



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

August 20, 2013

Franklin Orozco  
Brian Cook and Associates Inc.  
4026 Hawk Street  
San Diego, CA 92103

**REGARDING: PROJECT NO. R2013-01227-(1)  
CONDITIONAL USE PERMIT NO. 201300066  
13822 VALLEY BOULEVARD, LA PUENTE (APN: 8206-010-071)**

Hearing Officer Alex Garcia, by his action of **August 20, 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 **September 3, 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 Kristina Kulczycki of the Zoning Permits East Section at (213) 974-6435, or by email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@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:KK

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-01227-(1)  
CONDITIONAL USE PERMIT NO. 201300066**

1. **ENTITLEMENT REQUESTED.** The applicant, SBA 2012 TC Assets LLC, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility (WTF) pursuant to County Code Section 22.32.070 in the M-1-BE (Light Manufacturing - Billboard Exclusion) Zone.
2. **HEARING DATE.** August 20, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on August 20, 2013 before the Hearing Officer. The applicant's agent, Franklin Orozco, presented testimony in favor of the project. There being no further testimony, the Hearing Officer closed the public hearing and expressed his intent to approve the project subject to the conditions recommended by staff and agreed to by the applicant's representative.
4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP for the continued use of an existing WTF on a self-service storage site. This request also includes updates to the existing facility including: removing six antennas and adding nine antennas in two phases and updates to the equipment within the existing lease space. The applicant also proposes to add a co-location to the monopole underneath the existing carrier. The maximum height of the existing WTF is 49 feet and 1 inch from the ground to the top of the highest point of the antennas and the height of the co-location will have a maximum height of 35 feet from the ground to the top of the proposed antennas. The WTF was originally approved by Conditional Use Permit No. 01-092.
5. **LOCATION.** The existing WTF is located at 13822 Valley Boulevard in the unincorporated community of Avocado Heights.
6. **SITE PLAN DESCRIPTION.** The subject property contains three parcels, totaling approximately 2.4 acres in size, and is accessed from Valley Boulevard. The site is currently developed with the WTF and a self-service storage facility, which includes five buildings. The WTF is located in the southern corner of the property and is mounted to the top of one of the buildings. The equipment is located within the building lease space directly below.
7. **EXISTING ZONING.** The subject property is zoned M-1-BE (Light Manufacturing – Billboard Exclusion) and B-1 (Buffer Strip) in the Puente Zoned District and is located within in the Valley Boulevard Area of the Avocado Heights Community Standards District (CSD).

Surrounding properties are zoned as follows:

North: M-1-BE, B-1, C-1 (Restricted Business), A-1-6000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area), and City of Industry (Industrial and Commercial – Adult Business Overlay)  
South: M-2-BE (Heavy Manufacturing – Billboard Exclusion), M-1½-BE (Restricted Heavy Manufacturing – Billboard Exclusion), B-1, C-2-BE (Neighborhood Commercial – Billboard Exclusion), and A-1-6000  
East: M-2-BE, B-1, and City of Industry (Industrial)  
West: MPD (Manufacturing Industrial Planned Development), C-2-BE, A-1-6000, and City of Industry (Industrial)

8. **EXISTING LAND USES.** The subject property is developed a self-service storage facility and WTF.

Surrounding properties are developed as follows:

North: Vacant land, a mobile home park, commercial, a hotel, a gas station, industrial, railroad tracks, a restaurant, and a warehouse  
South: Vacant land, auto salvage, industrial, outside storage, and single-family residences  
East: Industrial, outside storage, auto salvage, and auto shop uses  
West: A mobile home park, vacant land, railroad tracks, industrial, and a flood control easement

9. **PREVIOUS CASES/ZONING HISTORY.** Ordinance No. 10033 was adopted by the Board of Supervisors on June 3, 1970 and established the C-2 and B-1 zone.

Ordinance No. 11,381 was adopted by the Board of Supervisors on July 27, 1976 and established the M-1 and B-1 zone.

Parking Permit No. 26 was approved by the Regional Planning Commission on September 10, 1980 and granted a reduction in the amount of required parking from 102 spaces to 51 spaces (based on a parking ratio of 1 parking space for every 500 square feet of building area) in order to establish a self-service storage facility with caretaker's unit and office.

Ordinance No. 82-0208Z was adopted by the Board of Supervisors on September 14, 1982 and established the M-1-BE and B-1 zone.

Ordinance No. 89-0136 was adopted by the Board of Supervisors on December 3, 1989 and established new regulations for self-service storage facilities.

Conditional Use Permit No. 01-092 was approved by the Hearing Officer on November 6, 2001 for the construction and maintenance of the WTF at a height of 47 feet with an allowed height increase to a maximum height of 57 feet if a co-location were proposed in the future. No co-location was proposed and the permit expired on November 20, 2011.

Revised Exhibit "A" No. 200900081 was approved by the Director on August 11, 2009 for: the removal and replacement of three antennas, the addition of three parabolic panels, and the addition of one radio cabinet within the storage lease space.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Major Industrial land use category of the General Plan. The intent of the Major Industrial land use category is to assure that sufficient land is allocated for a wide range of industry and industry-related activities. The wireless telecommunications facility 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:

*Promote the full use of existing service systems in order to gain maximum benefit from previous public investments. (Policy 54, Page I-25)*

The existing WTF has access to existing transportation, energy, and utility infrastructure to service the facility.

*Maintain high quality emergency response services. (Policy No. 58, Page I-25)*

The existing WTF provides cellular service to the neighborhood and such service is often used to make emergency calls. The project will ensure that such service will continue to be available.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Wireless telecommunications facilities are not a recognized use in the Zoning Code, however, the use that is most closely related to a wireless telecommunications facility in the Zoning Code is a radio or television tower. Radio and television towers are permitted in the M-1 Zone under Section 22.32.070 of the Zoning Code, subject to the issuance of a conditional use permit pursuant to the provisions of Part 1 of Chapter 22.56.

For uses where the parking requirements are not specified in the Zoning Code, Section 22.52.1220 authorizes the director to impose an amount of parking spaces that he or she finds adequate to prevent traffic congestion and excessive on-street parking. The existing WTF is unmanned and will require periodic maintenance visits, approximately once per month. There is adequate space adjacent to the WTF to accommodate the necessary routine maintenance vehicles.

The WTF is consistent with the requirements of the Avocado Heights Community Standards District (CSD) and the Valley Boulevard Area pursuant to Section 22.44.136 of the County Code. No changes to the existing setbacks or lot coverage are proposed. The height requirement for the CSD only applies to new structures; therefore, this project is in compliance with all requirements of the CSD.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The WTF was originally approved by Conditional Use Permit No. 01-092 in 2001. One Zoning Enforcement violation was issued on the property in 2012 for the expiration of the CUP. No other incidents have been reported on this property since the issuance of the original CUP.

There are limited visual impacts caused by the existing WTF because the site is buffered on all sides; there are commercial and industrial uses to the north of the site, industrial uses to the east, and vacant land to the west and south of the site. Furthermore, the area is characterized by power/utility poles and lines.

The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service. Valley Boulevard provides access to the site for maintenance vehicles and there is adequate space for the parking of such vehicles on the property adjacent to the lease area.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments have been received at this time.
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 have been received at this time.

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

16. The Major Industrial land use category allows for a wide range of industry and industry-related activities. The WTF provides cellular service to local businesses and the surrounding neighborhoods.

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

17. This is an existing facility which has remained in operation for over 10 years and no substantial changes to the site are proposed as part of this request. The industrial, commercial, and vacant land surrounding the property creates a buffer around the WTF.

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. This is a developed site with an existing WTF which was previously reviewed for compliance with development standards at the time of the original CUP application. The height of the WTF is mounted on top of the storage building and all equipment is housed within the storage lease space directly beneath the monopole. There is a metal fence surrounding the equipment near the southern side of the building and there is adequate parking adjacent to the WTF for routine maintenance visits.

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.

19. Valley Boulevard, an existing major highway, provides access to the subject property. The WTF only requires a parking space adjacent to the site for routine maintenance visits approximately once every month.

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 Class 1 Categorical Exemption applies to the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The original project, which initially approved the facility, was analyzed under CEQA with a Negative Declaration. The proposed changes to the site only involve minor equipment upgrades within the existing lease area. No expansion of the lease space is proposed.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

21. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
22. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, 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 22.56.090 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. 201300066 is **APPROVED** subject to the attached conditions.

MM:KK  
8/20/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-01227-(1)  
CONDITIONAL USE PERMIT NO. 201300066**

**PROJECT DESCRIPTION**

The project is for the continued operation and maintenance of an existing unmanned wireless telecommunications facility and for upgrades to the existing equipment 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 August 20, 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 by November 18, 2013. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." The updates to the facility shall be built as depicted in the photo simulations presented at the public hearing. 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 by October 21, 2013.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS – WIRELESS TELECOMMUNICATIONS FACILITY**

19. This grant shall authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility and for upgrades to the equipment, including a new co-location, as depicted on the plans marked Exhibit "A."
20. Any changes to the size of the proposed co-location will require a Revised Exhibit "A" application with revised plans and all additional required submittal items. Such application will be subject to the regulations in effect at that time.
21. The maximum height of the facility shall not exceed 49 feet and 1 inch above finished grade.
22. 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 storage lease spaces.
23. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
24. Upon completion of the site updates authorized by this permit, the permittee shall make available upon request 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.
25. Said facility shall be removed if in disuse for more than six months.

26. The Regional Planning project number, CUP number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level. The name, address and telephone number of the service provider shall be displayed on the subject property.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new property owner.
28. 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.
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 24 hours.