right-of-way consistent with local regulatory standards. The proposed facility only utilizes minimal electric service, which is available on the property. No water, sewer, refuse or other additional services shall be required.

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

16. The proposed project consists of the installation of a new wireless telecommunication facility.

Therefore, the project qualifies as a Categorical Exemption (Class 3, New Construction or Conversion of Small Structures) 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.

17. **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.
18. **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, or 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 22.56.040 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 3 – (New Construction or Conversion of Small Structures categorical exemption.)
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201200164 is Approved subject to the attached conditions.

MM:mrb
09/17/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02878-(1)
CONDITIONAL USE PERMIT NO. 201200164**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to authorize the replacement of an existing 43' wood utility pole with a new 47'-6" wood utility pole to install two (2) 12' offset cross arms with six (6) panel antennas on the pole. Verizon Wireless will place one controlled environment manhole, one (1) Myers electrical meter pedestal and two (2) 21.25" diameter x 42" tall ventilation stacks 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, 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. **This grant shall terminate on 09/17/2028.** 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.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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.

10. 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.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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").
14. 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.
15. 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.
16. 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

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

18. 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.
19. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
20. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
21. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
22. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
23. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
24. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
25. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
26. The maximum height of the facility shall not exceed 50 feet above finished grade.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.

28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
31. The project number, conditional use permit number and carrier contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
32. New equipment added to the facility shall not compromise the design of the facility.

PUBLIC RIGHT-OF-WAY STANDARD CONDITIONS

33. Prior to the construction of the project, the permittee shall obtain an encroachment permit from the Los Angeles County Department of Public Works and provide a copy of the permit to the Zoning Enforcement Section of the Department of Regional Planning.
34. All appurtenant wireless facility equipment that is not structure-mounted shall be placed underground, unless the applicant provides documentation to the Director that undergrounding is infeasible.
35. Upon approval of this grant, the permittee shall contact the Division of Building and Safety of the Los Angeles County Department of Public Works to obtain an Encroachment Permit and to determine whether the location of the subject facility is safe for the installation of the above ground mounted meter pedestal and ventilation stacks for the underground vault, that are located within the public right-of-way. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
36. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of

utilities. Notwithstanding the provision of Condition eight (8), if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The applicant will be required to either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.

37. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.
38. The placement of the facility shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.
39. If the Department of Public Works requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.
40. If street parking is prohibited on the street where the facility is located and on nearby side streets, the permittee shall obtain an approved traffic plan for the parking of maintenance vehicles from the Department of Public Works.
41. Maintain standard Americans with Disabilities Act clearances around all above ground wireless telecommunication equipment including poles to the satisfaction of Public Works, where applicable.

09/17/13